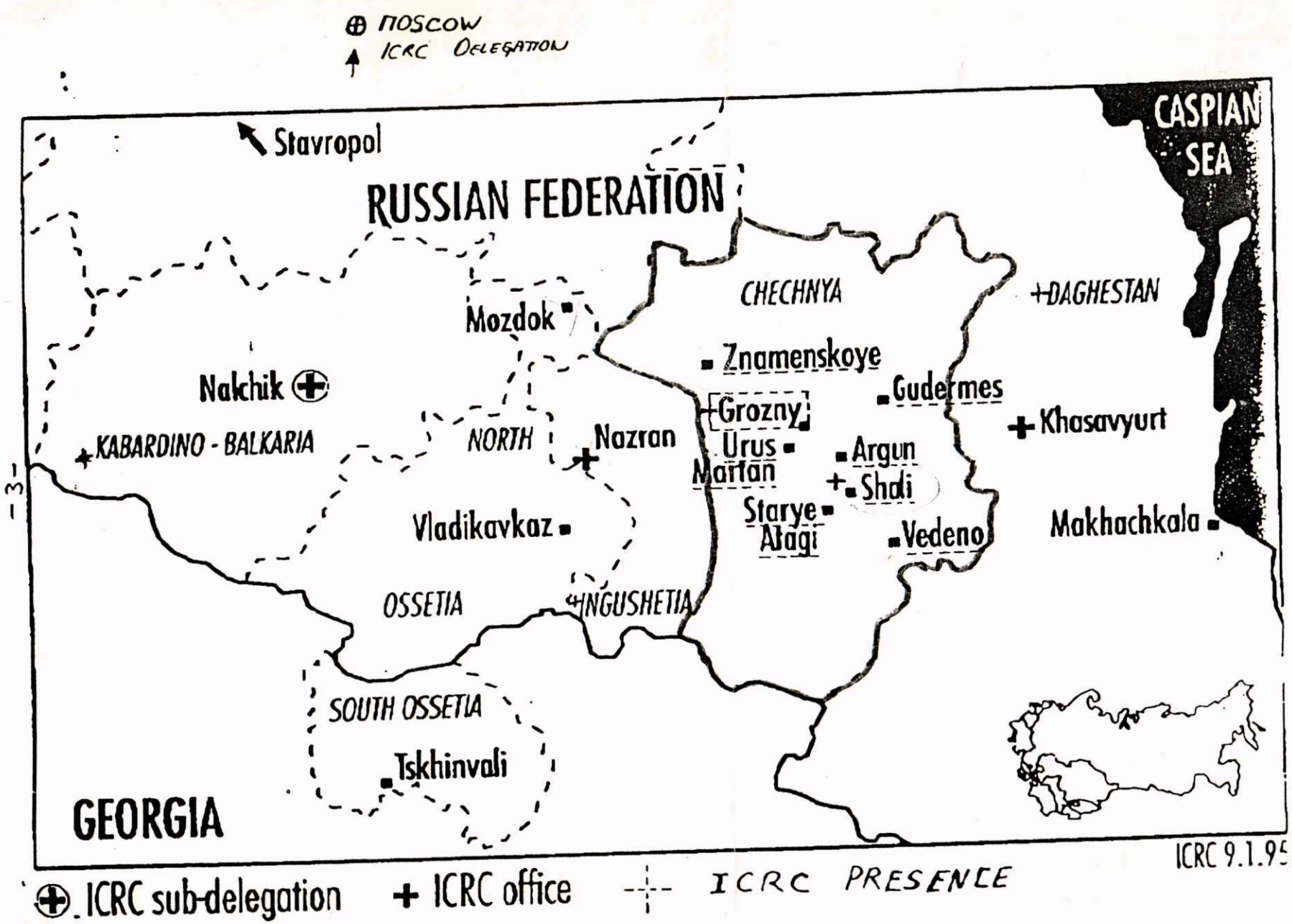

MOSCOW
ICRC DELEGATION
Stavropol
RUSSIAN FEDERATION
CASPIAN SEA
CHECHNYA
DAGHESTAN
Mozdok
Znamenskoye
Nalchik
Gudermes
Grozny
Khasavyurt
KABARDINO - BALKARIA
NORTH
Nazran
Urus
Argun
Martan
Shali
Starye Atagi
Vedeno
Makhachkala
Vladikavkaz
OSSETIA
INGUSHETIA
SOUTH OSSETIA
Tskhinvali
GEORGIA
ICRC 9.1.95
ICRC sub-delegation
ICRC office
ICRC PRESENCE

ALGUNOS DATOS SOBRE LA GUERRA EN CHECHENIA

1. LA REPUBLICA DE CHECHENIA

- Constituida en septiembre de 1991, al escindirse en dos la República de Checheno-Ingushetia.
- Unos 16.000 km2 de extensión (no tiene fronteras definidas).
- 1.270.000 habitantes (1989), de ellos 60 % chechenos, 13 % ingushes (ambos pueblos pertenecen al mismo grupo étnico, los vainaj), 25 % rusos, 1 % de otras nacionalidades. Los rusos dominaban en el Norte de la República y en Grozny. Esta composición étnica ha experimentado grandes variaciones debidas a emigraciones masivas desde 1991 y a la guerra.

Situada en la ladera Norte del Cáucaso, Chechenia es una República sobre todo agrícola, pero cuenta en Grozny con una importantísima planta petroquímica que refinaba la pequeña producción local de petróleo y, sobre todo, crudos procedentes de Daguestán y el Caspio. Por Chechenia pasan todas las comunicaciones de Moscú con Azerbaiyán (carretera Moscú-Rostov-Bakú, oleoductos, vías férreas, etc.).

2. EL ORIGEN DEL CONFLICTO

Durante las jornadas de agosto de 1991, la dirección de Chechenia (en particular, el presidente de su Soviet Supremo, Doku Zavgáiev) respaldó a los golpistas de Moscú. El fracaso de la intentona llevó a un período de inestabilidad en Grozny, con la destitución de Zavgáiev, la creación de varios órganos de poder provisional y, finalmente, un golpe de mano del general Dudáyev, quien desde principios de 1991 dirigía una plataforma polítca de corte nacionalista. En octubre, unas elecciones irregulares le dieron la presidencia de la República. Pero la inestabilidad continuaba, lo que llevó al Presidente Yeltsin a decretar, el 8 de noviembre, el estado de excepción en Chechenia. Ello produjo la movilización de los partidarios de Dudáyev; las tropas especiales mandadas por Moscú para imponer el estado de excepción fueron rodeadas en el aeropuerto de Jankalá y obligadas a reembarcar. El nuevo liderazgo ruso no estaba dispuesto a cargar con las consecuencias de otra operación anti-independentista, después de los sangrientos sucesos de Bakú, Vilna y Riga (1990 y 1991) al final de la época Gorbachov. Crecido por la retirada de las fuerzas rusas, Dudáyev consolidó sus posiciones y proclamó su intención de llevar a Chechenia a la independencia total.

3. LOS AÑOS DE "OLVIDO" DE CHECHENIA (finales de 1991-mediados de 1994).

Con el poder en sus manos, Dudáyev fue reforzando sus posiciones ante la aparente ignorancia de Moscú. En la confusión reinante a finales de 1991 (disolución de la URSS), el Presidente checheno fue eliminando físicamente a sus opositores. Estableció un sistema de financiación fundado en el contrabando a gran escala de productos petrolíferos (¡por oleoductos federales!), armas (tiene un magnífico mercado en el Cáucaso, donde proliferan

los conflictos -Nagorni Karabaj, Abjasia, Osetia e Ingushetia-) y narcóticos. En circunstancias todavía no aclaradas, Dudáyev consiguió armarse con los magníficos equipos que el ejército ruso dejó en la República cuando, a lo largo de 1992, fue abandonando sus bases.

El "olvido" de Moscú del problema checheno se explica por varios motivos. En primer lugar, hay que tener en cuenta que los nuevos ocupantes del Kremlin propiciaron -y se habían aprovechado de- un ambiente "anti-imperialista" (disolución de la URSS como método para acceso al poder); ello impidió la solución de fuerza en un primer momento. En segundo lugar, los años 92 y 93 estuvieron marcados por el terrible enfrentamiento en que se jugaba la supremacía política en Moscú; el Presidente chocó con el legislativo y, despúes, con el Vicepresidente (Rutsklói). Dudáyev pudo aprovecharse de la paralización del centro, sumido en las luchas intestinas. Además, el presidente del Soviet Supremo, Jasbulátov, es checheno, lo que suponía otro elemento de distorsión. Por otro lado, Moscú debía atender a tendencias centrífugas en otras zonas de mucha mayor importancia que Chechenia (Tatarstán, Bashkiria). Por último, la presidenncia de Gamsajurdia (profundamente antirruso) en Georgia y las múltiples guerras que habían estallado en el Cáucaso oscurecían el panorama.

4. EL CAMINO HACIA LA INTEVENCION MILITAR (medidados-finales de 1994)

Todas las circunstancias que explicaban la parálisis de Moscú habían dejado de intervenir a mediados de 1994. La dualidad del poder en la capital rusa había concluido en dos fases; derrota del Soviet Supremo (octubre 93, cañoneo de su sede) y adopción de la nueva Constitución, marcadamente presidencialista (12 de diciembre). Jasbulátov había desaparecido de la vida política. Las relaciones con las repúblicas más importantes empezaron a normalizarse mediante la firma de Tratados de distribución de poderes (el primero, concluido con Tatarstán en marzo del 94). Gamsajurdia había sido destituido en el 93 y se suicidó en Grozny a principios del año siguiente.

Así las cosas, Moscú centró su atención en Chechenia, intentando la destitución de Dudáyev. Éste, tras tres años de poder despótico y de crisis económica galopante, se había ganado la enemistad de una parte importante de la población. La delincuencia imperaba (y era exportada a zonas vecinas de Rusia). Parece cierto que se había emprendido una campaña de acoso a los ciudadanos de origen ruso que llevó a emigraciones masivas.

En un primer momento Moscú quiso aprovechar en su favor este descontento dando apoyo a los grupos de oposición a Dudáyev, particularmente fuertes en los distritos del Norte de la república. Se trataba de derribar a Dudáyev desde dentro. A medida que se comprobaba la solidez de la posición del presidente checheno, la intervención rusa fue escalando: primero, declaraciones políticas; luego, dinero a la oposición; más adelante, armas. Para el otoño de 1994 se había desencadenado una

auténtica guerra civil en Chechenia, en parte alimentada por el centro. Pero la oposición a Dudáyev estaba desunida y descoordinada. Moscú estuvo apoyando a la vez a varios grupúsculos, algunos de ellos dirigidos por criminales convictos. Hacia noviembre, las autoridades rusas decidieron dar un paso más y contrataron como mercenarios a soldados de sus propias fuerzas armadas que, junto a sus helicópteros, tanques y equipos pesados, fueron puestos a disposición de los opositores a Dudáyev. Con estas fuerzas, la oposición lanzó a finales de noviembre un ataque frontal sobre Grozny que constituyó un rotundo fracaso; los tanques "opositores", aislados, fueron exterminados uno a uno en las calles de la capital, y Dudáyev se hizo con varias decenas de prisioneros que eran soldados y oficiales del ejército regular ruso.

Llegado este punto, las autoridades rusas habían cometido todos los errores políticos e irregularidades jurídicas (delitos) posibles, sin obtener otro resultado que el fortalecimiento de Dudáyev, en torno a quien se agruparon los chechenos. La guerra parecía la única salida a una situación insostenible.

5. LA GUERRA

A principios de diciembre Yeltsin dictó un ultimátum a "las partes en conflicto en Chechenia" para que se desarmaran en un plazo de 10 días o afrontaran la intervención. El despliegue militar se inició. Justo antes de que expirara el ultimátum, el Ministro de Defensa Grachov y el Jefe del Servicio Federal de Contrainteligencia Stepashin se entrevistaron con Dudáyev. Entonces las partes expusieron los puntos de partida de la negociación que se han mantenido inalterables desde hace casi seis meses; Rusia exige el desarme para negociar, y Dudáyev que los rusos se retiren.

El 11 de diciembre las tropas rusas entraron en Chechenia. El fundamento jurídico de la operación no está claro y ha sido objeto de una consulta al Tribunal Constitucional por parte del Consejo de la Federación, porque no se decretó ni siquiera el estado de sitio (lo que hubiera requerido una aprobación parlamentaria que Yeltsin no estaba seguro de lograr). El ejército fue acercándose a la capital, Grozny.

El último día del año pasado se produjo el asalto a Grozny. Inexplicablemente, se reprodujeron los errores del mes anterior, y unidades blindadas enteras fueron aniquiladas en las calles de la capital chechena por ausencia de apoyo directo de infantería. El ejército ruso, con una superioridad aplastante en hombres y armamento, tardó un mes en dominar la ciudad (aunque aún hoy ese dominio es relativo, ya que se siguen produciendo tiroteos por la noche). Las tropas rusas perdieron en este mes, según cifras oficiales, más de doscientos tanques y vehículos blindados.

Tras la toma de Grozny, cuyo centro quedó arrasado, la guerra se ha ido librando pueblo a pueblo con el mismo esquema; conminación a la rendición; negativa de las autoridades locales; bombardeos masivos de aviación y artillería; toma de la localidad

por la infantería. Con estas tácticas de combate, las víctimas entre la población civil son elevadísimas. No hay datos fiables al respecto. Los corresponsales de guerra hablan de, al menos, 50.000 civiles muertos. El ex Defensor del Pueblo ruso (Serguéi Kovaliov, destituido por la Duma precisamente en razón de su actitud crítica a la guerra) dice contar con listas nominales de al menos 25.000 muertos solo en Grozny. Por su parte, el ejército ruso se atribuye oficialmente la muerte de unos 12.000 combatientes chechenos y reconoce unos 2.000 muertos y 10.000 heridos (con seguridad, son muchos más).

Los métodos de combate utilizados por el ejército han suscitado muchísimas protestas, y en particular las de destacados miembros de la administración chechena implantada por Moscú. Aparte de los bombardeos indiscriminados, se ha acusado a los militares rusos de saquear las ciudades conquistadas, de someter a tortura a los chechenos sospechosos de cooperar con Dudáyev (en los llamados "centros de filtración" utilizados para interrogarlos) y de cometer atrocidades. El episodio más conocido en este sentio se produjo en Samashki, pueblo que, según parece y pese a no oponer resistencia, fue asaltado por destacamentos del ejército fuera de control, produciéndose centenares de víctimas civiles.

6. EL MOMENTO ACTUAL

- Se sigue combatiendo con toda intensidad. Dudáyev ha quedado limitado a un reducto de, aproximadamente, 50 por 60 km. en las montañas, pero tiene aún capacidad para montar operaciones de cierta envergadura en casi toda la república, incluida Grozny. El jefe de las fuerzas rusas dice que Dudáyev debe de contar aún con unos 5.000 hombres, dotados de todo tipo de armamento, salvo aviación. Según parece, los chechenos tienen ahora sistemas antiaéreos Stinger (afirman haber derribado 5 helicópteros en los últimos dos días).
- En el fin de semana, el ejército ruso dice haber dado muerte a unos 600 guerrilleros y haber destruido varias decenas de tanques y vehículos blindados.
- Las negociaciones parecen bloqueadas. Aunque la reunión del pasado día 25 auspiciada por la OSCE convocó una nueva ronda para el día 10, un portavoz de Dudáyev ha dicho que no acudirán a la cita mientras los rusos sigan bombardeando a la poblción civil.
- Las posiciones negociadoras tampoco han cambiado.
- Se sigue teniendo la sensación de que Rusia no aceptará otra salida que el aplastamiento militar de los rebeldes. Hay mucho que tapar. A lo largo del conflicto, se ha puesto en varias ocasiones de manifiesto la discordancia entre poder político y poder militar en Moscú; supuestas "órdenes" de Yeltsin de cesar bombardeos (ya del 27 de diciembre) o declaraciones presidenciales de que los combates habían concluido (la última vez Yeltsin se lo dijo a Clinton el día 10) han sido desmentidas reiterada e inmediatamente por los hechos.
- Probablemente Dudáyev piense (o sepa) que no tiene ninguna perspectiva (incluso de supervivencia física) más allá de la guerra; en este sentido, no tiene nada que perder, por lo que difícilmente dejará de combatir en tanto tenga un mínimo de

fuerza.
- El que la guerra continúe después de casi medio año (Grachov pronosticó que sus paracaidistas acabarían la operación en dos horas) es indicio, entre otras cosas, de un alto nivel de apoyo a Dudáyev, tanto en Chechenia como en las zonas vecinas. Una vez más, la intervención rusa ha consolidado en torno al general a la población chechena.
- De una u otra forma, con mayor o menor intensidad, es seguro que el conflicto va a extenderse durante los próximos años.

7. ALGUNOS NOMBRES CLAVE

- DUDAYEV, YOHAR MUSAIEVICH. 1944. General de aviación del ejército soviético. Comandó una base de bombarderos estratégicos en Tartu (Estonia).

- SEMIONOV, NIKOLAI. 1933. Fue nombrado en marzo Representante de las autoridades federales en Chechenia (en calidad de tal, viceprimer ministro del Gobierno ruso). Hasta 1991 ha trabajado en órganos del PCUS, llegando a ser su segundo secretario en Kirguizia.

- AVTURJANOV, UMAR. Jefe del Consejo Provisional de Chechenia (órgano legislativo-ejecutivo leal a Moscú). Era el dirigente del distrito de Nadterechny (Norte de Chechenia) en que se apoyó en primer lugar Moscú cuando decidió ayudar a la oposición a Dudáyev.

- JADYIEV, SALAMBEK NAIBOVICH. 1941. Jefe del Gobierno Provisional de Chechenia (leal a Moscú). Ingeniero petroquímico, llegó a ser Ministro de esta rama en el último gabinete de la URSS. Se instaló en Grozny después de la ocupación del ejército soviético.

- ZAVGAEV, DOKU GAPUROVICH. 1940. Ultimo presidente del Soviet Supremo de Chechenia. Vive en Moscú, donde es asesor del Presidente Yeltsin. Algunos ven en él el más fuerte candidato en unas futuras elecciones a la presidencia.

- JAZBULATOV, RUSLAN IMRANOVICH. 1944. Ultimo presidente del Soviet Supremo de Rusia. También reside en Moscú, donde ha regresado a su cátedra de derecho, pero también se le adjudican a él posibilidades de cara al futuro de la república.

- UDUGOV, MOVDALI SAIDARBIEVICH. Ministro de Información de Dudáyev, muy próximo a él y una de las personas que ha participado en los diversos contactos mantenidos a lo largo de la guerra con las autoridades rusas.

- USMAYEV, IMAN. Fiscal General de Dudáyev, ha sido el negociador por su parte en las conversaciones auspiciadas por la OSCE el pasado día 25.

- GANTEMIROV, BESLAN SAIDALEVICH. 1963. Ex alcalde de Grozny, jefe de una de las milicias de la oposición a Dudáyev y en la actualidad opuesto a la intervención rusa en Chechenia.

- LABAZANOV, RUSLAN. 1967. Otro de los cabecillas de la oposición, domina la región de Urus-Martán. Hasta 1993 cumplió condena por asesinato.

- MASJADOV, ASLAN. Jefe del Estado Mayor de Dudáyev. Según parece, ha pasado a ocupar un segundo plano desde que se pronunciara por un arreglo pacífico en contra de la opinión de Dudáyev.

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, le 2 juin 1995
fjdh2.95r

AS/Jur/DH (1995) 2 rév

COMMISSION DES QUESTIONS JURIDIQUES ET DES DROITS DE L'HOMME

SOUS-COMMISSION DES DROITS DE L'HOMME

PROJET DE PROGRAMME

de la visite à Moscou et en Tchétchénie
(5-10 juin 1995)

(proposé par les autorités russes)

Dimanche 4 juin 1995	Arrivée à Moscou
	Nuitée à Moscou
	Programme culturel
Lundi 5 juin 1995	
8 h 30	Petit-déjeuner à l'Hôtel
10 h	Réunion avec des membres du Douma d'état de l'Assemblée fédérale de la Fédération de Russie
11 h 30	Réunions avec des membres de la délégation russe des invités spéciaux auprès de l'Assemblée parlementaire du Conseil de l'Europe
13 h	Déjeuner non officiel au Douma d'état
14 h 30	Réunion avec des membres du Conseil de la Fédération de l'Assemblée fédérale de la Fédération de Russie
16 h	Réunion à l'Administration présidentielle (avec M. Filatov [à confirmer])
17 h 30	Réunion avec M. Kovalyov, Président de la Commission des droits de l'homme du Président de la Fédération de Russie
19 h	Manifestations protocolaires à l'Hôtel President

Mardi 6 juin 1995

8 h 30	Petit-déjeuner à l'Hôtel
10 h	Réunion avec des représentants de l'UNHCR
11 h 30	Réunion avec des représentants du CICR
13 h	Réunion avec des représentants de l'IOM
14 h 15	Déjeuner non officiel au Conseil de la Fédération
16 h	Réunion avec des représentants de Human Rights Watch
17 h 30	Réunion avec des représentants de Memorial
19 h	Manifestation protocolaire (Conseil de la Fédération)

Mercredi 7 juin 1995

6 h	Petit-déjeuner à l'Hôtel
6 h 30	Départ pour l'aéroport
7 h 30	Vol pour Vladikavkaz en avion spécial mis à disposition par les autorités russes
10 h 30	Arrivée à Vladikavkaz
11 h	Arrivée à l'Hôtel Vladikavkaz
12 h	Réunion avec les autorités locales
13 h 30	Déjeuner à l'Hôtel
15 h	Vol pour Assinovskaya
16 h 30	Réunion avec des habitants locaux
18 h	Vol pour Vladikavkaz
20 h	Dîner à l'Hôtel

Mardi 8 juin 1995

7 h	Petit-déjeuner à l'Hôtel
8 h	Vol pour Mozdok (Ossétie du nord)
9 h	Réunions avec les autorités russes, des représentants de l'Armée fédérale, visites de prison et de "camps de filtration"
12 h	Déjeuner
13 h 30	Vol pour Nazran
15 h 30	Réunion avec les autorités locales, ONGs et organisation internationales, visite de camps de réfugiés
16 h 30	Départ pour Vladikavkaz
19 h 30	Visite de camps de réfugiés à Vladikavkaz
20 h 30	Dîner à l'Hôtel

Vendredi 9 juin 1995

7 h	Petit-déjeuner à l'Hôtel
8 h	Vol pour Grosny
9 h	Réunion avec les autorités russes et locales, représentants de l'Armée fédérale, la mission OSCE, CICR, Médecins sans frontières
12 h 15	Déjeuner
13 h 15	Vol de Grosny à Shali
14 h	Réunions avec les habitants locaux
15 h 30	Vol de Shali à Znamenskoye
16 h 30	Réunion avec des représentants de l'opposition
18 h	Vol pour Vladikavkaz
20 h	Dîner à l'Hôtel

Samedi 10 juin 1995

7 h	Petit-déjeuner
9 h	Vol de Vladikavkaz à Nalchik
10 h 30	Arrivée à Nalchik
11 h	Réunions avec les autorités locales, visite de camps de réfugiés
14 h	Déjeuner
15 h	Programme culturel
18 h	Dîner à Nalchik
19 h	Départ pour Moscou en avion spécial mis à disposition par les autorités russes
21 h 30	Arrivée à Moscou
22 h 30	Arrivée à l'Hôtel Metropol à Moscou

Dimanche 11 juin 1995

Départ pour les capitales nationales

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SOUS-COMMISSION DES DROITS DE L'HOMME

Droits de l'homme en Tchétchénie

Propositions de M. Bindig, rapporteur

La Sous-Commission, pendant sa visite, devra vérifier que les droits de l'homme sont respectés (Directive 506 (1995)).

Elle doit examiner les cinq points essentiels suivants:

1. **Aide médicale et humanitaire** (du CICR et d'autres organisations (internationales))

Arrive-t-elle à sa destination?

2. **Les combattants**

Qu'arrive-t-il aux combattants tchétchènes qui se rendent ou qui sont fait prisonniers par les troupes russes? Et aux soldats russes en captivité?

3. **Conditions de détention**

- Visite de prisons, "camps de filtration" et autres lieux où des personnes sont détenues, y compris des contacts libres avec des combattants tchétchènes détenus pour la Sous-commission

4. **Réfugiés**

- Leur situation. Visite de camps de réfugiés

- Leur permet-on de rentrer chez eux?

5. **Les tribunaux**

S'ils existent - fonctionnent-ils? Les combattants tchètchènes qui sont considérés par les russes comme des criminels, ont-ils la possibilité d'avoir un procès équitable?

Qui sont les juges? Qui les nomme? Y-a-t-il des avocats?

La sous-commission pourrait - éventuellement - examiner les points suivants (moins essentiels):

1. **Démocratie**

Quelles mesures ont été prises pour (re)introduire la démocratie en République de Tchétchénie et au niveau des autorités locales?

2. **Les media**

Qui gère la radio et la télévision?

Quels sont les journaux quotidiens ou hebdomadaires? Qui les rédige? Qui sont les journalistes? Contacts à établir.

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PARLIAMENTARY ASSEMBLY
OF THE
COUNCIL OF EUROPE

1995 SESSION

ORDER No. 506 (1995)[1]

on Russia's request for membership in light of the situation in Chechnya

1. The Assembly, further to its Resolution 1055 (1995), instructs the committees concerned to follow developments in the Russian Federation and to report at the first appropriate opportunity.

2. The Assembly also instructs the Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights) to visit Chechnya, once the hostilities have ceased, to verify that human rights are observed.

1. *Assembly debate* on 2 February 1995 (7th Sitting) (see Doc. 7230, report of the political Affairs Committee, rapporteur: Mr Muehlemann; and Doc. 7231, opinion of the Comittee on Legal Affairs and Human Rights, rapporteur: Mr Bindig).

Text adopted by the Assembly on 2 February 1995 (7th Sitting).

ASSEMBLÉE PARLEMENTAIRE
DU
CONSEIL DE L'EUROPE

SESSION DE 1995

DIRECTIVE N° 506 (1995)[1]

relative à l'adhésion de la Russie à la lumière de la situation en Tchétchénie

1. L'Assemblée, à la suite de sa Résolution 1055 (1995), charge les commissions concernées de suivre l'évolution des événements dans la Fédération de Russie et de faire rapport dès qu'elles le jugeront utile.

2. L'Assemblée charge également la sous-commission des droits de l'homme (de la commission des questions juridiques et des droits de l'homme) de se rendre en Tchétchénie, lorsque les hostilités auront cessé, afin de vérifier que les droits de l'homme sont respectés.

1. *Discussion par l'Assemblée* le 2 février 1995 (7e séance) (voir Doc. 7230, rapport de la commission des questions politiques, rapporteur: M. Muehlemann; et Doc. 7231, avis de la commission des questions juridiques et des droits de l'homme, rapporteur: M. Bindig).

Texte adopté par l'Assemblée le 2 février 1995 (7e séance).

INTERREGIONAL ASSOCIATION FOR THE PROTECTION OF THE DISABLED

Founded in 1992 to assist in raising the living conditions of the disabled in Russia and the countries of the former USSR.

President-Coordinator: *Yuri* ***KISELYOV***
President: *Galina* ***ARKHIPOVA***
Phone: **206-80-23**

Representatives of following human rights groups work in the Center:

CIVIC FORUM ASSOCIATION

Founded in 1992. A member of the public movement European Civic Forum. The program of Civic Forum for Russia is being implemented in the interests of socially unprotected groups of the population (refugees, children orphans, disabled, servicemen).

President: *Alexander* ***SABOV***
Executive Director: *Sergey* ***STRELNIKOV***
Regional representative: *Leonid* ***PODOLYAN***
Phone: **206-04-42**

OMEGA SOCIETY

An inter-ethnic, interconfessional human rights charitable society. Founded in 1992 by activitists from various regions of the former USSR. The goal of the Society is to in controlling inter-ethnic conflicts.

Director: *Viktor* ***POPKOV***
Phone: **206-86-18**

MOSCOW ANTIFASCIST CENTER

Formed in 1989 to oppose the extremist movement in Russia.

Chairman: *Evgeny* ***PROSHECHKIN***
Phone: **206-86-18**

NONVIOLENCE INTERNATIONAL-NIS

Founded in 1993. The goal of the Society is the prevention of violence and regional conflicts in hot spots.

Chairman: *Andrei* ***KAMENSCHIKOV***
Phone: **206-86-18**

LIBERTY ROAD ASSOCIATION

An International association created in Geneva in 1991. The Association prepares proposals, and finds donors to help non-governmental organizations.

Director in Geneva: *Kirill* ***ERMISHIN***
Phone: **(022) 733-82-66**

CIS Coordinator in Moscow: *Alexei* ***SMIRNOV***
Phone: **206-09-23**

THE SOCIETY FOR THE DEFENSE OF HUMAN RIGHTS IN CENTRAL ASIA

Formed in 1993 by a group of activists from Asian republics of the former USSR. The Society collects, analyses and distributes information about human rights violations in the Central Asia region.

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Our account is:

US$: TOKOBANK, Moscow No. 890-0055-588 with BANK OF NEW YORK, N.Y. in favour of Moscow Research Center for Human Rights

ECU: TOKOBANK, Moscow No. 869 005 with BANQUE COMMERCIALE POUR L'EUROPE DU NORD (EUROBANK), Paris in favour of Moscow Research Center for Human Rights

Moscow Research Center for Human Rights

The Center for Human Rights is a union of independent human rights organizations.

The Center is the first in the entire history of Russia whose work is devoted to the coordination and development of the country's human rights movement. The purpose of the Center is to ensure the irreversibility of democratic reforms in Russia.

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The Center for Human Rights unites non-governmental organizations who work in many areas of human rights.

Government of the Center:

1. **Center Board of Administration** (comprising the Center's member groups);
2. **Center Management**
3. **Judicial Advisory Commission**

The Management of the Center has concluded financial and administrative agreements with the member groups.

The members of the **Board of Advisors** are prominent authorities and activists in human rights: E.Ametistov, V.Bakhmin, E.Bonner, V.Borschov, B.Zolotukhin, S.Kovalyev, A.Lavut, A.Pristavkin.

Representatives of the groups conduct daily reception of citizens. The lawyer of the Center conducts consulting services.
Telephone of reception: **948-27-32**

Human rights organizations who are members of the Center:

MOSCOW HELSINKI GROUP

The oldest Russian human rights ogranization. Founded in 1976 by Professor *Yuri Orlov*. A member of the International Helsinki Federation. The members of the MHG are prominent activists of the democratic moverment of the 60's and 80's: *L.Bogoraz, Y.Orlov, S.Kovalyov, G.Yakunin, K.Lubarsky, V.Bakhmin, V.Abramkin, B.Altshuler, A.Smirnov* and others.

Chairman: *Kronid **LUBARSKI***
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THE MOSCOW CENTER FOR PRISON REFORM

The Center was founded in 1988 for the defense of the rights of prisoners. The group develops concepts for penal reform, participates in legislative and human rights activities, conducts a weekly radio programme for prisoners (Radio Russia), publishes books (legal education, sociological research).

Director: *Valery **ABRAMKIN***
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MOVEMENT WITHOUT FRONTIERS

The Group was formed in 1992 to oppose violations of the human rights regarding entry and exit from the country.

Chairman: *Boris **ALTSHULER***
Executive Director: *Vladimir **RASKIN***
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SOLDIER'S MOTHERS COMMITTEE

A public organization established for the protection of the rights of servicemen and their parents. Founded in 1989.

Chairwoman: *Mariya **KIRBASOVA***
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"MOTHER'S RIGHT" FOUNDATION

Founded in 1990 for the protection of the interests and rights of parents whose sons were killed during military service during peacetime on the territory of the former USSR.

Chairwoman: *Veronika **MARCHENKO***
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INDEPENDENT PSYCHIATRIC ASSOCIATION

Founded in 1989. Conducts practical, scientific, social and legal activity. The Association is a full member of World Psychiatric Association.

President: *Yuri **SAVENKO***
Phone: 206-86-39

SOCIETY FOR THE GUARDIANSHIP OF PENITENTIARY INSTITUTIONS

Organized in 1992. The activity is directed to improve the conditions of prisoners. Helps their relatives and former prisoners, develops penal reform legislation for Russia.

Chairman: *Olga **CHAIKOVSKAYA***
Director: *Andrey **BABUSHKIN***
Phone: **206-80-38**

SOCIETY "RIGHT TO LIFE" AGAINST THE DEATH PENALTY AND TORTURE

Ogranized in 1990 to oppose the death penalty and torture in the territory of the former USSR and other state violations of the right to life.

Chairman: *Viktor **KOGAN-YASNI***
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SOCIETY FOR THE DEFENSE OF CONVICTED BUSINESSMEN AND ECONOMIC FREEDOMS

Established in 1989 to help those prosecuted for engaging in free commercial activity.

Chairman: *Viktor **SOKIRKO***
Phone: **206-80-38**

Dear members of the Council of Europe

The Russian Human Rights centres "The Memorial", "Omega", "The Commitee of Soldiers' Mothers", "The Right for Life and Civic Dignity" are appealing to the Council of Europe. We consider it is our duty to inform you of preparations being made for repressions against servicemen who took part in military operations in Chechya, on the Russian side.

On April 14, 1995 in the town of Bogushar, Voronezh region, military unit 22355, a 23 year old lieutenant Yaschenko Maxim Valadimirivich was taken into custody. His detention and arrest are bound up with the events that took place during the storm of Grozny.

On Desember 31, 1994 the Vladikavkaz regiment 503, which included the platoon under lieutenant Yaschenko's command received the order to join the march headed for the storm of Grozny. On the way to Grozny due to poor coordination of military actions a battle took place between regiment 503 and Interior Affairs Ministry Column, there were casualties.

On the nightof January 2 - 3, a moto-infantry unit was ordered to capture the Grozny railway depot. After a few days of heavy fighting they run out of food and ammunition. The command was neglectful of the situation, leaving the soldiers to the mercy of fate. On January 5, 1995 Yaschenko took the decision to surrender to Dudaev forces with those left alive from his platoon. He could not act differently considering this war criminal and having to save the lives of soldiers.

After Dudaev's captivity Yaschenko was treated in hospital for his wounds and shell shock. Later he joined his unit in Voronezh region and was arrested there. He was indicted on the four articles of the Russian Federation Criminal Code:

1) Art. 260 c: Exceeding authority in war time and during military operations;

2) Art. 238 c: Insubordination in war time and during military operations;

3) Art. 264: Voluntary surrender in war time.

All the above mentioned articles envisage capital punishment or imprisonment for a period from 5 to 15 years. Sinse neither mertial law nor state of emergency have been announced in Chechnya we consider this indictment illegal.

It is known that his colleague Andrej Bulkin was arrested on the same occasion.

We would also like to draw your attention to the fact that the conditions of detention do not meet any international legal standards and can be qualified as tortures. The prisoners in Chechnya are kept now in notoriously known filtration camps.

At the present moment we are doing our best to transfer lieutenant Yashenko's and Bulkin's cases to the Chief Prosecutor's Office in Moscow. We are also trying to procure the case investigation in Moscow where qualified legal advice

is available and there is hope for more objective treatment of cases.

The ambiguity of legal interpretation of Chechnya crisis provides ample opportunities for infringements on human rights both of civilians and Russian servicemen.

We do not want Yaschenko's case to serve as precedent for political repressions of the servicemen - former prisoners of war and to cover up the crimes committed by the Russian political leardership.

We have got at our disposal other facts of infringements on human rights of servicemen which will be brought to your notice after final clarification of all the circumstances.

Human Rights Watch
Helsinki

May 1995

Vol. 7, No. 8

RUSSIA

PARTISAN WAR IN CHECHNYA
ON THE EVE OF THE WWII COMMEMORATION

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SUMMARY

The conflict in Chechnya between Russian forces and Chechen rebels that broke out in December 1994 has entered a new phase: partisan war. After a March 21 Russian offensive resulted in the capture of the last major strongholds of supports of Chechen President Dzhokhar Dudayev — Shali, Argun, and Gudermes in the lowlands of eastern Chechnya — Chechen fighters melted into the mountainous eastern, southern, and western regions of the country. While the style of warfare has changed, for the most part the abusive conduct of Russian forces has not; Russian troops continue to commit serious violations of humanitarian law against the civilian population in the region.

The following report documents abuses by Russian forces in the mountainous towns of Vedeno and Nozhai-Yurt situated along Chechnya's eastern border with Dagestan.[1] Difficult to access, these regions have received little attention. Yet Russians have shelled civilian areas, indiscriminately fired on refugee columns, and looted and wantonly destroyed civilian property in their pursuit of elusive Dudayev fighters. Violations during the period examined in this report include indiscriminate fire, direct attacks on civilians, attacks on displaced persons in transit, looting, and abuses during disarmament. By far the worst violation during this period was the probable massacre of between 100 and 200 civilians between April 6 and 8, 1995, in the village of Samaskhi in western Chechnya.

Another abusive development in recent weeks relates to the manner in which Russian forces have begun to disarm whole villages (*see* "Reprisals Against Civilians in the Course of Disarmament"). To disarm these villages is entirely legitimate, but Russian troops have habitually set an arbitrary figure for the number of weapons the village must turn over. If the village cannot meet this demand — which it often cannot since village elders have only limited influence over Dudayev fighters — it is sometimes subjected to shelling or harassment.

The abuses documented in the Chechnya war are forbidden by international human rights and humanitarian instruments to which Russia is a party. Protocol II additional to the 1949 Geneva Conventions, which deals with internal armed conflict, mandates humane treatment of civilians and those who have ceased to take part in hostilities. Article 4 forbids "violence to the life, health, or physical or mental well-being of persons, in particular murder as well as. . . torture, mutilation or any form of corporal punishment." It also prohibits the taking of hostages, collective punishments, outrages against personal dignity, pillage, and threats thereof. United Nations General Assembly Resolution number 2444 (1968), which also relates to internal armed conflicts, establishes standards for distinguishing between combatants and civilians and for sparing the latter as much as possible. The U.N. Convention against Torture and Other Forms of Cruel and Degrading Treatment forbids beatings, torture, and other mistreatment in detention.

This report — the fourth in a series by Human Rights Watch/Helsinki — documents Russian forces' flagrant violations of these international obligations, and aims to expose violations perpetrated since the release of our last report, in February 1995.[2] It also highlights the terrible irony that on May 9 and 10, 1995, world leaders will convene in Moscow to commemorate the fiftieth anniversary of the end of World War Two against the backdrop of unchecked abuse by Russian troops in Chechnya. Human Rights Watch hopes that information about the human rights abuse attending the conflict will serve to spur the international community to condemn, and help stop and punish the abuse.

This report is based on a week-long field investigation, from April 22-29, 1995, by one researcher from Human Rights Watch/Helsinki and one from the Moscow branch of the human rights division of the Russian "Memorial" Society. They travelled to Khasavyurt, Pokrovskoye, and Abdurashit-Otar in Dagestan, all on the

[1]The report also has information from Gudermes, Shali, and Grozny, but the main focus is devoted to these two regions.

[2] *See* "Russia: Russia's War in Chechnya: Victims Speak Out," (January 1995, Vol. 7, No. 1); "Russia: War in Chechnya: New Report from the Field," (January 1995, Vol. 8, No. 2); and "Russia: Three Months of War in Chechnya," (February 1995, Vol. 7, No. 6).

Chechen border, and interviewed displaced persons from the zone of conflict. Unless otherwise indicated, all testimony cited here was given to representatives of this team. Individuals cited here by their first names asked that their full names be withheld.

This report's focus on Russian forces in no way suggests that Chechen forces have not committed serious violations of the rules of war. The most probable Chechen violation is using civilians as shields. The difficulties of access have prevented us from conducting recent investigations into the rebels' recent practices, although we have documented some instances of their abuses in a previous report. For example, we have documented that Chechen forces have stored ammunition near a civilian area, causing the destruction of several civilian structures.[3] It is difficult to prove without entering the region whether Chechen forces have taken up positions relative to civilian dwellings and whether they have given civilians clear warning before taking up such positions.

In the period covered in this report (March - April), Chechen fighters made a brick factory into their headquarters, and nearby civilian dwellings suffered. We have been unable to ascertain whether the Chechen fighters notified the civilian population in the immediate area to warn them of the need to evacuate.

In addition, Chechen authorities announced that they had executed a Russian pilot, but this has not been independently confirmed. In the early stages of the conflict, Chechen authorities made similar threats to execute Russian troops held captive.

Human Rights Watch/Helsinki takes no position on Chechnya's claim to independence. Our concern is that all parties obey humanitarian law designed to protect civilian and disarmed or disabled combatants.

RECOMMENDATIONS

Human Rights Watch/Helsinki condemns in the strongest terms the conduct of Russian forces described in this newsletter. We call on Russian forces to:

- Cease indiscriminate and disproportionate attacks on civilian objects;
- Cease all attacks on hospitals, mosques and schools;
- Cease taking civilian hostages;
- Cease the beating, torture, and other mistreatment of detainees in Mozdok and other "filtration camps;"
- Grant full and ongoing access to detention centers to the International Committee of the Red Cross and other humanitarian organizations;
- Publish lists of all prisoners, their ages, where they were captured, where they are being detained, and other relevant details;
- Establish a special task force within the military police to investigate and put an end to looting in areas under Russian control;
- Reinforce the code of military conduct among troops, emphasizing the consequences of looting and other illegal conduct;
- Bring to justice officers and enlisted men suspected of humanitarian law violations in open trials before independent tribunals and punish those found guilty in a manner consistent with international law;

[3] *See* "Russia: War in Chechnya: New Report from the Field," Human Rights Watch/Helsinki, (January 1995, Vol. 7, No.2).

- Halt all aerial bombardments, long-range artillery shelling, and other military operations that are being used to target or indiscriminately fire on civilians; and

- Allow a mission from the office of the U.N. High Commissioner for Human Rights to visit the crisis region freely and as soon as possible.

We remind Chechen forces of their duty under Protocol II not to use civilians and civilian property — homes, apartment buildings, hospitals, and the like — as human shields. In certain cases we examined, it was not clear whether Chechen forces attempted to use civilian objects as shields. In any case, however, the use of human shields does not relieve Russian forces of their obligation to minimize civilian casualties. Human Rights Watch/Helsinki calls on Chechen forces carefully to evaluate their positions in Chechen villages and the potential danger they bring to civilians, to warn civilians of potential danger, and, should danger warrant, to organize and facilitate the safe evacuation of villagers.

United Nations Policy

On February 27, 1995, the U.N. Commission on Human Rights in a chairman's statement expressed its "deep concern over the disproportionate use of force by the Russian Armed Forces" in Chechnya. That same month, the U.N. High Commissioner for Human Rights was denied permission by the Russian government to conduct a fact-finding mission to the region. We call on Secretary General Boutros Boutros-Ghali and the High Commissioner on Human Rights to:

- Maintain pressure on the Russian government to allow a mission from the High Commissioner for Human Rights to visit the crisis region to investigate violations of humanitarian law by both sides, a mission which would result in a report by the High Commissioner and which would be conducted with full cooperation and guaranteed free access to the region; and

- Condemn forcefully Russia's violations of human rights and humanitarian law in the Chechen war.

Human Rights Watch/Helsinki also urges the Special Rapporteur on Torture and the Working Group on Arbitrary Detention to sent missions to investigate abuse in the area of crisis, issue public reports in a timely manner, and subsequently report to the 52nd Session of the Commission on Human Rights in 1996.

Council of Europe Policy

On January 10, 1995, the Council of Europe Parliamentary Assembly's Political Affairs Committee expressed its grave "concern about the situation in Chechnya" and "unreservedly condemned the indiscriminate use of military force against the civilian population." On February 2 the Council of Europe Parliamentary Assembly as such passed a resolution according to which it decided to "suspend the procedure concerning statutory opinion on Russia's request for membership." In the resolution the Assembly condemned the "indiscriminate and disproportionate use of force by the Russian military, in particular against the civilian population, which is in violation of the 1949 Geneva Conventions and their 1977 Second Protocol as well as of the OSCE Code of Conduct on Politico-Military Aspects of Security".

European Union Policy

Human Rights Watch applauds the stance the European Union has taken, under the leadership of the French Presidency, against humanitarian law violations in Chechnya and how it has translated its sound condemnation of atrocities into concrete action. On March 9, 1995, Foreign Minister of France Alain Juppé, who served as past, present and future president of the E.U.'s Council of Ministers to Moscow, made it clear that the E.U. was ready to use economic pressure and access to European markets as a lever to force President Yeltsin to end violations of human rights in Chechnya. Foreign Minister Juppé and his colleagues from

Germany and Spain told the Russian president that an interim trade agreement with Russia would not be signed until assurances that human rights will be respected in Chechnya. The trade agreement had been negotiated and finalized with the inclusion of human rights conditionality clauses in 1994.

This important step by the E.U. Troika followed a resolution passed by the European Parliament on January 19 which approved "the [European] Commission's decision to suspend the process of ratifying the interim agreement" and called on the Council "not to make any further progress with the final ratification of the Partnership Agreement with the Russian Federation."

On April 10 the E.U. General Affairs Council — comprising the foreign ministers of all member states — confirmed that it considered it "impossible to sign the interim trade agreement with Russia because the conditions set by the fifteen member states had not been observed." The four criteria concerning Chechnya were: the permanent presence of the Organization for Security and Cooperation in Europe (OSCE); a cease-fire; the start of talks making a political settlement possible; and the provision of humanitarian aid.

On March 15 the E.U. "utterly condemned atrocities committed against civilians in violation of basic human rights," appealed to the Russian authorities "to put an end to violence against the people, to conclude a cease-fire without delay, to start negotiations to allow humanitarian aid to be sent to the stricken population without hindrance, in keeping with international humanitarian law" and once again urged "that the OSCE Assistance Group in Chechnya be set up quickly so that it can help achieve these objectives."

OSCE Policy

We welcome the formation of the Organization on Security and Cooperation in Europe (OSCE) Assistance Group, which was deployed in Grozny on April 18 with a mandate to, among other things, monitor human rights violations. We especially urge the group to:

- Insist that officers and soldiers responsible for abuse be brought to justice in the appropriate judicial fora;
- Monitor and report on the conduct of Russian and Chechen forces;
- Oversee the return of displaced persons to prevent any retaliation by Chechen or Russian forces;
- Monitor and report on conditions in detention facilities and investigate allegations of torture and other forms of cruel treatment;
- Facilitate relief supplies and relief work to ensure that all aid is distributed on the basis of need and not according to political calculations; and
- Ensure access for accredited journalists and nongovernmental organizations.

United States Policy

In the weeks preceding the May 10, 1995 summit with Russian President Boris Yeltsin, the Clinton Administration has offered general criticism of Russian conduct in Chechnya, expressed deep concern for loss of civilian lives, and called for a political solution to the conflict. It has also played an active role in organizing and deploying the OSCE's Assistance Group, over Russia's objections. Yet it has failed to single out Russia for its systematic brutality against civilians, to condition the May 10 summit on an end to attacks on civilians, or to use its influence in international lending institutions as leverage to force Russia's compliance with humanitarian norms.

The Clinton Administration's recent public statements on Chechnya are somewhat sharper than those it made earlier in the war, when it expressed regret for the loss of life but tempered all utterances with a

reminder that it considered the Chechnya war an "internal affair." In a key speech on March 29 concerning U.S. policy toward Russia, U.S. Secretary of State Warren Christopher described Russia's conduct in Chechnya as "tragically wrong" and declared the escalation of military activities in March a "serious mistake."[4] He has warned in several fora — including a March 24 meeting with Russian Foreign Minister Andrei Kozyrev — that as a consequence, Russia's role in the Group of Seven meeting in Halifax, scheduled for June, 1995, would not expand as previously envisioned.[5] In the aftermath of the massacre in Samashki in April 1995, U.S. State Department spokesperson Nicholas Burns announced that the administration was "disturbed by reports of continued, large-scale bombing in the south of Chechnya" and stated that the war was having a "negative" effect on U.S.-Russian relations.[6]

While these statements of concern are welcome, they have had no visible impact on the Russian government's prosecution of the war. By limiting its condemnation of Russian abuse to words, the administration has lost the opportunity to send a strong message to Moscow that it will not countenance the murder of civilians. As a result, the May 10 summit is likely to be viewed by the Russian government as the U.S. government's tacit acceptance of the conduct of Russian forces in Chechnya.

More disturbing still, generous international financial assistance to Russia, in which the U.S. government plays a critical role, belies the administration's stated commitment to ending civilian suffering in Chechnya and bestows on the Russian government the international prestige it keenly seeks. In fiscal year 1995, the U.S. has pledged to disburse $346 million to the Russian Federation alone in economic assistance under the Freedom Support Act. Indeed, on April 11, as the news of the atrocities in Samashki became public, the International Monetary Fund (IMF) finalized a US $6.8 billion loan to Russia to help close Russia's budget deficit.[7] The loan, the second largest in IMF history, provided the Russian government with $1 billion up front in late April, and will disburse $500 million every month for the next year. The IMF has conditioned the loan on strict economic discipline, but refuses — as is its general practice — to even consider human rights issues in the context of its lending activity.

In addition, in April the World Bank approved a loan agreement for Russia totaling $456.8 million to support the creation of private housing markets, train personnel in the finance industry and modernize the tax system. Like the IMF, the World Bank resists conditioning aid on compliance with human rights commitments. In early May the World Bank approved a $100 million loan for gas distribution. Additional loans — specifically $320 million for urban transportation and $600 million for "import rehabilitation" — are expected to be approved in late May.

Human Rights Watch/Helsinki calls for President Clinton during his upcoming trip to Moscow to:

- In private meetings with President Yeltsin and in public, forcefully condemn Russian atrocities and indiscriminate bombing and shelling;
- Call on the Russian government to hold accountable those guilty of killing civilians, beating and torturing detainees, illegally imprisoning civilians, raping, and looting;
- Repeat his calls for a humanitarian cease-fire, particularly the suspension of bombing and shelling; and
- Meet with Russian Commissioner for Human Rights Sergei Kovalyev to hear a first-hand account of the abusive conduct of Russian forces and show support for Mr. Kovalyev's courageous monitoring.

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[4] U.S. State Department Dispatch, Vol. 6, 1995, Office of Public Communications.

[5] *See Ibid*, and Michael Sheridan, "Russia and U.S. Remain Cordial but Poles Apart," *The Independent*, March 24, 1995.

[6] *See* Steven Greenhouse, "U.S. Pressures Moscow Over War in Chechnya," *International Herald Tribune*, April 13, 1995, p. 2.

[7] *See* Clay Chandler, "IMF Approves $7 Billion Russia Loan," *The Washington Post*, April 12, 1995, p.F3.

We call on the Clinton administration and its Western allies to:

- Use their influence in the IMF to condition upcoming disbursements of the $6.8 billion loan on ending humanitarian law violations and taking concrete steps to bring perpetrators to justice; and

- Immediately freeze the World Bank loan due for consideration in late May, 1995.

INDISCRIMINATE FIRE

Russian artillery and air bombardments continue to kill and maim civilians in the Chechen conflict. Indiscriminate fire against Shali, Argun, and to some extent Gudermes — cities that fell to Russian forces in late March and early April — has been extremely heavy because Dudayev fighters often took up positions or had command posts within the city. Argun, a battle area since the beginning of the conflict, equals Grozny in the level of destruction.[8]

Since the fall of Gudermes, Shali, and Argun, fighting moved from the plains to hill country along the Dagestani border. Russian forces moved to isolate Dudayev forces and seal the border with Dagestan. With a few exceptions, such as Alleroi and Belorech'e, most villages in the mountains of eastern Chechnya seem to have been spared the large-scale, grid-like bombardments that rained down on Grozny and Argun. But Russian strikes often do not distinguish between civilians and fighters, even though the latter — for the most part — seem to have taken up strategic positions in mountainous, wooded countryside outside of settlements. As the Chechen fighters begin to fight a more partisan-style war, fighters will often travel back and forth between mountain positions and their homes in the village. Some villages refuse to let fighters enter, hoping to prevent an attack. One man from Turty-Yurt in eastern Chechnya explained, "There are no Dudayev fighters. They were not let into the village. They said, 'If you come, the village will be bombed, and we do not want to die.'"[9] International law requires efforts to protect civilian objects from becoming legitimate military targets.

The large number of displaced persons from Grozny and other lowland cities has increased the number of casualties in the hill country of eastern Chechnya. Many of the houses there do not have the solid, concrete basements that larger buildings in cities do, leaving the inhabitants with little shelter.

Zami-Yurt

Zami-Yurt is a small village in the hills close to the Dagestani border. Russian forces began shelling the village in early March, increasing intensity by the beginning of April. As of this writing, Zami-Yurt has become home to various aid organizations. A middle-aged collective farm worker told of fleeing with her family because of heavy shelling:

> There were no weapons in the village. . . . I have six sons, not one was a fighter. . .The elders tried to negotiate, but nothing worked. Until the war came to us I thought that the Russians were fighting against bad types, [and therefore] nothing would happen to us. But when they started to bomb, I realized that they were fighting against simple people. We were shelled from planes and tanks. . . They fired from Grads and Uragans.[10] Women and children were killed, twenty-five innocent people.[11]

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[8] *See* Stephen Erlanger, "Russian Troops Take Last Chechen Cities," *The New York Times*, April 1, 1995. Human Rights Watch/Helsinki interview with Olivia Ward, *Toronto Star*. Ms. Ward was in Argun on April 26, 1995.

[9] Interview, Pokrovskoye, April 27, 1995.

[10] These weapons are notorious for their lack of precision.

[11] Interview, Khasavyurt, April 23, 1995.

Others who fled the village gave corroborating testimony.

Shali

On March 21, Russian troops began a concerted attack on Shali which yielded them most of the village. Most civilians had fled by March 15, and Russian forces seized the city around April 1. Russian forces continued to shell it at least through April 18.

Pro-Dudayev television had reportedly urged civilians not to leave Shali, promising that if they stayed they would be evacuated if necessary. But according to Leila, a schoolteacher from Shali,

> No one was around to take us out. Whoever could, fled. Whoever couldn't, stayed. On the morning of the 21st we looked around and everything seemed normal. The market was open, people were gathering, there were cars on the street. Then the shooting started. After a few shots, helicopters appeared and they started shooting from them. . . . Shells started landing in our yard; bombs, fragments started to fly through the windows. We spent the night in the cellar. There were wounded people in the cellar. We left the next day.[12]

Luiza Tsurayeva, a twenty-four-year-old baker, received multiple wounds in a rocket attack in Shali on March 2. The same attack caused her sister serious head injuries. Luiza was on her way out around 1:00 P.M. when, she reported,

> Suddenly a rocket fell next to me, near the spigot in the yard. I screamed and my cousin ran over to me. . . . I was wounded in my shoulder, leg and arm. There were big pieces of shrapnel. My sister was wounded in her head. That wound will never heal. There was a guy who lived near us, he was twenty years old. He was killed. [Shrapnel] hit him right in his heart. His name was Aslan. He was a refugee from Grozny. My house was damaged, too: the windows and frames were knocked out and there is a big hole in the roof. [13]

Zazu Tsurayeva, a thirty-four-year-old woman with four children who fled Shali on March 21, reported:

> Mozdok Street is totally in ruins. Sixty-eight houses were destroyed. They bombed on March 11 or 12. A vacuum bomb landed on the roof of one house. That's what the men said it was. Children died there. The house was reduced to rubble. Three or four days later they started digging the house up, looking for the children. They would find an arm here, a head there. Nothing remains of our building. Just ash.[14]

Others interviewed confirmed the level of destruction described by Ms. Tsurayeva.

Gudermes and Gudermes District

Gudermes, Chechnya's second largest city and an important rail and communications junction, fell to Russian forces on March 29, 1995. Although the city eventually was captured without major resistance, prior to this, the city had been subjected to frequent air and artillery attacks. During these assaults, many civilians suffered from indiscriminate fire.

Fragments from an aerial bombing attack on Gudermes on March 1 pierced the arm, leg and knee cap of Valentina, a Russian woman who lived her entire life in Gudermes. She reported, "I went out to the garden. . . . A cluster bomb fell [there]. I was in the hospital in Gudermes, then on March 22 the hospital closed."[15]

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[12] *Ibid.*

[13] *Ibid.*

[14] *Ibid.*

[15] Interview, Khasavyurt, April 28, 1995.

Roza, a thirty-two-year-old mother of three, worked at the locomotive depot in Gudermes. She reported that her neighbor, Mrs. Akhmadova, a mother of five, had to have her leg amputated as a result of the wounds she received during the bombardment. Her other neighbor, Mrs. Duruyeva, died from shrapnel wounds to her head. Roza reported:

> The night we left [on March 23] they threw cluster bombs. Once they start bombing from airplanes, it's impossible to live. . . . Every night we would run to School Number Five, next door, to the basement there. And the basement was full of water. We would come out in the morning and there would be still more planes. And bombs can't tell the difference: civilian, fighter, Russian, Chechen.[16]

Kundukhovo

One resident of Kundukhovo, a suburb of Gudermes, who left the city on March 26, 1995, just before it fell, reported witnessing several civilian deaths due to Russian artillery fire and air attacks. In the third week in March a Russian air attack took the lives of several women in the house next to his. According to the man,

> I heard the roar of a plane. I was used to it so I did not panic. To protect myself from shrapnel I moved to the far corner of the bathroom under the sink. There was an explosion and the windows and frames were blown in. . . . I heard some noises from the house next door — three women lived there, one had three children. I ran over to them and looked — it was simply terrifying. . . . A second bomb killed one person, I only know him by sight. He was a Russian. Between this man's home and the home of a friend of my brother there was a hole about three meters in diameter and about two, or two-and-a-half meters deep.[17]

Vedeno Region

The mountainous area surrounding Vedeno, a town of about 500 homes some fifty kilometers southeast of Grozny, has come under intermittent Russian bombardment and surface shelling.[18] Intense bombing in late March and early April left residents and refugees helpless, as mountain homes reportedly have no basements in which to seek shelter. Vedeno's displaced person population had swelled to 35,000 to 40,000 by spring, according to estimates by the International Committee of the Red Cross as residents from the planes and from Grozny fled their homes. Fighters often shuttled between Vedeno, Grozny, and other lowland conflict areas.[19] In February the town elders had apparently attempted to negotiate with the Russian military command in Mozdok to halt bombardments , but to no avail.

Intense Russian bombing on March 24, 25, and 26 hit Vedeno and the nearby villages of Tsa-Vedeno, Dyshne-Vedeno, Elistanzhi, Verkhatoi, Benoi and Kharachoi. Asmat Zandiyevna, a thirty-seven-year-old teacher, reported that:

> In Elistanzhi [ten kilometers west of Vedeno] they bombed a refugee camp. Seven people were killed. Refugees from Shali were there. As soon as they started to bomb, [on March 24 or 25] refugees fled. The plane flew right over them and bombed. Sometimes more than one plane would bomb at the same time. The earth would shake, like in an earthquake. We're all in a state of shock.[20]

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[16] Interview, Khasavyurt, April 23, 1995.

[17] Interview, Khasavyurt, April 25, 1995.

[18] *See* Soni Efron, "Chechen Spring Ushers In Season of Russian Air Strikes," *The Los Angeles Times*, April 10, 1995, p. A1.

[19] *See* Richard Boudreaux, "Chechnya's Mountain Men Say They'll Vanquish Russia," *The Los Angeles Times*, January 2, 1995.

[20] Interview, Khasavyurt, April 28, 1995.

Zara Gamirzayeva, a twenty-seven-year-old resident of Niki-Khita, a village twenty kilometers northwest of Vedeno, received wounds to her leg and side during a shelling attack on April 6. She reported:

> On April 6 we were at home — myself, my two children, and my mother, who came to visit us. . . . Around 8:00 or 9:00 in the evening the Grad shelling and rocket shelling started. A rocket punched through the wall in the room where I was with the children. Both of my children were killed.[21]

Nozhai-Yurt

Russian forces began intense bombing and shelling the border areas between Dagestan and Chechnya about April 23, and bombing continued through past April 28, when the Russian government's moratorium on military activities in Chechnya was due to take effect. Fighting moved to Nozhai-Yurt region, an area near the Dagestani border, by early April.

Since homes in Nozhai-Yurt are mainly spread out on mountain sides, and there are reportedly few, if any, streets with houses lined in a row, destruction to houses was correspondingly scattered. The exception was houses near the main target of attack: a brick factory between Nozhait-Yurt and Betti-Mokhk, which served as the headquarters for a group of Dudayev fighters.

A villager named Khanbashi from Nozhai-Yurt who left the town in early April described how daily Russian air strikes failed to hit fighters based in hills outside the town but took a toll the inhabitants of Nozhai-Yurt:

> Every day four helicopters fly missions over Nozhai-Yurt, in the afternoon and toward evening. I don't deny there are fighters there, they've occupied the heights [outside of the town]. . . . The shells fall into the village. And there are no fighters in the village. . . . The neighboring village of Galaity has also been bombed. When we left Nozhai-Yurt there were three or four destroyed homes.[22]

Another villager, Alkhazur Tovdarkhanov, who fled Nozhai-Yurt on April 24, 1995, after heavy Grad rocket fire fell on the center of the town confirmed this.[23] He reported that, beginning on April 3, the hospital could no longer operate. According to him, four civilians have been killed in Nozhai-Yurt because of indiscriminate fire: Abukha Doguyev, Rozenbek Tadtayev, a Mr. Ismuradov, and a Mr. Dukayev.

Aminat Betilgireyeva, thirty-two years of age, fled Nozhai-Yurt after Russian forces heavily bombed the village on April 3. She asserted that by that time, rebel troops were not in the village but at their posts in the outskirts, yet direct bombing of Nozhai-Yurt continued.[24]

> Magomed, a thirty-year-old resident, reported that during that period
>
> It became impossible to live there. They shoot long-range guns, from helicopters, shoot from airplanes. Every day and sometimes at night. Some houses have been destroyed there. How many, I can't say. Maybe ten. One of our neighbors was killed. He was an old man. He was sixty-three. His name was Abukha. He was killed when the [the town was under] a rocket

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[21] *Ibid.*

[22] Interview, Khasavyurt, April 23, 1995.

[23] Interview, Pokrovskoye, April 27, 1995.

[24] *Ibid.*

attack and was being strafed by machine-gun fire from helicopters. Fighters aren't there, just elderly people and a few young people to guard the homes from thieves and marauders.[25]

Alleroi

Since April, Chechen forces have fled the eastern cities of Argun, Shali, and Gudermes and taken up positions in the hilly territory along the Dagestani border, including the village of Alleroi, whose population is approximately 4,500.

Rodikhman Daudova left Alleroi on April 27, 1995, after hiding for more than a month in the forest and in cellars to escape bombardment from Russian forces. According to her, about twenty percent of the structures in the village have been destroyed. She stated that:

> Almost all the cattle have been killed. . . . [My own] house has been completely bombed out. . . . The shelling has been going on for the past month or so. First the outskirts of the village were shelled, then the houses themselves. The last week the shelling was extremely fierce. They bombed the village itself. The fighters, however, are located around the village in the forest. I [personally] know one of the people killed, Ramzan Turloyev.[26]

Suvorov-Yurt

Suvorov-Yurt lies on the Moscow-Baky highway, about five kilometers north of Alleroi and fifteen kilometers west of Dagestan, and a scene of heavy-fighting. On April 19, Polukhan Iskhojayeva was in Suvorov-Yurt visiting her parents. In her words:

> We were sitting around talking and suddenly they started bombing. My brother ran home and said the cattle had all run away and he couldn't round them up. We all ran downstairs to the cellar, and when [the bombing stopped] we went to the woods to look for the cattle. . . . When they ran back, we asked them where the cows were. They said, "How can you talk about cows! There are children out there herding them, a ten-year-old and a twelve-year-old. When we went up to them to ask them if they had seen our cows, the bombing started."
>
> My father, brother and our dog jumped in a trench — there are trenches in the woods. As for the kids, the older one jumped into the trench in time, but the little boy went into the trench head first, lying down. . . . He died. The cows all scattered again, and my father and brother carried the dead boy past the woods to the village of Alleroi, where the boy was from.[27]

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[25] *Ibid.*

[26] Interview, Khasavyurt, April 27, 1995.

[27] Interview, Khasavyurt, April 23, 1995.

TARGETING OF CIVILIANS

Russian troops in Chechnya continue a pattern of misconduct — including looting, arbitrary detention, wanton destruction, and in certain cases murder[28] — that has characterized their behavior since the beginning of the conflict.[29]

Samashki

The worst single case of misconduct to date by Russian forces is the massacre in the village of Samashki on April 7 and 8, 1995. Official Russian sources estimate that at least 120 people died in the attack. The Russian military commander of the operation, Gen. Anatolii Kulikov, claims that the village of Samashki was an enemy stronghold and that most of those killed were fighters. He said he had no objections to the Russian procurator's office investigating reports of murder of civilians during the assault. Memorial, however, has compiled credible evidence that ninety-four of the fatalities were civilians -- a strong indication that the Russian forces violated the rule of proportionality.

Moreover, Memorial representatives and independent journalists have reported credibly that Russian soldiers wantonly attacked civilians and civilian dwellings by throwing hand grenades into cellars where civilians were hiding, burning houses with flamethrowers, and summarily shooting civilians.[30] Russian Human Rights Commissioner Sergei Kovalyev stated at a U.S. Congressional hearing on May 1, 1995, that approximately 375 houses had been destroyed in the village during the attack.[31] If the rebels were fighting from these structures, such destruction cannot be considered a violation under international humanitarian law. If, however, only a small number of Chechen fighters had taken up positions in the buildings, the Russian forces would be responsible for disproportionate use of violence.

Gudermes

A young witness reported that Dudayev fighters left Gudemes on March 26, and that Russian troops entered the city on armored personnel carriers two days later without meeting any resistance. He stated that when Russian troops entered the city, they torched many homes and arbitrarily detained young men, accusing them of being Dudayev fighters:

> When the Russian soldiers entered they told everyone, "You're a fighter, You're a fighter," without even figuring out what's what. On March 29th and March 30th they started to burn homes and detain young people. . . . When they came in the courtyard, I fled and hid in the house next door. . . . They went into my house, there was some type of explosion, [and] it burned to the ground. . . . The soldiers burned three homes on my street, Chapayev. I ran to my uncle's house on Parkhomenko Street. I had to hide, then run, then hide. If they see someone young, they come up and say, "Ah, a fighter". . . . When I got there, soldiers were also burning homes. Only two remained, the rest were burning. They were using a flamethrower. An old man screamed at the soldiers not to burn [the houses], but they burned them anyway. . . . If there were valuables in a house, the soldiers took them out and loaded

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[28] Human Rights Watch/Helsinki has credible but as yet independently unconfirmed information indicating serious, wanton destruction and looting by Russian forces in the village of Belorech'e, seven kilometers southeast of Gudermes (The village also goes by the name of Alaskhan-Yurt). In mid-March, Russian troops entered the village, looting and gratuitously destroying homes. One unconfirmed report states that 148 homes were destroyed without legitimate military purpose.

[29] *See* Human Rights Watch/Helsinki, "Russia: Three Months of War in Chechnya," February 1995, Vol. 7, No. 6; Thomas de Waal, "Russian Troops Run Wild in Grozny," *The Moscow Times*, February 14, 1995, p.1; James Rupert, "Grozny Imprisoned by Fear: Survivors of Bitter Battle Now Hide From Russian Troops,"*The Washington Post*, February 13, 1995, p. A12.

[30] Notes from Memorial representatives. Memorial plans to issue a comprehensive report on the massacre in Samashki.

[31] Hearing before the Commission on Security and Cooperation in Europe, Washington D.C., May 1, 1995.

them on the armored personnel carrier. They took my uncle's tape deck and a couch. I saw them from where I was.[32]

Grozny

Large sections of Grozny, especially the center and around the Minutka traffic circle, have been largely bombed out. The heavy bombardment there that characterized abuse during the initial stages of the war has been replaced by periodic looting and beatings of civilians. The account of one forty-year-old Chechen woman is representative of this abuse:

> On April 18th we heard a cry. We initially thought [my neighbor] had had an attack [of epilepsy]. We hurried out of our house and saw two shoulders in black wool caps carrying her daughter away. She was seventeen. I only recognized her blue shoes. . . . Her head wasn't visible — they were carrying her so that her coat was pulled up over her head and her mid-section was bare up to her waist. Her mother was sitting on the ground, her legs shot by rifle fire, screaming, "My daughter!". . . . We picked the mother up. One of her legs was hanging on only by some skin.[33]

Shali

There are reports of looting by Russian troops by Shali after they entered the village at the end of March. A Shali resident, Ms. Nunayeva, reported the following:

> On the 31st of March they took everything, even the potatoes. . . . I went out to milk the neighbor's cows. . . . [The soldiers] said,"Granny, where do you live?" I said, "In this house." They screamed, "Come on, ten steps back." I was scared, so I took ten steps back.
>
> We have seven carpets. Well, we had them and then the Russians took them away. My carpets were tied up because I thought I would take them away [somewhere safe], but there were no cars. My sons had tape recorders. I was standing by the other gate and I saw them — [the soldiers] were tossing out the tape recorders and the carpets. . . . I ran up [to the armored personnel carrier] and said, "Guys, that's not right. What are you doing?" They said, "It's an order."
>
> [Later] I went up to the Russian commander. I said, "You're an honest person. I trust you. But give me back the concrete blocks, the carpets that they took away, the mattresses and the blankets". . . But he said, "Granny, I can't blame them if they took your [blocks]. They need it. They also need a roof over their heads". . . . The commander said I should have taken down the BTR's number, but I was so frightened I forgot.

That night Ms. Nunayeva heard noises in the courtyard. Too frightened to go outside, she said she watched as soldiers shot the dog, who had been tied up, laid two landmines, and drove away in an armored personnel carrier.[34]

Ishkoi-Yurt

According to one resident, the village of Ishkoi-Yurt, a few kilometers north of Galaity and directly across the border from Dagestan, was marked for special retribution because it is the home of Sultan Geliskhanov, a leading Dudayev loyalist. Russian troops entered the village around April 20, approximately one month after Chechen forces had left the settlement, according to residents interviewed, and fought a number

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[32] Interview, Khasavyurt, April 25, 1995.

[33] Interview, Khasavyurt, April 24, 1995.

[34] Interview, Khasavyurt, April 23, 1995.

of inconclusive battles in the woods outside the town. Intensive shelling around the village caused civilians living on the outskirts to suffer stray fire and the undiscipline of Russian troops. According to one resident,

> [The troops] drive through the village, killing cows, then crushing them with their armored personnel carriers. They drive by and shoot at houses with their automatic rifles. A women was going along with a child in her hands. The woman was killed, but the child lived. A poor guy lives on the outskirts of the village. They killed one of his sheep. They killed another person's livestock. The troops stole the VCR of one man and the tape deck of another. They stole a sack of floor, smashing down its owner with a rifle butt.[35]

TARGETING OF DISPLACED PERSONS

According to the UNHCR, there are 50,000 to 80,000 displaced persons from eastern Chechen towns and villages in Dagestan alone.[36] This population is extremely mobile, often fleeing native villages when fighting nears and then returning once things quiet down to check on homes and relatives and family members who remained behind. They are frequently killed by indiscriminate fire as they escape the battle zone or return to search for relatives. Attacks on this highly vulnerable group violate the protection owed to civilians and, in addition, violate the duty of the force that causes the displacement to receive the displaced population in good care.

On March 23, Sergei Taramov, a forty-one-year-old Chechen, was killed in a shelling attack as he attempted to rescue a child from the village of Tsotsin-yurt. His wife, Tamara Taramova, told our field investigators that he had made two previous trips to bring people out of danger:

> I didn't want him to go a third time, but this woman came to him — she had to get her child out. She cried and begged him [to help her]. He felt sorry for her. . . . There were three other people in the car. They shot at them from a helicopter with a high-caliber machine gun. The gas tank exploded. Sergei and the passenger in the front seat died. The man in the back jumped out, and the woman was wounded. The burned out car is still there.
>
> Now my son — he's thirteen — is sick. He's in a state of shock after his father's death. Nothing helps him, and there's no money to buy medicine. He doesn't know his father died a painful death. He carries his father's picture in front of him, keeps looking at it and cries.[37]

On April 9, forty-three-year-old Zulpa Badaeva was wounded in a rocket attack on the road from Bachi-Yurt, east of Oyskhara. A resident of Geldagany, Ms. Badaeva fled to the home of relatives after her village was bombed. She had been travelling with her father and brother when their car was shelled in broad daylight, about 1:00 P.M. She reported:

> We had just left [Bachi-Yurt] and the shelling started. Explosions were spreading out behind us, the earth was shaking. I was sitting in the front with my father and brother when the car rolled over, and I was thrown out of the car. I lost consciousness. When I came to I heard my brother screaming, "Sister, where are you?" Then I lost consciousness again. My father and brother were also thrown from the car through the windshield. When my brother started to lift me up, I screamed in pain. My arm was broken in several places. I had a serious concussion, and to this day I can't walk because I'm so dizzy. Someone took me to the hospital in Bachi-Yurt. What are they doing? Why are they bombing us?

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[35] Interview, Khasavyurt, April 28, 1995.

[36] Phone interview with Javier Honorato, UNHCR Emergency Office, Makhachkala, May 4, 1995.

[37] Interview, Khasavyurt, April 23, 1995.

I fled from Geldagana to Bachi-Yurt, and we didn't even have cellars there. And now they're bombing heavily in Bachi-Yurt. My mother and children are there. What will become of them? I don't know.[38]

Lursa Zakayeva, Grozny resident who had sought refuge in the village of Belgatoi, reported the deaths of several displaced persons she knew who were killed in flight. She added:

People died, refugees who believed what they had heard on Russian television, about how it was calm in the area around Grozny. So they decided to go back home [to Grozny].

[My relative, Aslanbek Zakayev,] had heard that military activities were getting started [on the road south of Shali] and he wanted to get his family out of Elistanzhi. On the way out, a helicopter started following the car. [Aslanbek's] father was in the car, and his two nephews. When they saw the helicopter they jumped out of the car and ran off the road, but the helicopter kept hunting them down. Aslanbek was hit in the head with a high-caliber machine gun. He died immediately before his father's eyes. He was thirty years old. His father was wounded, lost a lot of blood, and finally died from a heart attack. His name was Makhma Zakayev. He was fifty-six. Aslanbek's two nephews were wounded, and they're in the hospital.[39]

Numerous others interviewed reported witnessing or being wounded in similar attacks near Khasavyurt, Geremchuk, Kurchaloi and Khidi-Khutor.

REPRISALS AGAINST CIVILIANS IN THE COURSE OF DISARMAMENT

A disturbing development during the period of this study has been the Russian forces' abuse of their right to disarm to mask for collective punishment against civilians.[40] Collective punishment is expressly prohibited by Article 33 of the Fourth Geneva Convention. Arms searches fall fully within the prerogatives of federal forces; however, Human Rights Watch/Helsinki is concerned that the disarmament process has been carried out in an arbitrary and abusive fashion. Typically, a village as a whole is asked to turn over an arbitrary number of weapons, a figure determined by "intelligence reports." A village is told to turn over so many weapons or face the consequences. Demands for weapons sometimes serve as a pretext for an attack or for the detention of individuals.

The most infamous case of such abuse occurred in the village of Samashki. On April 6, 1995, the assistant commander of Russian forces in Chechnya, General Antonov, demanded that the village turn over 264 automatic weapons. When the village could not meet this demand, Russian forces surrounded the village, bombarded it, and then stormed it. Scores of civilians were massacred during the raid.

According to residents in Bachi-Yurt, a village about twenty-three kilometers southeast of Gudermes, Russian military authorities demanded that the village elders give them a set number of weapons or they would

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[38] Interview, Khasavyurt, April 28, 1995.

[39] Interview, Khasavyurt, April 23, 1995.

[40] Weapons proliferate throughout the Caucasus as Soviet-era armories have fallen prey to nationalist groups or were emptied by corrupt members of the Russian military. When Chechnya declared independence in late 1991, Chechen groups either seized Soviet military storehouses or prevented Soviet authorities from withdrawing weaponry. Later, a deal brokered between Defense Minister Pavel Grachev and President Dudayev on dividing Soviet arms in Chechnya equally between Federal and Chechen forces does not seem to have been carried out, with most weapons falling to the latter. After open hostilities broke out in 1994, even more weapons poured into the region, either covertly funneled by Russian security agencies to anti-Dudayev forces or given out by Dudayev forces to militias.

bomb the town. The villagers reported that, unable to produce the requisite amount, they even bought weapons to turn over to the Russians. Failing to supply weapons whose serial numbers corresponded to those on the Russians' list, however, they were unable to fulfill the agreement, and the village was shelled.[41]

A resident of Alleroi, near the Dagestani border, told a similar story:

> The elders went to a negotiation [with the Russian command] and it was agreed that the village would not be bombed. The military people responded, "Okay, we will not bomb the village if you hand over the weapons." In fact they gave over the weapons, but the military people said that they have orders and nevertheless had to shell the village.[42]

In Betti-Mokh, a small village in hilly country near the Dagestani border, village elders were told to buy weapons to surrender even if they did not own them. According to one villager,

> . . . [The] elders also tried to strike a deal with local commanders, who demanded that the village turn over forty-nine individuals and weapons. They [the Russian soldiers] said, "Hand over the forty-nine and give up the weapons, and will leave the village in peace. And if you don't have weapons, buy them."[43]

Nazhmutdin Mantsaev, the elder of the SPTU-23 refugee dormitory, told Human Rights Watch /Helsinki and Memorial that every day he would hear two helicopter sorties.

> One [helicopter] observes, four bomb. They bombed Koshkeldy, the woods around it, and the cemetery. The elders went to the military people, asked them not to bomb. They [the military] told the people: hand over so many automatic weapons. So people bought guns just to hand them over, but they bombed anyway.

Belgatoi

Lursa Zakayeva, a Grozny resident who had sought refuge with relatives in Belgatoi, returned to Belgatoi on April 21 to have a look at the village. Several houses were burned. Russian soldiers demanded automatics and made other conditions, such as

> Give us so many guns and the village won't suffer. Hand over the fighters who are on the lists. We have lists of people who are fighting — and we'll leave you alone." But how can we hand over guns that we don't have? Some representative from the military was there and spoke with the local authorities, with the elders. They had bought automatics — anyone who had money was forced to buy them — and they handed over seven automatics so they would leave us alone. That was about eighteen days ago. My aunt told me this. Her husband is one of the religious authorities in Belgatoi. Those Russians left, and replacements came. Some high-ranking officer came into the village and said, "We have reports that you have weapons. Hand them over." We don't have weapons, they said, "everything we had we collected and gave over." "No, we'll give you a five-day deadline. If you don't give us so many weapons, then the village will be shot from the ground up." The elders asked the fighters not to stay in Belgatoi, and so they left.

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[41] Interview, Khasavyurt, April 23, 1995.

[42] Interview, Khasavyurt, April 27, 1995.

[43] *Ibid.*

BACKGROUND

The Chechens, closely related to the Ingush, are an indigenous Caucasian people. After a series of wars lasting from 1817-1864, the Tsarist government brought Chechnya under its control. In 1934, seventeen years after the Bolsheviks took power, the Chechen-Ingush Autonomous Soviet Socialist Republic (ASSR) was formed. Ten years later, Stalin abolished the republic and brutally deported all Chechens and Ingush, then approximately 800,000 people, to Central Asia; an estimated 240,000 died. The republic was abolished. In 1957, both peoples were allowed to return, and the Chechen-Ingush ASSR was reestablished, albeit within slightly different borders. The area was an important oil-producing region and became heavily industrialized under Soviet rule.

In November 2, 1991, Chechnya declared independence from Russia under the leadership of a former Air Force General, Dzhokar Dudayev.[44] Earlier, forces loyal to Dudayev overthrew a temporary government that had in turn toppled the old-line Communist Party leadership supportive of the August 1991 attempted coup against Mikhail Gorbachev. On October 27, 1991, Dudayev was elected president in elections that were riddled with accusations of fraud. The Russian government condemned the elections and refused to recognize Chechen independence. In November 1991, President Yeltsin ordered Interior Ministry troops to restore order in Chechnya, but a determined Chechen response, and public outcry in Russia, forced their withdrawal. In the summer of 1992, President Dudayev closed the Chechen parliament after a clash with its members, and governed Chechnya by direct presidential rule. A violent clash between the National Guard, loyal to Dudayev, and the pro-parliament opposition in July 1993 left about 100 people dead.

In the spring of 1994, Russian and Chechen officials reportedly agreed to negotiations to work out Chechen-Russian differences. By the summer of 1994, after a series of bloody hijackings by armed bands in Chechnya struck southern Russia, Moscow announced that it would no longer tolerate Dudayev's regime. On July 29, 1994, the Russian government issued a statement calling the situation in Chechnya "out of control." In August the Russian government began openly and covertly to support an anti-Dudayev umbrella group called The Temporary Council , under the leadership of Umar Avturkhanov, in the Nadterechni region, fifty miles north of Grozny. Moscow poured funds and weapons into the region controlled by the Chechen opposition.

Heavy fighting exploded between the opposition and Dudayev's forces in September and October, with the opposition suffering serious setbacks. On September 16, Dudayev declared martial law in Chechnya. On October 4, President Yeltsin said he would not use force "under any circumstances," and Defense Minister Grachev said his forces would keep the fighting localized. On November 26, the Chechen opposition — backed by active duty Russian forces reportedly recruited by the Russian FSK (the former KGB) — suffered a serious defeat in an attack on Grozny, and over seventy Russians were taken prisoner. Four days later President Yeltsin gave Dudayev's forces forty-eight hours to disband all units, disarm, and release all prisoners, or Russia would impose a state of emergency. On December 1, Yeltsin vowed to help the Russian prisoners, the first indirect acknowledgement of Russian involvement.

December brought some hope of peace, but ultimately ended in bloody, heavy fighting between Russian and pro-Dudayev forces with grievous results for civilians. In early December continued air raids — for which Russia denied responsibility — struck Grozny, hitting the airport and other areas. On December 6, however, Defense Minister Grachev and President Dudayev met, the first meeting between a senior Russian official and Dudayev since 1991.

Grachev promised that, "there would not be a military solution to the question." On December 11, however, 40,000 Russian army and interior ministry troops moved against Grozny from the north, east, and west, and Russian planes commenced withering air attacks against Grozny and the surrounding area, including neighboring Ingushetiya. Hundreds of civilians were killed in the attacks. Approximately 300,000 displaced fled

[44]The Ingush part of the Chechen-Ingush ASSR was not included in this declaration. It became a republic of the Russian Federation in 1992. Before the fighting started, Chechnya had a mixed population of about one million.

the bombing, according to ICRC estimates. On December 26, President Yeltsin ordered a halt to the ground assault, but on New Year's Eve a failed Russian attempt to take Grozny left hundreds of Russian soldiers dead.

Fighting did not end when Russian troops raised the Russian flag over the bombed-out presidential palace in Grozny on January 19, 1995. Fighting quickly spread or intensified in areas to the west, south, and east of Grozny. Heavy fighting and bombing occurred in Samashki in far western Chechnya, in Assinovskaya in Ingushetiya, and in Argun and Chechen-Aul, southeast of Grozny. Russian planes bombed deep into Chechnya, hitting the road between Goity and Staryi Atagi. New columns of displaced people were on the move.

On February 13, 1995, cease-fire talks commenced in Ingushetiya between the Russian commander of operations in Chechnya, Colonel General Anatoly Kulikov, and the chief of staff of Chechen Forces, Aslan Maskhadov. Ingush Vice-President Boris Agapov acted as a mediator in the negotiations, which were renewed on February 15 and February 17. The talks dealt exclusively with military matters, and the cease-fire that was agreed on was only partially observed. The cease-fire ended Sunday evening, February 19, 1995, and has not been renewed. A planned exchange of prisoners was not fully carried out.

On March 21, Russian forces began a large-scale offensive that resulted in the capture of the last remaining major lowland Chechen settlements held by Dudayev forces: Gudermes, Argun, and Shali. By early April fighting quickly spread to the mountainous areas of western and eastern Chechnya, and partisan warfare broke out.

Between April 6-8, in what is to date the worst recorded violation of humanitarian law, Russian forces attacked the western Chechen village of Samashki, largely destroyed the settlement and killing scores of civilians. On April 28, 1995, a unilateral, three-week ceasefire was instituted by the Russian government, largely to shelter the May 9 World War Two Victory celebrations. Chechens for their part stepped-up raids to disrupt the celebration.

* * *

Human Rights Watch/Helsinki

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Ann S. Johnson is the development director; Gara LaMarche is the associate director: Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Helsinki division was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Holly A. Cartner is acting executive director; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Anne Kuper, Ivan Lupis, Alexander Petrov and Lenee Simon are associates. Jonathan F. Fanton is the chair of the advisory committee and Alice Henkin is vice chair.

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

PARLIAMENTARY ASSEMBLY

SUB-COMMITTEE ON HUMAN RIGHTS

1 June 1995

Subject: **Visit to Moscow and Chechnya, 4-10 June 1995**

Dear Madam, Sir,

Please find enclosed the draft agenda and the programme for the meeting in Moscow and Chechnya. For security reasons the Russian delegation asks you to consider this programme as confidential.

I suggest we meet at 9.45 am on Monday 5 June in the lobby of the Hotel Metropol in Moscow in order to go to the first venue.

When in Vladikavkaz the delegation will most likely stay at the Hotel Vladikavkaz. Reservations will be made for you by the Russian Guest delegation.

Travel from Moscow to Vladikavkaz and back will be in a chartered plan for which members will be requested to provide a contribution of $500 each, to be paid in cash on the spot. It is also possible that members will be asked to contribute to the costs of helicopter or car transport in the Chechnya region.

A representative of the Russian guest delegation will meet you at Moscow airport - provided you indicate to us your time of arrival and flight number. For this and all other matters you may reach Mrs Kleinsorge or myself at the Council of Europe until Friday night or on Saturday by fax on 88 41 27 02 or by telephone on 88 31 04 59 and 88 36 13 30 respectively.

Looking forward to meeting you in Moscow, I remain,

Yours faithfully,

Allard A. Plate
Secretary of the Committee

To Members and Substitutes of the Sub-Committee on Human Rights having indicated their wish to participate in the meeting

Postal address: BP 431 R6 F-67006 Strasbourg Cedex
Telephone: (33) 88 41 20 00 Telex: EUR 870 943 F Telecopy: (33) 88 41 27 81

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, 31 May 1995
ajdhoj4.95

AS/Jur/DH (1995) OJ 4

COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS

SUB-COMMITTEE ON HUMAN RIGHTS

DRAFT AGENDA

of the meeting to be held in Moscow, Chechnya and surrounding Republics from Monday 5 June at 10 am to Saturday 10 June 1995 evening

1. **AGENDA** <AS/Jur/DH (1995) OJ 4>

Adoption of the agenda.

2. **MINUTES** <AS/Jur/DH (1995) PV 3>

Approval of the minutes of the meeting held in Strasbourg on 26 April 1995.

3. **THE SITUATION OF HUMAN RIGHTS IN CHECHNYA**

<AS/Jur/DH (1995) 2 rev
questions
Order 506 (1995)>

Exchanges of views with the authorities of the Federation of Russia, members of Parliament, international organisations, non-governmental organisations, regional and local representatives, etc.

4. **OTHER BUSINESS**

5. **DATE, TIME AND PLACE OF THE NEXT MEETING**

To the Members of the Sub-Committee on Human Rights
cc: Secretaries of National Delegations

THIS DOCUMENT IS ALSO THE CONVOCATION TO THE MEETING

SUB-COMMITTEE ON HUMAN RIGHTS

Visit to Moscow and Chechnya
(4 - 10 June 1995)

Pedoprogram

Draft Programme

Sunday 4 June 1995

Arrival in Moscow

Overnight accommodation in Moscow

Cultural Program

Monday 5 June 1995

8.30 - Breakfast at the Hotel

10.00 - 11.00 - Meeting with members of the State Duma of the Federal Assembly of the Russian Federation

11.30 - 13.00 - Meeting with the members of the Russian Special Guest delegation to the Parliamentary Assembly of the Council of Europe

13.00 - 14.00 - Unofficial lunch at the State Duma

14.30 - 15.30 - Meeting with members of the Council of the Federation of the Federal Assembly of the Russian Federation

16.00 - Meeting in the Presidential Administration (with Mr. Filatov - to be confirmed)

17.30 - 18.30 - Meeting with Mr. Kovalyov, Chairman of the Commission on Human Rights under the President of the Russian Federation

19.00 - Protocol events in the President Hotel

Tuesday 6 June 1995

8.30 - Breakfast at the Hotel

10.00 - 11.00 - Meeting with representatives of UNHCR

11.30 - 12.30 - Meeting with representatives of ICRC

13.00 - 14.00 - Meeting with representatives of IOM

14.15 - 15.15 - Unofficial lunch at the Council of the Federation

16.00 - 17.00 - Meeting with representatives of Human Rights Watch

17.30 - 18.30 - Meeting with representatives of Memorial

19.00 - Protocol event (House of the Council of the Federation)

Wednesday 7 June 1995

6.00 - Breakfast at the Hotel

6.30 - 7.30 - Drive to the airport

7.30 - Flight to Vladikavkaz by special airplane provided by the Russian authorities

10.30 - Arrival to Vladikavkaz

11.00 - 11.30 - Accommodation at the Hotel Vladikavkaz

12.00 - 13.30 - Meeting with local authorities

13.30 - 14.30 - Lunch at the Hotel

15.00 - 16.30 - Fly to Assinovskaya

16.30 - 18.00 - Meeting with local inhabitants

18.00 - 19.30 - Fly to Vladikavkaz

20.00 - 21.00 - Dinner at the Hotel

Thursday 8 June 1995

7.00 - 7.30 - Breakfast at the Hotel

8.00 - 9.00 - Fly to Mozdok (North Ossetia)

9.00 - 12.00 - Meetings with Russian authorities, representatives of the Federal Army, visit of prison and "filtration camps"

12.00 - 13.00 - Lunch

13.30 - 14.30 - Fly to Nazran

15.00 - 18.00 - Meetings with local authorities, NGOs and international organisations, visit of refugee camps

18.30 - Departure to Vladikavkaz

19.30 - Visit of refugee camps in Vladikavkaz

20.30 - 21.30 - Diner at the Hotel

Friday 9 June 1995

7.00 - 7.30 - Breakfast at the Hotel

8.00 - 9.00 - Fly to Grosny

9.00 - 12.00 - Meetings with Russian and local authorities, representatives of the Federal Army, OSCE mission, ICRC, Medecins sans frontieres

12.15 - 13.00 - Lunch

13.15 - Fly to Shali from Grosny

14.00 - 15.30 - Meetings with local inhabitants

15.30 - Fly to Znamenskoye from Shali

16.30 - 18.00 - Meetings with the representatives of the opposition

18.00 - Fly to Vladikavkaz

20.00 - 21.00 - Dinner at the Hotel

Saturday 10 June 1995

7.00 - 7.30 - Breakfast

9.00 - Flight from Vladikavkaz to Nalchik

10.30 - Arrival to Nalchik

11.00 - 13.30 - Meetings with local authorities, visit of refugee camps

14.00 - 15.00 - Lunch

15.00 - 18.00 - Cultural Program

18.00 - 19.00 - Dinner in Nalchik

19.00 - Departure to Moscow by special plane provided by the Russian authorities

21.30 - Arrival to Moscow

22.30 - Accommodation at the Hotel in Moscow

Sunday 11 June 1995

Departure to national capitals

COUNCIL OF EUROPE — CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, le 27 juin 1995
fjdhpv4.95

confidentiel
AS/Jur/DH (1995) PV 4

COMMISSION DES QUESTIONS JURIDIQUES ET DES DROITS DE L'HOMME

SOUS-COMMISSION DES DROITS DE L'HOMME

PROJET DE PROCÈS-VERBAL

de la réunion tenue à Moscou et en Tchétchénie du 5 au 11 juin 1995

Présents:

MM.	López Henares, Président	Espagne
	Severin, Vice-président	Roumanie
	Bartodziej (pour M. Jaskiernia)	Pologne
	Bindig	Allemagne
	Columberg	Suisse
M^me^	Gelderblom-Lankhout	Pays-Bas
M^me^	Jaani	Estonie

Egalement présents:

M.	Solé Tura	Espagne

Invités spéciaux:

MM.	Podoprigora	Russie
	Lukin	Russie
	Zapolsky	Russie

Excusés:

MM.	Amaral	Portugal
	Bartumeu Cassany	Andorre
	Hagård	Suède
	Jansson	Finlande
	Jeambrun	France
Lord	Kirkhill	Royaume-Uni
MM.	Mészáros	Hongrie
	Rodeghiero	Italie
	Schwimmer	Autriche
Sir	Dudley Smith	Royaume-Uni
M^me^	Wohlwend	Liechtenstein
M^me^	Err, *ex officio*	Luxembourg

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1. **ORDRE DU JOUR** <AS/Jur/DH (1995) OJ 4>

L'ordre du jour est adopté.

2. **PROCES-VERBAL** <AS/Jur/DH (1995) PV 3>

L'approbation du procès-verbal de la réunion tenue à Strasbourg le 26 avril 1995 est reportée.

3. **SITUATION DES DROITS DE L'HOMME EN TCHETCHENIE**

<AS/Jur/DH (1995) 2 rév
questions
Directive 506 (1995)>

La Sous-commission procède à des échanges de vues avec les autorités de la Fédération de la Russie et les autorités locales et régionales, des membres du Parlement, des organisations internationales, des organisations non-gouvernementales, la population locale, des réfugiés, les détenus de camps de filtration, des représentants du commandement militaire fédéral et le Président de la Commission des droits de l'homme du Président, M. Kovalyov, à Moscou, en Tchétchénie et dans des républiques limitrophes[1].

A l'issue de la réunion, la Sous-commission charge M. Bindig, Rapporteur, de présenter un projet de rapport, d'abord à la Sous-commission et ensuite à la Commission plénière, pendant la partie de session de juin 1995 de l'Assemblée, en vue de le rendre public.

4. **QUESTIONS DIVERSES**

Néant.

5. **DATE, HEURE ET LIEU DE LA PROCHAINE REUNION**

La Sous-commission décide de se réunir pendant la partie de session de juin 1995 de l'Assemblée.

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1. Pour plus de détails, voir le rapport (document AS/Jur/DH (1995) 3).

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, le 22 juin 1995
fajoj10.95

AS/Jur (1995) OJ 10

COMMISSION DES QUESTIONS JURIDIQUES ET DES DROITS DE L'HOMME

PROJET D'ORDRE DU JOUR

de la réunion qui aura lieu à Strasbourg le mardi 27 juin 1995 à 8 h 30 (Salle 11)

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1. **ORDRE DU JOUR** <AS/Jur (1995) OJ 10>

Adoption de l'ordre du jour.

2. **PROCES-VERBAUX** <AS/Jur (1995) PV 8 et 9>

Approbation des procès-verbaux des réunions tenues les 29 mai à Paris et 26 juin 1995 à Strasbourg.

3. **DROITS DES MINORITES**

Exposé de M. Bindig, Rapporteur.

4. **DEMANDE D'ADHESION DE L'UKRAINE AU CONSEIL DE L'EUROPE**
[Rapporteur: M. Németh] <AS/Jur (1995) 21 Note>

Exposé de M. Martínez, Président de l'Assemblée, sur sa visite officielle en Ukraine du 6 au 9 mai 1995.

Aux Membres et Suppléants de la Commission des questions juridiques et des droits de l'homme
copie: Secrétaires des délégations nationales et invités spéciaux

CET ORDRE DU JOUR TIENT LIEU DE CONVOCATION

5. **RESPECT DES OBLIGATIONS ET ENGAGEMENTS CONTRACTES PAR LES ETATS MEMBRES DU CONSEIL DE L'EUROPE** <Directive 508 (1995)>
[Rapporteur: M. Columberg]

Procédure à suivre pour la question en général.

6. **LUTTE CONTRE LE RACISME, LA XENOPHOBIE, L'ANTISEMITISME ET L'INTOLERANCE** <Doc 7318
[Rapporteur: M. López Henares] [et amendements]>

Examen des amendements.

7. **DEMANDE D'ADHESION DE L'ALBANIE AU CONSEIL DE L'EUROPE**
<AS/Jur (1995) 16
Doc 7304>

Examen et adoption d'un projet d'avis présenté par M. Columberg, rapporteur.

8. **CONFERENCES** <conferences>

Désignation de membres à des conférences, séminaires et autres réunions auxquels la Commission a été invitée.

9. **SITUATION EN BOSNIE-HERZEGOVINE**

Préparation de l'avis de la Commission en cas de débat d'urgence, dans lequel elle serait impliquée.

Procédure à suivre.

10. **DEMANDE D'ADHESION DE LA CROATIE AU CONSEIL DE L'EUROPE**

Exposé de M. Jansson, rapporteur.

11. **RESPECT DES OBLIGATIONS ET ENGAGEMENTS CONTRACTES PAR LA LITUANIE** <AS/Jur (1995) 21>

Examen d'une note préliminaire, présenté par M. Frunda, rapporteur.

Procédure à suivre.

12. **RESPECT DES OBLIGATIONS ET ENGAGEMENTS CONTRACTES PAR LA REPUBLIQUE TCHEQUE**

Exposé de Sir Peter Fry, rapporteur, sur la visite des trois rapporteurs à Prague (8-9 juin 1995).

13. **REUNION INFORMELLE DES MINISTRES EUROPEENS DE LA JUSTICE**

Exposé de M. Schwimmer, représentant de l'Assemblée à la réunion qui s'est tenue à Bucarest du 5 au 7 juin 1995.

14. **QUESTIONS DIVERSES**

15. **DATE, HEURE ET LIEU DES PROCHAINES REUNIONS**

23.6.95

Strasbourg, ... June 1995
ajdh3.95

restricted
AS/Jur/DH (1995) 3

COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS

DRAFT REPORT

on the human rights situation in Chechnya

(Rapporteur: Mr BINDIG, Germany, Socialist Group)

I. Introduction

1. In accordance with Order No. 506 (1995) on Russia's request for membership in light of the situation in Chechnya, the Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights) visited Moscow, Chechnya and surrounding republics from 5 to 11 June 1995.

2. After some initial difficulties concerning the timing of the visit (due to the insistence of the Russian authorities, the dates first envisaged - 1 to 7 May 1995 - had to be postponed), the visit was very well organised by our Russian hosts. The Sub-Committee on Human Rights was accompanied throughout its visit by MM. Lukin and Zapolsky from the State Duma, and Mr Podoprigora from the Council of the Federation (all of them members of the Parliamentary Special Guest Delegation to the Council of Europe). Their participation was very welcome. The excellent technical organisation of the visit, especially concerning means of transport (planes, helicopters, buses, etc.), as well as the impressive measures taken to ensure our security, and much generous hospitality, were noteworthy.

3. The Sub-Committee, after two days of preparatory meetings in Moscow, flew to North Ossetia on 7 June 1995, and was able to fly on from there the same afternoon to Assinovskaya, a strategically-located village in disputed territory between Chechnya and Ingushetia, where it met with local inhabitants. After spending a day in the neighbouring republics of North Ossetia and Ingushetia, where the Sub-Committee met with local authorities and refugees, it flew to Chechnya proper on 9 June 1995, visiting Grosny, Shali and Znamenskoye. Following a day spent in Nalchik (Kabardino-Balkaria), the Sub-Committee flew back to Moscow to meet with human rights activist, Sergei Kovalyov[1].

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[1] For more details on the Sub-Committee's programme, see Appendix I.

4. However, the Sub-Committee regrets that the Russian authorities did not take into account any of the changes it proposed to the programme submitted by the Russian authorities[2]. In particular, the Sub-Committee regrets that it had no opportunity to meet with representatives of Mr Dudayev, and that it could not spend more time in Chechnya itself - it would have liked to see Argun, Samashki and Serzhen-Yurt, and to spend more time in Grosny[3].

5. The Sub-Committee would nevertheless like to sincerely thank the Russian organisers of the visit. Special thanks also go to all the interlocutors of the Sub-Committee, both in Moscow and in the Chechen region, who took the time to meet us - often at short notice - and provided us with invaluable information in frank and open discussions.

II. The general situation in Chechnya

A. In the field

6. The historical background, the events leading up to the situation as it was until the end of January 1995, and the treatment of the civilian population at that time are all described in the Opinion of the Committee on Legal Affairs and Human Rights tabled for the Assembly's urgent procedure debate on Russia's request for membership in the light of the situation in Chechnya on 2 February 1995 (Doc 7231). Therefore, only the developments since the end of January 1995 in Chechnya will be described hereafter.

7. Militarily the capital of the Chechen Republic, Grosny, was finally taken by Russian troops at the beginning of February 1995. Although officially the city has since been "pacified", the military commanders the Sub-Committee spoke to in Grosny admitted that there were still fights and skirmishes in the city "every night", sometimes claiming casualties. An estimated number of 250,000 inhabitants of Grosny[4] have returned to the ruined city, where the only public utility still working is gas (no water, no electricity). The situation is very bad, despite the efforts of international and non-governmental organisations, and the Federal reconstruction programme (the last of which we saw little or no evidence of). Most houses and apartment buildings, especially in the centre, are destroyed, or at least badly damaged by bombs and fire. What has not been destroyed has, more often than not, been looted. Putrefying corpses still remain in the cellars of some of the buildings, and the risk of epidemics in the city is rising as the summer gets hotter. Rubble, dirt and dust seem to be everywhere.

8. On 21 March 1995, the Russian Federal forces started an offensive which resulted in the capture of the last major strongholds of support for Mr Dudayev and his fighters in the lowlands: Shali, Argun and Gudermes (in eastern Chechnya) all fell. Between 6 and

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[2] These proposals were expressed by the Rapporteur in Paris on 29 May 1995, and repeated by different members of the Sub-Committee and the Secretariat both in Strasbourg, Moscow and throughout the visit.

[3] The Sub-Committee would like to apologize to the representatives of Médecins sans frontières (MSF) who came to the OSCE mission in Grosny. Unfortunately, the Sub-Committee was told of their presence too late (on their way out), and had to choose whether to talk to MSF or visit Grosny filtration camp. The whole incident was very unfortunate.

[4] Of the estimated pre-war population of over 400,000.

8 April 1995, the village of Samashki in western Chechnya was taken by the Russian forces; reports of a connected massacre of up to 200 civilians during the taking of the village soon leaked out.

9. Mr Dudayev moved his headquarters and fighters south, into the more mountainous regions of Chechnya, to Shatoi, Bamut and Vedeno. The weekend the Sub-Committee arrived in Moscow, the Russian Federal forces attacked Vedeno and other villages lying in the way (e.g. Serzhen-Yurt). The Chechen fighters escaped further south into the mountains and swore to continue their fight.

10. According to General Kulikov, Commander of the joint command of groupings of Federal forces in Chechnya, whom the Sub-Committee met in Grosny on 9 June 1995, the Federal forces - amounting to over 40,000 in all - had established control over the lowlands by March, and were now operating in the highlands. By 9 June 1995, 80% of the Chechen territory and 90% of the population were said to be under Russian control. Three districts remained to be "liberated". Of the 12 to 13,000 fighters and the same number of reserve personnel Mr Dudayev had under his command in December 1994, only an estimated number of 1,500 to 3,000 die-hard fighters remained. A popular partisan war was excluded in the opinion of General Kulikov - in six to eight weeks' time he would have the Republic "technically" ready for elections.

B. The view from Moscow and neighbouring republics

11. The powers that be in Moscow - foremost the State Duma, the Council of the Federation, the Presidential Administration and the "power" ministries - are divided in their evaluation of the situation in Chechnya. While the latter three players seem to be united in their strong support for, if necessary, on-going military action, the State Duma takes a more moderate, but not always consistent, line.

12. The State Duma adopted three recommendations, and one draft law on the Chechen crisis, the last of the recommendations dating from 9 June 1995. The Duma concedes in these texts that the executive branch, including the President of the Russian Federation, did not use all possibilities to find a peaceful solution in Chechnya, and urges the executive branch to find one now. However, the Duma decisions are bound to remain "paper tigers" - the above-mentioned draft law, for example, was vetoed by the President because, according to him, it violated constitutional provisions. Mr Filatov, the Chief of Staff of the Presidential Administration, called it a "populist" law - adopted to make the Duma look good, but impossible to put into practice.

13. Moreover, the State Duma itself is split into "patriotic" and "anti-military" factions. The Duma might not be actively supporting the war in Chechnya, but it did sack its Ombudsman for Human Rights, internationally acclaimed human rights activist and himself a Duma deputy Sergei Kovalyov, with a large majority, allegedly for slandering the Russian army and taking the Chechen side in the conflict. No concerted action from the State Duma to end the war can thus be expected, although it might pass another law granting amnesty to Chechen fighters surrendering their arms.

14. The representatives of the Council of the Federation the Sub-Committee spoke to during its visit took an even harder line. Emphasis was put on the character of Mr Dudayev's regime from 1991 to 1994, and on the alleged human rights violations (especially against the Russian population living in Chechnya) during those years. In the view of, for example, Mr Tarasenko, Chairman of the Committee for Federal Affairs and

Regional Policy, the problems of the civilian population in Chechnya would only augment should the Russian military leave the region. Alleged atrocities committed by Russian troops were dismissed as "active and open disinformation"; the massacre at Samashki as "only a rumour".

15. The Presidential Administration, in the words of Chief of Staff Mr Filatov, could only see one channel out of the Chechen crisis last December: the military one. Mr Filatov also thought that military activities would still have to continue, although he declared that the Government was "prepared to enter negotiations on every level necessary". At the time of the Sub-Committee's visit, however, no negotiations were being held due to the unacceptable preconditions for negotiations of both parties: the Russian side was insisting on the Chechen fighters putting down their arms, and the Chechen side was insisting on the withdrawal of the Russian forces from Chechnya.

16. It is difficult to gauge public opinion in Russia to the war in Chechnya. In general it can probably be said that the majority of the population in the big towns - Moscow and St Petersburg - is against the war, while in the countryside a more "patriotic" approach would have the majority. In Moscow one of the most outspoken opponents of the war is the aforementioned Presidential Commissioner for Human Rights, Sergei Kovalyov. He himself and members of Russian human rights organisations, notably Memorial and the Soldiers' Mothers' Committee, have made numerous fact-finding missions into the Chechen region and have documented human rights abuses and atrocities. Their information has proved very valuable to the Sub-Committee on Human Rights.

17. In the view of practically all the people the Sub-Committee met in Chechnya's neighbouring republics - whether they were representatives of local authorities, local inhabitants or refugees - there had been no reason and no need for a military action with the means employed and in the form taken as it had been started in December 1994 and was still going on. Although there had been a certain lawlessness and disorder in the Chechen Republic under Dudayev, especially with the rising crime rate, there had been other means to reestablish law and order. By ordering in the armed forces, the Russian Government had chosen the worst possible and the least appropriate means "out of the crisis", in the view of these people.

C. The views of international organisations involved

18. Since this report is mainly to deal with the actual human rights situation in Chechnya, the reactions of the international community, international organisations and non-governmental organisations (NGOs) should only be portrayed very briefly here in as far as the knowledge of these reactions is crucial to the understanding of what will follow in this report.

19. The Organisation on Security and Cooperation in Europe (OSCE) deployed an assistance group to Grosny on 18 April 1995, which is headed by a Hungarian diplomat, Ambassador Mészáros. It is the mandate of the assistance group to try and help find a peaceful solution to the Chechen crisis through negotiations and the rebuilding of democratic institutions in the area, in the framework of the Russian Constitution and in co-operation with the Russian Federation. On 25 May 1995, tentative first negotiations were held between representatives of Mr Dudayev and the Federal Russian authorities under OSCE auspices; however, after identifying the problems to be solved and dividing them into two baskets (military and political), the negotiations stopped and have not since restarted as explained above. The OSCE mission has no direct human rights mandate, it

only refers complaints it receives to the "Joint Inspection Committee on Human Rights" of the Federal and the local authorities[5].

20. The European Union (EU), following a resolution passed by the European Parliament on 19 January 1995, postponed the signing of the interim trade agreement with Russia indefinitely and strongly condemned ongoing human rights violations in Chechnya. The EU also supported the deployment of the OSCE assistance group to Grosny. On 15 June 1995, the European Parliament adopted another recommendation confirming that line.

21. The United Nations launched an inter-agency appeal in February 1995, to help those internally displaced persons who left the Chechen Republic. This relief effort, in which UNHCR, Unicef, the World Health Organisation and other agencies are involved, is closely coordinated with the International Red Cross (ICRC), which provides humanitarian and other aid within Chechnya. The International Organisation for Migration (IOM) and NGOs such as Médecins sans frontières, Médecins du Monde and merlin are also active in the field. The work of all the above-mentioned organisations is highly laudable - their aid is, more often than not, the only aid which actually reaches the people in need ... the refugees inside and outside of Chechnya, the wounded and the sick in the Chechen hospitals and polyclinics, the population of Grosny without water.

22. Also very noteworthy is the work of international human rights organisations, especially the US-based NGO Human Rights Watch/Helsinki. Their four reports on the human rights situation in Chechnya[6] are meticulous in their detail and highly informative. Other international human rights organisations, such as the International Helsinki Federation for Human Rights in Vienna, are also doing most valuable work.

D. The Rapporteur's evaluation

23. The Rapporteur evaluates the general situation in Chechnya in the following way: The war in Chechnya has moved into a different phase. After the storming of Grosny, in which many military as well as civilian lives were lost, the military operations in Chechnya became more unpopular in Russia. Thus it seems that the Russian Federal forces have changed tactics: they are moving forward very slowly, driving Mr Dudayev and his fighters ever further south, but avoiding great battles, the storming of cities, and other military tactics which would put the lives of Russian soldiers at greater risk[7]. Aerial bombardment, however, is still widely used, and with it comes the destruction of villages at a high cost to civilian lives.

24. The tactics of the Chechen side are also changing. The war is increasingly acquiring the character of a guerilla war, with a smaller number of fighters mounting hit-

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[5] This Joint Inspection Committee on Human Rights, which will be touched upon once more in this report in the Chapter on the rule of law, does not seem to have any power at all. I personally spoke with its Chairman, a Russian, who had not registered one single complaint of mistreatment in a filtration point at that time (sic).

[6] Available from the Secretariat of the Committee on Legal Affairs and Human Rights.

[7] In spite of the small size of the Chechen Republic, for example, Serzhen-Yurt, reportedly only 7 km away from Shali (which was taken by the Russian forces at the end of March), was taken only two months later.

and-run operations, sniping and executing terrorist attacks (like the recent one in the southern Russian city of Budennovsk). It is unclear to the Rapporteur how long Mr Dudayev's fighters might be able to keep up this kind of fight, but their elimination within six to eight weeks, as General Kulikov predicted, seems unlikely.

25. At the same time, the tension in the "occupied" or "liberated" part of Chechnya seems to be rising. Due less to the actions of the actual combat troops, than to the actions of the special Ministry of the Interior and OMON troops which follow in their wake, the population in these areas is becoming increasingly polarised. With many Chechen men being held without cause in filtration camps, where they are often beaten and sometimes tortured, with looting, robbery, extortion, arson, rapes and murders reportedly being carried out by special troops[8], many Chechens are turning against Russians in general (including their neighbours, who are often seen as collaborating with the enemy). Ethnic Russians living in Chechnya, apart from the pent-up hatred for the Dudayev regime from 1991 to 1994, under which many of them suffered, live under the added fear of revenge attacks from their Chechen neighbours should the Russian troops eventually leave the territory.

26. Thus the general situation in Chechnya is not an easy one. A long drawn-out military operation on the Russian side, Chechen partisan war and terrorist tactics on the other, and hatred on both sides, have created a situation in the Chechen Republic which will be difficult to solve politically, let alone militarily. As this report will concentrate on the human rights situation in Chechnya, the Rapporteur will content himself with making only one recommendation on the general situation: a peaceful, political, negotiated solution to the conflict in Chechnya must be found immediately - the fighting (on both sides) **must** stop.

III. Violations of human rights and of international humanitarian law

A. The Russian side

1. Acts of war

27. As has already been argued in the Committee's opinion on Russia's request for membership in the light of the situation in Chechnya (Doc. 7231), the 1949 Geneva Conventions for the Protection of Victims of War (especially the Fourth Convention and the Second Additional Protocol), the OSCE Code of Conduct of December 1994, as well as various United Nations Resolutions, all apply also to conflicts of a non-international character. Russia is bound by these documents of international humanitarian law[9], and must apply them in the Chechnya conflict.

28. General Kulikov, when confronted by the Sub-Committee with some of the alleged violations of international humanitarian law committed by the Russian forces, answered that "regretfully, a dirty thing like war is always accompanied by dirty acts". This attitude, which also seems to be widespread among ordinary Russian soldiers, is not acceptable. The Geneva Conventions were, after all, conceived in the aftermath of World War II with its high civilian casualties in order to protect all human beings, including the

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[8] To be elaborated on in the chapter on human rights abuses.

[9] For a more detailed explanation, please see Doc. 7231, pages 3 and 4.

non-combatants, from the ravages of war (so that a war would not include "dirty" acts committed on the civilian population any more). Of course, there are also limits to this protection of civilians dictated by absolute military needs such as acute self-defense, but as a rule international humanitarian war law is not to be derogated from in times of war precisely because it was designed for times of war.

29. As an example, let us take a construed border-line case, for the sake of argument: In an acute fighting situation, a soldier being shot at from inside a certain house defends himself and his fellow soldiers by throwing a hand-grenade into the house. Since it was essential for the soldier's effective self-defense to eliminate the fighter(s) in that house immediately, the soldier cannot be blamed if there were civilians in the house, too, which he did not know of. However, if he threw the hand-grenade either without he or his fellow soldiers being in acute danger, or if he knew while he was in acute danger that there were civilians in the house, too, and there would have been another way of eliminating the fighter(s) without endangering the civilians, the soldier would have violated international humanitarian law.

30. In reality, most allegations of violations of international humanitarian law by the Russian forces are far more clear-cut than the above example; sometimes they might even be classified as deliberate policy on the part of the Russian Federal command.

i. Aerial bombardments, long-range artillery shelling and indiscriminate fire

31. One of the complaints most often heard by the Sub-Committee (and independently confirmed by reports of the Human Rights Watch/Helsinki NGO), was that of indiscriminate fire. There were aerial bombardments: systematic grid bombardments in Grosny in December and January, and in Argun in March and April, cluster bombs in Gudermes, intermittent bombing in Vedeno since late March. Long-range artillery shelling was also common (for example in Shali in late March and early April), and the use of flamethrowers not unknown (for example, according to several witness testimonies we ourselves heard, in Serzhen-Yurt in the beginning of June). These practices of indiscriminate fire show a disproportionate use of violence on the part of the Russian Federal forces[10], and are contrary to international humanitarian law because the civilian population should not be the object of attacks[11]. As one former Gudermes resident told Human Rights Watch: "... bombs can't tell the difference: civilian, fighter, Russian, Chechen."[12] This is precisely why indiscriminate fire is forbidden - no adequate protection of the civilian population can be afforded.

ii. The alleged massacre at Samashki

32. There have been several reports concerning an alleged massacre in the village of

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[10] General Kulikov denies that a policy of bombing and shelling of villages exists. According to him, since the beginning of June (sic!) aerial bombing and long-range artillery shelling was only used against illegal armed gangs situated outside of villages and towns. If a shell hit a village, "this was exceptional and unplanned".

[11] According to Article 13 of the Second Additional Protocol to the Geneva Conventions.

[12] Human Rights Watch/Helsinki: Russia - Partisan war in Chechnya on the eve of the WWII commemoration, May 1995, page 9.

Samashki in western Chechnya, which was taken on 7 and 8 April 1995. The reported number of victims vary widely, but official Russian sources put the number of deaths at 120 at least. The Russian military claims that Samashki was an enemy stronghold, and that most of the victims were fighters. According to journalists, NGOs and some witness testimonies, however, most of the casualties were civilians[13]. Russian soldiers allegedly threw hand-grenades into cellars in which civilians were hiding, burnt houses with flamethrowers and summarily executed civilians. According to the testimony of one Russian soldier we spoke to who participated in the attack[14], the soldiers did indeed throw hand-grenades into the cellars because they were attacked by fighters shooting from the cellars (which would make the action a border-line case). Nevertheless, the same soldier also admitted that they summarily executed five captured fighters (of allegedly more than 100 detained) on the spot, "because they were snipers".

33. The Rapporteur does not want to give any evaluation of the alleged massacre at Samashki at this stage, primarily because the Sub-Committee was regrettably not given the opportunity by the Russian authorities to see the village and talk to local inhabitants itself. The terrible rumours the Sub-Committee heard amongst inhabitants of other towns in Chechnya and amongst refugees about the events in Samashki might be exaggerated; on the other hand, there does seem to be some evidence for the use of disproportionate violence by the Russian Federal forces. The final judgment on the alleged massacre, however, must be postponed until more facts are known.

iii. Direct attacks on civilians and civilian targets

34. One of the most disturbing reports the Sub-Committee heard was given by a group of elderly women in Shali, who recounted how they and their children had been "hunted like hares" from helicopters during the taking of the town. Another woman in Shali pointed out that the bombing of the town started on a market day, and that the first casualties - within 20 minutes - were civilians who had gone to the market. Several women both in Shali and in Assinovskaya from nearby villages complained that there had been no fighters in their villages, but that the Russian soldiers shelled the village anyway, and burnt nearly all the houses to the ground. For example, 90% of the village of Serzhen-Yurt in eastern Chechnya had reportedly been destroyed only days before the Sub-Committee's arrival.

35. The reports of Human Rights Watch/Helsinki contain numerous descriptions of other direct attacks on civilian targets or individual civilians, for example the torching of houses in Gudermes, widespread looting in Grosny and Shali, intensive shelling in Ishkoi-Yurt, and even the targeting of refugees (especially those in cars) on the roads of Chechnya. One woman we spoke to in Shali reported how her 46-year old husband - a non-combatant - died when a shell hit his car. Such direct attacks on civilians and civilian targets can never be justified, not even as acts of war. They are expressly forbidden, in fact, by the Second Additional Protocol to the Geneva Conventions.

36. Also expressly forbidden in this Protocol is starvation of civilians as a method of

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[13] The Russian NGO Memorial plans to publish an extensive report on the massacre at the end of this month. Memorial (provisionally) puts the number of civilian casualties at 94.

[14] The name of the soldier is known to the Sub-Committee. However, as a principle the names of witnesses will not be given in this report, to avoid possible reprisals. This footnote thus applies also to other witnesses.

combat (Article 14). The Sub-Committee does not yet have enough conclusive evidence to allege that such a policy exists on the Russian side, but a tendency in this direction does seem to be manifesting itself. For example, in Shali an elderly man accused the Russian forces of deliberately trying to create a famine: He could not let his cows out, because they exploded on landmines. A woman added that she was not allowed to go into the fields because tanks were entrenched there - in other fields, the holes in the earth from the trenches were still there. Another woman complained that her vegetable garden had been deliberately destroyed by the soldiers. Everyone in Shali complained of hunger[15].

iv. Abuses during disarmament

37. First documented in the reports of Human Rights Watch/Helsinki, and corroborated by one testimony the Sub-Committee heard, is a tendency on the part of the Russian forces to abuse their right to disarm in the following way: Typically, a village as a whole (independent from the fact whether there are fighters in the village) is asked to turn over a certain number of weapons, or face the shelling and/or sacking of the village as a consequence. What is even worse is the fact that, more often than not, the arbitrarily fixed number of weapons to be turned in is too high, so that some village elders even have to resort to buying weapons to try to avoid the collective punishment of the village. It is alleged that sometimes even when the demands of the Russian forces are met, as in Alleroi, Betti-Mokh, and Bachi-Yurt[16], the villages are bombarded and shelled anyway.

38. Collective punishment against civilians is expressly prohibited by Article 33 of the Fourth Geneva Convention. The Rapporteur again does not have enough evidence to allege that the abuses during disarmament described in the above paragraph result from a policy of the Russian forces; they might just be isolated incidents of a local nature. However, such incidents are wholly unacceptable. First of all, while the Russian forces have the perfect right to disarm villagers, they may never use or even threaten collective punishment of civilians should their demands not be met (and, of course, they may not make arbitrary demands, either).

2. The behaviour of Ministry of the Interior and OMON troops

39. One of the most recurrent complaints the Sub-Committee heard in Assinovskaya was not directed against the soldiers of the Russian Army, but at the troops that followed in their wake during the "occupation" of the village, whom the villagers called "mercenaries" or "professionals". After some questioning the Sub-Committee found out that the villagers meant special Ministry of the Interior troops (such as the SpetsNaz, or penitentiary department troops), or OMON-troops (a special police force - the abbreviation stands for "Special Mission Militia Detachment")[17]. These soldiers, unlike the mostly

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[15] In Assinovskaya, several women complained of a kind of daytime curfew: they were not allowed to leave their houses during the day to work on the local Kolkhoz farm. One woman testified: "But if we're not meant to leave our houses, how can we dig up our potatoes?"

[16] Human Rights Watch/Helsinki: Russia - Partisan war in Chechnya on the eve of the WWII commemoration, May 1995, page 17.

[17] The role of the SOBR-troops (a kind of special rapid reaction force) is unclear. In Assinovskaya, since they "took over" the village on 19 May 1995 the situation apparently improved - no more men were being taken out of their houses at night, and there was less looting and arson. In other places, however, we heard complaints against SOBR-troops in the same vain as against

conscripted soldiers in the regular Russian Army (who do the actual fighting), are professional soldiers who serve under fixed contracts with - in comparison - attractive salaries. Their official task is to "clean up" an occupied village - ferret out and capture fighters, disarm villagers, and keep law and order in general.

40. Most of the - unfortunately very common - complaints about the behaviour of the Russian troops were directed against these special forces (except for the few complaints against the Russian Army as such, treated under the preceding chapter "acts of war"). The Sub-Committee heard gruesome accounts from a high number of witnesses, which cannot all be described at this point. However, they can be classified into the following categories:

* robbery and looting (especially of valuables and TV and Hifi equipment, but also of clothes),
* wanton destruction (often soldiers stole all they wanted, and then lifted their machine-guns and destroyed the rest[18]),
* extortion (we heard accounts of soldiers charging for access to water or for food, or simply for the right to pass);
* arson (houses which have been looted are regularly torched; (empty) houses of refugees are set on fire as a matter of course in some villages like Assinovskaya),
* rape (more rare, we heard accounts of only two rapes in Assinovskaya - there is no evidence of systematic raping like in Bosnia-Hercegovina),
* "disappearances"[19]/ hostage-taking (especially in Assinovskaya, soldiers would take away men between the ages of 12 and 60, all non-combatants, in the middle of the night, either to take them to filtration points or to demand ransom; some young men, both in Assinovskaya and in Shali, have "disappeared" completely after being detained by Russian soldiers).

The Sub-Committee heard no allegations of actual cold-blooded murder[20] by occupying forces (except in connection with the filtration points, which will be treated in the following chapter).

41. All these incidents, it should be underlined, took place not during or immediately following combat actions (such as the taking of the village), but afterwards - sometimes

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SpetsNaz and OMON-troops. This confusion is made even more difficult by the fact that many witnesses can themselves only differentiate between regular Army, Ministry of the Interior and OMON-troops (all three types of troops wear more-or-less distinctive uniforms and badges); some witnesses do not even manage such a differentiation.

[18] For example, in Assinovskaya the local pharmacy was first looted and then smashed up, so there were now no medicines left.

[19] Two particularly moving cases of "disappearances" were the following: The son of one 80-year old woman in Assinovskaya had been arrested and taken away by soldiers on 17 May 1995 for not having a local residence permit, and not even the local officials could find out his whereabouts. The second case was that of three young men - not armed, non-combatants - from Shali (Sh. Tashukhadjiev, A. Suleimanov and A. Domayev), who disappeared on 9 May 1995 together with the white car they were driving; the parents presume that they were stopped by Russian soldiers and taken to a filtration point, but no official information has reached them.

[20] Some women in Znamenskoye testified to the killing of a Chechen mother and child in Znamenskoye's main street a short time ago. A column of military vehicles had been driving through the town in the early evening, when an armoured car suddenly veered out and drove straight into the mother with her child walking on the side of the street. It was unclear whether this was an accident (with a drunken driver) or done on purpose.

even months after the village had first been occupied (like in the case of Assinovskaya). Nobody had ever heard of any soldier being prosecuted for such acts, let alone being convicted; the sole exception to this rule was General Kulikov, who claimed that 60 investigations had been started, and that there had already been 12 convictions. Many villagers suspected that sometimes these cruel acts were not even "spur-of-the-moment" actions by a few mean or drunk soldiers without the knowledge and/or approval of their superiors: Sometimes the superiors seemed to have known and tolerated such outrages, and sometimes they might even have ordered them, possibly as part of a policy aimed at crushing Chechen (civilian) resistance - a policy of terrorizing the local population. Whether with or without the knowledge and the approval of commanding officers, such human rights abuses as those listed above are, of course, completely and utterly unacceptable.

3. The filtration points (FPs)

42. The Russian NGO Memorial has recently published an extensive report on the conditions in the so-called "filtration points" (abbreviated FP)[21], based on the findings of fact-finding missions and extensive witness testimony. In the following paragraphs, the Rapporteur will base himself on this report, on the Sub-Committee's interviews with Memorial representatives and human rights activist Sergei Kovalyov, but most of all on the witness testimonies gathered by the Sub-Committee itself during its visits to the filtration points of Mozdok and Grosny, and during its talks with ex-detainees and their close relatives in Assinovskaya, Shali, and refugee camps.

43. In general, the policy of the Russian Federal forces seems to be the following one: After a village has been taken by the Russian Army, the special Ministry of the Interior and OMON-troops which move into the village search the houses of all villagers for fighters and/or weapons. During this process, nearly all men left in the village, especially the young ones - the large majority of which are neither fighters nor in the possession of weapons - are detained and transported to "accumulation points". In fact, all Chechen men on Russian-held territory are routinely detained, in their own homes, at road blocks, or in the fields. Normally no reason for the detention is given; if one is given, it is "suspected fighter", "possession of arms", or "verification of identity". The last reason is to many the most obnoxious, since there have been cases when the detained person was in possession of all his documents, but these were either taken away or destroyed by the troops who detained him[22].

44. The filtration points were set up by the Ministry of the Interior to "filter" combatants from non-combatants. However, there is absolutely no legal base for their setting up under Russian law. The FPs operate in a complete legal void; officially, they do not even really exist, since there is no base for their existence. For this reason, there are also no guidelines as to who could or should be taken there. The arrests are thus completely arbitrary - the Ministry of the Interior troops can arrest and detain anyone

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[21] Human rights defense centre Memorial: Условия содержания задержанных в зоне вооруженного конфликта в чеченской республике. Обрашение с задержанными. Moscow 1995.

[22] One very graphic example was given to the Sub-Committee in Assinovskaya, where a husband was arrested in his own home at two o'clock at night for "verification of identity". His documents which the man proffered to the special troops were taken away by one of them with the words "you won't be needing these any more". He was then taken to an accumulation point, and from there to a filtration point "because he had no documents".

they want in the FPs. So, more often than not, ordinary Chechen men - civilians, not fighters - are "suspected" and taken to the FPs.

45. Due to an overwhelmingly high number of witness testimonies, it can be stated that detainees are generally beaten and otherwise mistreated on the way to and in filtration points. Beatings are common, deprival of sleep, food and water also, and sometimes there is torture (in isolated cases allegedly even leading to death). In general, detainees are asked simple questions by investigators ("Are you a fighter? Do you have arms?" and "Do you know a fighter? Do you know where fighters are hiding?"), while they are intermittently beaten by the guards to be made to confess[23].

46. After several days, most detainees are simply released. Some are charged with various crimes and sent on to pre-trial detention centres in mainland Russia[24] (there have been allegations also of people being sent on to such centres or directly to prison-camps without being charged with any crime); some are ransomed by their families in secret; some are exchanged against Russian soldiers captured by Mr Dudayev; some are exchanged against the dead bodies of Russian soldiers[25]. Some detainees are given certificates that they have been through a filtration point, to avoid their immediate re-arrest, but most detainees are given no such documents. According to provisional Memorial figures, at least 2.000 Chechen men had been arrested and detained in filtration points by the beginning of June 1995.

i. Pre-filtration point treatment ("accumulation points")

47. Apparently most detainees are first taken to "accumulation points" before they are transferred to the proper filtration points on foot, by car, bus, lorry or helicopter. These "accumulation points" can be anything: fields, cars and lorries, yards, garrison buildings, or (worst of all) pits. We heard one statement by the mother of a young man in Assinovskaya who had been detained at the end of February and taken to a field where men were being gathered. Their eyes were bound (this seems to be standard procedure) and their hands tied behind their backs; then they were made to run across the field while the soldiers beat them on the legs. Finally they were "loaded" into a helicopter (they had to lie one on top of the other); during the flight the soldiers threatened to throw one or two of the detainees off the helicopter because the weight was too much. Another old man in Assinovskaya had himself been transferred by helicopter to the FP in Mozdok - he testified that the soldiers beat the detainees even during the flight, but especially upon arrival.

48. In the above-mentioned report by Memorial, several other such incidents of ill-treatment at the "accumulation points" are described, including the holding of detainees

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[23] In at least one case we heard of, the eyes of the detainee were bound and he was asked to sign a paper. When he refused, he was beaten. In the end he signed. The paper later turned out to be his confession that he was one of Mr Dudayev's fighters.

[24] Some in the vicinity, such as Vladikavkaz (North Ossetia), Stavropol and Pyatigorsk, but others as far afield as Chelyabinsk (in the Ural mountains).

[25] The going "exchange-rate" is apparently one live Chechen civilian against two dead Russian soldiers.

in earth pits (with their eyes bound), where they were severely beaten[26]. Forced foot marches to filtration points, during which detainees were beaten and sometimes even shot at[27], are also documented in the report. These testimonies were confirmed by the representative of the International Committee of the Red Cross (ICRC) the Sub-Committee met in Moscow: most beatings and ill-treatment of detainees seemed to take place before they reached the filtration points.

ii. Mozdok filtration point

49. A visit to Mozdok filtration point had been on the programme of the Sub-Committee since the very beginning. However, when it arrived in Moscow, Mr Filatov (Chief of Staff of the Presidential administration) informed the Sub-Committee that the filtration point in Mozdok had been closed two days prior (on 3 June 1995). When the Sub-Committee came to Mozdok on 8 June 1995, the local authorities confirmed that the filtration point had been closed a week earlier, and offered the opportunity to visit Grosny filtration point instead. The Sub-Committee, however, insisted on nevertheless seeing the empty FP in Mozdok, and sent a small delegation there. The delegation was shown where the three special railway cars[28] which had constituted the filtration point had stood at Lukovskaya railway station. It was able to talk to some of the station service personnel, because the service cars of the FP-train were still there. They confirmed that the railway cars had been driven to Rostov-on-the-Don two days prior, on 6 June 1995[29]. There had been a lot of coming-and-going on the platform before, but the station personnel was unable to say whether there had still been detainees in the railway cars when they left for Rostov.

50. One young refugee from Assinovskaya the Sub-Committee spoke to in Nazran was first held in Assinovskaya for two days (at the end of April), where he was beaten with electric wires across his stomach and shoulders, before he was taken to Mozdok filtration point. In Mozdok he was held in a railway car with barred windows for 18 days. The guards demanded 6 million roubles (about US$ 1.200) for his release, but his family could not come up with the money. In Mozdok FP he was severely beaten (also with the butt of a machine-gun) and kicked, which had caused damage to his liver and kidneys. While he was beaten, the commanding officer used to shout "don't touch the TV-screen", meaning his face[30]. Once he was tortured, with two electric wires being put under his tongue. He saw how dogs were set on fellow detainees. While he was in the FP, the International Red Cross visited it. The guards stopped beating the detainees the day before, and warned

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[26] Memorial report, page 12 and 13 (Assinovskaya and Shali).

[27] Ibid, page 17.

[28] These cars were green so-called "Stolypin"-waggons. On one side they had no windows at all, on the other side iron-barred ones.

[29] Interestingly, the station personnel informed us that the waggons themselves had been "on loan" from Rostov, and that the waggons had been changed a few times during the existence of the FP. The guarding personnel had also changed every four to six weeks - the (Ministry of the Interior) guards had been on "mission" or detachment.

[30] Nevertheless, one small scar remained on the man's face, above the brow. The son of one woman we spoke to in Assinovskaya had been beaten in a similar fashion; according to his mother, "a peace of flesh was missing from above his brow when he came back".

everybody not to complain to the delegation, because "they come and go, but you stay". The guards also threatened to kill anyone who would tell the truth. After the visit of the Red Cross, one Russian detainee was taken out of the railway car and buried alive - in the sight of the other detainees - because he had told the Red Cross something. Finally the man we talked to was exchanged by Chechen fighters in Bamut against the bodies of two Russian soldiers.

51. The testimony of this young man is corroborated by several other testimonies the Sub-Committee heard in different places: especially the threats to detainees not to tell international delegations about their mistreatment were very common, and specially trained dogs were mentioned more than once. The Memorial report also contains witness testimonies of torture using electric wires in Mozdok FP. By mid-April 1995, according to official documents, 535 men had passed through Mozdok FP, of which 89 were exchanged for Russian soldiers captured by fighters of Mr Dudayev. The Sub-Committee must under these circumstances give credit to the widespread allegations that the Russian Federal forces detained so many Chechen civilians in filtration points on purpose, so as to have a "pool" of prisoners to exchange against captured Russian soldiers[31].

iii. Grosny filtration point

52. After some negotiations with the Russian authorities, the Sub-Committee was allowed to visit Grosny filtration point at short notice, an opportunity for which the Sub-Committee is very thankful. Grosny FP is located in a heavily guarded building (a former bus depot); its ground floor had been provisionally reconstructed to house prison cells and investigation rooms. Both the cells and the rooms are nearly completely bare, with no natural light, a few (half-broken) chairs and tables in the investigation rooms, and dirty mattresses and rugs in the cells. At the time of the Sub-Committee's visit, there were 44 detainees in 7 cells. The director of the establishment explained that most detainees were held for common crimes, such as thievery, murders, or narcotics; the real fighters could be counted on the fingers of one hand. The maximum detention time was meant to be 30 days, but the detainees were only held until the investigator had found out whether they were connected to illegally armed gangs or not. The detainees were subsequently released or transferred to pre-trial detention centres. The director informed us that there were no detainees in Grosny FP who had been transferred from the closed Mozdok FP. The presence of a lawyer was obligatory when the penal investigation started, but during the establishment of someone's identity or during "first inquiries", no lawyers were present.

53. The first cell visited contained only women. All of them were accused of theft or of buying and selling stolen goods. They had been in the FP for two months[32], and had had no access to a lawyer. The investigator had visited them for the first time that very same day. In the second cell there were five men, two accused of murder, two of theft, and one of not reporting - none were suspected fighters. Two of them had been in the cell for

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[31] The Sub-Committee heard rumours that Mr Dudayev was stopping these live against live exchanges of prisoners precisely because he felt it was contrary to the agreements that he was receiving ordinary Chechen civilians in return for captured Russian soldiers.

[32] Such a length of detention is illegal according to Russian law. The Constitution foresees a maximum of 48 hours in police custody and pre-trial detention, then the detainee must be brought before a judge. The (illegal) decree of President Yeltsin of 14 June 1994 on "Urgent measures aimed at protecting the population against banditry and other manifestations of organised crime" lengthened the detention period to 30 days, but 2 months is to be found in no text at all.

one month already. In the third cell there was a young Estonian man accused of being a mercenary fighter for Mr. Dudayev, because he had been unable to produce his papers at a road block.

54. It was impossible for the Sub-Committee to speak freely with the detainees, but we were informed that the ICRC had free access, and had actually been interviewing detainees in this filtration point only days before our arrival. The Sub-Committee had not heard as many witness testimonies of beatings and torture about Grosny FP as it had about Mozdok and other FPs. The Sub-Committee was surprised that Grosny FP seemed to be somewhat of a mixture between an ordinary pre-trial detention centre and a filtration point. If the Mozdok filtration point was really closed for good (and not just closed temporarily, or moved to another town), and the Grosny filtration camp was operating more and more like a normal pre-trial detention centre, that could be an encouraging development. However, the Rapporteur has his doubts: due to the continuing "disappearances" of young male Chechens, some witness testimonies of former detainees who had been released only in mid-May 1995, as well as the (extreme) illegal length of detention in Grosny FP. In any case, the Russian authorities must be asked to close these filtration points and to cease the arbitrary arrests and the illegal, as well as too lengthy detentions connected with them, since there is no legal basis for their existence.

B. The Chechen side

55. The Russian Federal forces are, of course, not the only ones guilty of human rights abuses and violations of international humanitarian law; the Chechen side seems to have committed as well. The fact that the Sub-Committee was able to document more abuses on the Russian than on the Chechen side is due also to the fact that the Sub-Committee had relatively free access to Russian-controlled regions and Federal installations (such as filtration camps), while it could not enter the territory controlled by Mr Dudayev's fighters (for example, to see in what conditions captured Russian soldiers were held there).

56. It is perhaps interesting to note that most complaints directed against the Chechen side were not connected to the armed conflict which broke out in December 1994 - especially the Russian authorities, but also Russian local inhabitants and refugees complained more about the unlawful character of Mr Dudayev's regime in the three preceding years. The Rapporteur cannot, of course, go into these allegations in depth, since his mandate is to report on the present human rights situation in Chechnya, but he will sum up the allegations.

1. The Dudayev regime 1991-1994

57. One of the complaints which is so recurrent even among the Chechen local population that it seems entirely credible, is the lack of law and order during the Dudayev regime 1991-1994. Apparently Mr Dudayev, when he came to power, proclaimed an amnesty for common criminals, with a consequent rise in the crime rate, and an especially high rise in the proportion of violent crimes (robbery, rape and murder). The prime victims of these crimes seem to have been the Russians living in Chechnya. As far as the Rapporteur can judge, this was not the result of an "ethnic cleansing policy" on the part of the administration, but of a general breakdown of law and order. In this situation, where local policemen were unable (or possibly also unwilling) to provide protection, the main deterrent of criminals was the tradition of the blood feud - if a criminal murdered a Chechen, his family would go after him. The Russians living in Chechnya had no such traditions, so that criminals seldom had to be afraid of starting blood feuds if they

attacked them[33]. So the local Russian population became an "easy" target for criminals. Especially widespread was apparently also the crime of extortion: Criminals would force Russians to sell them their flats for a tenth of the market price.

58. Another very recurrent complaint amongst both the Chechen and the Russian local population was the non-payment of wages and pensions at least in 1994, probably even earlier. The Rapporteur finds it difficult to understand how people managed to survive without receiving any money for months, but again Chechen family ties and traditions might provide the answer: One Chechen refugee explained that well-off neighbours (private businessmen and traders) would share their profits with family and friends. This would also explain why, again, the local Russian population was harder hit due to their lack of Chechen clan ties. The question whether Mr Dudayev and his administration withheld salaries and pensions on purpose (for example, to buy arms, as some people allege), or whether he was unable to pay them (for example, because the Federal pension scheme had cut off its money supply to the Chechen republic), the Rapporteur is unable to answer.

59. The main complaints raised by the Russian authorities and the newly created Chechen authorities concerned the persecution of the opposition and an alleged policy of "ethnic cleansing" against the local Russian population. While the allegations concerning the persecution of the opposition (in some cases, leading to their detention, forced exile, or even murder) seem quite credible, the Rapporteur is unable to judge the truthfulness of the latter allegation. He personally has doubts, but will withhold judgment until more facts are known.

2. War-related human rights violations

60. The most probable violation of international humanitarian law that Mr Dudayev's fighters are committing is that of using civilians as shields. The American NGO Human Rights Watch/Helsinki has documented at least one such case in Grosny, where Chechen fighters used a civilian building as an ammunition dump and parked a tank in front of it, so that the (apartment) buildings in its vicinity drew the fire of Russian forces[34]. It is difficult to find out whether Chechen fighters behaved in a similar way, for example, in Samashki and Serzhen-Yurt. So as not to violate international humanitarian law, Chechen fighters should either not take up positions relative to civilian dwellings, or if they have to, they must give civilians clear warnings to evacuate before taking up such positions. Otherwise they would be responsible for civilians and civilian structures becoming legitimate military targets, a clear violation of the Geneva Conventions.

61. Another violation of international humanitarian law seems to have occurred during the storming of Grosny, when Chechen fighters - unintentionally - killed a civilian woman through indiscriminate small arms fire[35]. According to the rules of war, fighters must identify their target before they shoot: if they cannot do so, they must hold their fire. The Rapporteur would like to underline, however, that this seems to have been an isolated

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[33] We heard reports of cases when Chechens would extend blood feuds also to their Russian neighbours, thus affording them a small measure of protection.

[34] Human Rights Watch/Helsinki: Russia - War in Chechnya: New Report from the field, January 1995, page 10-11.

[35] Ibid, page 11.

incident. Grosny, at the time the Sub-Committee visited it, was very unlike Sarajevo, where civilians are killed by snipers and shells as a matter of course. The streets of Grosny were populated by civilians as well as by Russian soldiers, but the civilians moved freely, unafraid of snipers. Chechen snipers, in fact, do operate in Grosny, but apparently they do not target civilians, only soldiers in uniform.

62. Terrorist attacks are entirely another matter, of course. In Budennovsk (outside Chechnya), Chechen fighters under the leadership of a Mr Shamiyev attacked the city and then took hundreds of hostages in the hospital, killing civilians both directly during the storming of the city and indirectly by using them as human shields when special Russian forces attacked the hospital[36]. There were also reports of the summary shooting of five young Russian men on the first night in the hospital. The Council of Europe Parliamentary Assembly has always condemned terrorism in every guise. The Rapporteur underlines his horror at and his strong condemnation of the events at Budennovsk; these constituted a clear violation of human rights which cannot be justified in any way.

63. When the Sub-Committee was in Moscow, it met two recently discharged Russian soldiers who had fought in Chechnya since the beginning of the military operations there. These soldiers reported that Chechen fighters had castrated twelve captured Russian soldiers, and then released them. According to the soldiers, who had, however, not seen anything themselves, only two of the castrated soldiers managed to "crawl back". Rumours of this kind seem to abound among the Russian Federal forces serving in Chechnya.

64. According to official Russian sources quoted by Mr Kovalyov, however, not a single case of a live castrated soldier is documented, although a criminal investigation has been started concerning the mutilation of nine dead bodies of Russian soldiers. Of these 9 bodies, three on the list were described as suffering from "traumatic castration". It is unclear whether this means that the castration was the result of an injury to the genitals sustained during combat, or whether these castrations were deliberately carried out. In any case, medical experts confirm that the mutilations were not carried out on living soldiers (and did not induce their death); they were either carried out during the death throws of the soldiers or after their death. This is not to say that the mutilation of dead bodies is allowed; on the contrary, the desecration of the dead is most awful, of course, and must be very forcefully condemned. However, the Rapporteur is not entirely convinced that any of the castration rumours are true.

65. In fact, the Sub-Committee received evidence to the contrary from people who saw themselves how Russian soldiers captured by Chechen fighters were held: apparently in quite humane conditions[37]. There are two known cases of wounded captured Russian soldiers being attacked by (also wounded) Chechen fighters in hospitals; in one case leading to the death of the Russian soldier. However, these incidents seem to be isolated and do not seem to be the result of a deliberate policy on the part of the Chechen

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[36] The Rapporteur considers some of the measures taken in reaction to the terrorist attack as disproportionate and uncalled for.

[37] One soldier's mother who had herself visited several places where Chechen fighters held captured Russian soldiers in January, looking for her son, testified that the soldiers were even getting the same food as the fighters, and that the relationship between the fighters and the prisoners seemed quite good (in view of the circumstances). Mr Kovalyov himself, as well as the ICRC, had visited similar places and confirmed these observations (for example, there were no allegations of systematic beatings or torture).

administration[38]. The Rapporteur calls on the Chechen fighters to respect international humanitarian law regarding the treatment of captured enemy soldiers, and to treat them humanely.

IV. The rule of law

66. The Rapporteur will obviously only cover the question of the rule of law in as so far as it applies to the Chechen situation (the situation in Chechnya itself, and the situation of the refugees). The rule of law in the whole Russian Federation will not be treated here.

A. Military discipline and judicial sanctions

67. Before the intense fighting in and around Grosny at the end of December 1994, many soldiers had reportedly not been very motivated to fight. According to human rights organisations, the Federal command had reacted with a "wave of propaganda", trying to brand the Chechens as the (cruel) enemy. This policy had - to some extent - backfired, since it caused the mood in the Army to change to quite an ugly one (the Russian Army as the "avengers"), leading to widespread looting and other human rights abuses also against the civilian Chechen population. Now the Federal command was apparently trying to make amends, by - in the words of General Kulikov - "strengthening the discipline in the Army". This was to be achieved, for example, by directives and recommendations to officers to explain the rules of international law to their soldiers.

68. As can be seen from the preceding chapter, this policy does not seem to have yielded very tangible results. The discipline in the Russian Federal forces, especially in the special Ministry of the Interior and OMON troops, seems to remain very lax. For example, the local prefect of the Assinovskaya region we spoke to, who did not in general complain about the Russian forces, testified that not a single case of (documented) human rights abuses in filtration points had been investigated, let alone prosecuted. The Joint Inspection Committee, the head of which we met in Grosny, whose official task it is to investigate human rights abuses in Chechnya, admitted they were not investigating any complaint of abuse in FPs. One woman who worked in the local prosecutor's office in Znamenskoye testified that, even when the prosecutor arrested a Russian soldier for murder, he was required to bring him to the commanding officer in the garrison, who would immediately set the soldier free again. The military prosecutor's office was starting to investigate cases according to General Kulikov, but the Rapporteur has his doubts.

69. It can thus be summarised that in principle there seems to be no investigation or prosecution of human rights abuses committed by Russian Federal forces against the Chechen population, neither through military discipline, nor through the ordinary judicial system. This is an unacceptable situation[39]. Military discipline must be strengthened in

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[38] Mr Kovalyov pointed out that, on the contrary, the Chechen administration subsequently took measures to protect wounded Russian soldiers in their hospitals to avoid further attacks.

[39] Especially since the military prosecutor's office seems to work more efficiently when it comes to prosecuting "voluntary surrender in war time" (Article 264 of the Russian Criminal Code). According to information received from several human rights organisation, Lieutenant M. Yashenko and his colleague A. Bulkin were arrested on 14 April 1995 under this charge. I ask myself how such a charge can be applied ("in war time"), when not even an emergency situation has been declared in Chechnya, let alone a war.

such a way that arbitrary arrests, looting, extortions and the whole list of abuses in Chapter 3.A.2 of this report either are prevented in the first place, or are properly prosecuted afterwards.

B. The refugee question

70. Connected with the situation in Chechnya, both before and after the military conflict started in December 1994, is the question of refugees, or rather, to be more exact, of internally displaced persons (refugees cross internationally recognised borders). An estimated total number of 450.000 persons have crossed the border from Chechnya into neighbouring Russian Federation republics (Ingushetia, Dagestan, North Ossetia, Kabardino-Balkaria) and regions. 160.000 refugees from Chechnya have been taken in in Ingushetia alone[40]. Most refugees are accommodated by family and friends; only an estimated 15% actually live in refugee camps. These camps are usually in a very sorry condition due to the lack of money[41].

71. This is where the lack of the rule of law comes in: Although the Federal Migration Service is meant to give assistance, this assistance often does not arrive on the spot, or is much too sparse. For example, the Deputy Chairman of the Ingush Government, responsible for the refugee question, informed the Sub-Committee that Ingushetia had only received 3 billion roubles of state assistance, out of the 337 billion roubles that it had had to spend. We heard from other sources, too, that often the state paid only 5.000 roubles (US$ 1) a day even for the poorest refugees, which was not even enough to pay for one canteen lunch. In principle, refugees were meant to receive one minimum wage upon their arrival, free medicines, and up to ten minimum wages for burial costs. More often than not, however, the only aid that actually reached the refugees was from the Federal Ministry for Emergency Situations (canned food), humanitarian relief organisations, like the ICRC or UNHCR (food, blankets, kitchen and hygiene kits, etc.) and some NGOs.

72. One of the main problems the refugees faced was the dearth of jobs, school- and kindergarten places. Although the local authorities and regional representatives of the Federal Migration Service often did their best, they were overwhelmed by the sheer number of refugees in need of aid. On the part of the Federal government, the aid to the recipient republics and regions of internally displaced persons needs to be augmented, but, most of all, it needs to be better organised and more clearly regulated, so that the aid reaches its destination.

V. Conclusions and Recommendations

73. In conclusion it can be said that violations of human rights and of international humanitarian law have been committed by both warring parties, as documented in

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[40] This is in addition to the more than 50.000 Ingush refugees who fled the - as of yet, still unsolved - conflict in North Ossetia in 1992, and who are still waiting for security guarantees to be able to return home.

[41] Only in Nalchik (Kabardino-Balkaria) did we see acceptable conditions in a refugee camp which was situated in a former sanatorium and now housed 178 people. In Nazran, where there are many more refugees, they have to be accommodated in railway cars or on a former animal farm.

Chapter 3 of this report. On the Russian side, indiscriminate fire, human rights abuses by special Ministry of the Interior and OMON troops (including robbery, looting, extortion, arson, and "disappearances") and the treatment on the way to and in the filtration points are to be particularly condemned. The problems on the Russian side are compounded by the lack of military discipline and judicial sanctions, and of the rule of law in general. Especially deplorable on the Chechen side was the recent terrorist attack in Budennovsk.

74. The Rapporteur, in conformance with Resolution No. 1055 (1995) which suspended the procedure concerning the Assembly's statutory opinion on Russia's request for membership, will not pronounce himself on that question. However, the Rapporteur gives the following recommendations to the warring parties:

A. Recommendations to both warring parties:

* stop the fighting, implement and respect a cease-fire, and find a peaceful, political, negotiated solution to the conflict in Chechnya.

B. Recommendations to the Russian side:

* halt the policy of aerial bombardments and long-range artillery shelling of civilian/residential areas, and indiscriminate fire in general, as disproportionate use of violence in contradiction to the Geneva Conventions and its protocols;

* cease direct attacks on civilians and civilian targets, especially collective punishment of villagers in the course of disarmament;

* tighten military discipline and introduce the principle of accountability into the armed forces (especially for Ministry of the Interior and OMON-troops), in order to stop the widespread practices of robbery, looting, wanton destruction, extortion, beatings and arson and the isolated cases of torture, rape and killings;

* close the filtration points (and abolish the "accumulation points") and return to the ordinary judicial and penitentiary system as governed by the Russian Constitution and other Federal laws, and cease the arbitrary arrests, the beatings, the torture and the illegal, as well as too lengthy detentions connected with the filtration points;

* prosecute individual criminal acts committed during the last six months (such as those mentioned in the four points above) through the judicial system;

* treat captured fighters according to international humanitarian law (stop summary executions, for example, of "snipers" captured).

C. Recommendations to the Chechen side:

* cease using civilians as "human shields" and give proper warnings to civilians to evacuate if positions in residential areas are taken up;

* stop terrorist attacks like the one in Budennovsk altogether;

* treat captured Russian soldiers according to international humanitarian law (stop mutilating, for example, the bodies of dead Russian soldiers).

75. The Rapporteur concludes that until these recommendations have been implemented by both warring parties, the human rights situation in Chechnya is unsatisfactory and unacceptable.

APPENDIX I

PROGRAMME

of the visit of the Sub-Committee on Human Rights to Moscow and Chechnya (5-11 June 1995)

Sunday 4 June 1995

Arrival in Moscow

Overnight accommodation in Moscow

Monday 5 June 1995

10 am	Meeting with Mr Mityukov, First Deputy Chairman of the State Duma of the Russian Federation
11.30 am	Meeting with members of the Russian Special Guest Delegation to the Parliamentary Assembly of the Council of Europe (Mr Lukin, Mr Dzasokhov and Mr Aoulov)
1 pm	Lunch (State Duma)
2.30 pm	Meeting with members of the Council of the Federation of the Federal Assembly of the Russian Federation (Mr Podoprigora and Mr Tarasenko)
6 pm	Meeting in the Presidential Administration with Mr Filatov, Chief of Staff
7.30 pm	Dinner in the President Hotel

Tuesday 6 June 1995

10 am	Meeting with representatives of UNHCR, Mr Carpenter and Mr Jolles
11.30 am	Meeting with the Moscow representative of ICRC, Mr Meyrat
1 pm	Meeting with one of the Moscow representatives of IOM, Mr Sanikidze
2.15 pm	Lunch (Council of the Federation)
4 pm	Meeting with representatives of the Moscow Research Center for Human Rights
5.30 pm	Meeting with representatives of Memorial and Human Rights Watch

Wednesday 7 June 1995

7.30 am	Flight to Vladikavkaz
11.30 am	Arrival in Vladikavkaz
12 noon	Meeting with Mr Galazov, President of the Republic of North Ossetia, and with representatives of local authorities
1.30 pm	Lunch at the Hotel
3 pm	Flight to Assinovskaya (by helicopter)
4.30 pm	Meeting with local inhabitants, short tour of the village
6.30 pm	Flight to Vladikavkaz (by helicopter)
8 pm	Dinner offered by the President of the North Ossetian Republic

Thursday 8 June 1995

8 am	Flight to Mozdok (North Ossetia)
9 am	Meeting with local authorities
10 am	Meeting with refugees from Chechnya (unplanned)
11.30 am	Meeting with representatives of an operational regiment of the Ministry of the Interior
12 noon	Lunch / Visit to former filtration point "Lukovskaya railway station"
2 pm	Departure to Nazran (Ingushetia)
3.30 pm	Visit of two refugee camps
5.15 pm	Meeting with representatives of ICRC, UNHCR, Médecins du monde and merlin
6 pm	Meeting with Mr Aushev, President of the Republic of Ingushetia, and with representatives of local authorities
7.30 pm	Departure to Vladikavkaz
8.15 pm	Visit of the Federal Migration Service Centre in Vladikavkaz
9 pm	Dinner at the Hotel

Friday 9 June 1995

8 am	Flight to Grosny (by helicopter)
9.45 am	Meeting with representatives of the Federal Forces (including Col.-General Kulikov, Lt.-General Nagorniy and General Shumov) and representatives of local authorities (including Mr Khadzhiyev, Mr Avturkhanov, Mr Surin and Mr Federov)
11 am	Meeting with the OSCE mission
11.30 am	Visit to Grosny filtration point
12.30 pm	Lunch
1 pm	Visit of the centre of Grosny
1.45 pm	Flight to Shali from Grosny (by helicopter)
2.30 pm	Meetings with local inhabitants
4.30 pm	Flight to Znamenskoye from Shali (by helicopter)
5.15 pm	Meetings with local inhabitants
7.15 pm	Flight to Vladikavkaz
8.30 pm	Dinner at the Hotel

Saturday 10 June 1995

7.45 am	Meeting with Mr Coussidis, UNHCR representative in Vladikavkaz
9 am	Flight to Nalchik
10.30 am	Arrival in Nalchik (Kabardino-Balkaria)
11 am	Visit of refugee camp in Nalchik
12 noon	Meeting with Mr Kokov, President of the Republic of Kabardo-Balkaria, and with representatives of local authorities
2 pm	Lunch
3 pm	Cultural programme
6 pm	Dinner in Nalchik
8 pm	Departure to Moscow
11.30 pm	Arrival in Moscow

Sunday 11 June 1995

10 am	Meeting with Mr Kovalyov, Presidential Human Rights Commissioner
afternoon	Departure to national capitals

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Strasbourg, le 28 juin 1995
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COMMISSION DES QUESTIONS JURIDIQUES ET DES DROITS DE L'HOMME

SOUS-COMMISSION DES DROITS DE L'HOMME

PROJET DE RAPPORT

sur la situation des droits de l'homme en Tchétchénie

**(Rapporteur: M. BINDIG,
Allemagne, Groupe socialiste)**

I. Introduction

1. Conformément à la directive 506 (1995) relative à l'adhésion de la Russie à la lumière de la situation en Tchétchénie, la Sous-commission des droits de l'homme (de la Commission des questions juridiques et des droits de l'homme) a visité Moscou, la Tchétchénie ainsi que les Républiques limitrophes du 5 au 11 juin 1995.

2. Après quelques difficultés initiales concernant le calendrier de la visite (dues à l'insistance des autorités russes, les dates d'abord envisagées - 1er au 7 mai 1995 - ayant dû être reportées), la visite a été très bien organisée par nos hôtes russes. Pendant toute la durée du séjour, la Sous-commission des droits de l'homme a été accompagnée par MM. Lukin et Zapolsky, membres du Douma, et par M. Podoprigora, membre du Conseil de la Fédération (tous également membres de la délégation russe d'invités spéciaux auprès de l'Assemblée parlementaire du Conseil de l'Europe). Leur participation s'est révélée très bénéfique. L'excellente organisation technique de la visite, notamment en ce qui concerne les moyens de transport (avions, hélicoptères, autobus, etc.), les mesures impressionnantes prises pour assurer notre sécurité, ainsi que les multiples marques d'hospitalité méritent d'être soulignées.

3. Le 7 juin 1995, après deux journées de réunions préparatoires à Moscou, la Sous-commission s'est rendue par avion en Ossétie du Nord, d'où elle a pu rejoindre, le même après-midi, toujours par la voie des airs, la localité d'Assinovskaya, village situé dans une zone stratégique que se disputent les Tchétchènes et les Ingouches, où elle a rencontré des habitants locaux. Après une journée passée dans les Républiques limitrophes d'Ossétie du Nord et d'Ingoustie, où la Sous-commission a rencontré les autorités locales et des réfugiés, elle s'est rendue le 9 juin 1995 en Tchétchénie proprement dite, visitant les villes de Grozny, Shali et Znamenskoye. La Sous-commission est demeurée une journée à Nalchik (Kabardino-Balkaria), puis est rentrée à Moscou, pour y rencontrer M. Sergeï Kovalyov, militant pour les droits de l'homme[1].

[1]Pour plus de détails concernant le programme de la Sous-commission, voir annexe I.

4. La Sous-commission regrette cependant que les autorités russes n'aient pris en compte aucune des modifications qu'elle avait proposées par rapport au programme soumis par les autorités russes[2]. Elle regrette en particulier qu'elle n'ait eu l'occasion de rencontrer des représentants de M. Doudaïev ni de prolonger son séjour en Tchétchénie même - elle aurait souhaité visiter Argun, Samashki et Serzhen-Yurt - et de demeurer plus longtemps à Grozny[3].

5. La Sous-commission n'en souhaite pas moins remercier sincèrement les organisateurs russes de ce séjour. Elle exprime également ses remerciements particuliers à tous ses interlocuteurs, tant à Moscou que dans la région tchétchène, qui ont pris le temps de nous rencontrer - souvent au pied levé - et nous ont fourni de très précieux renseignements dans le cadre de discussions franches et ouvertes.

II. La situation générale en Tchétchénie

A. Sur le terrain

6. L'historique, les événements à l'origine de la situation telle qu'elle s'est présentée à la fin de janvier 1995 et le sort de la population civile à ce moment ont été exposés dans l'Avis du 2 février 1995 de la Commission des questions juridiques et des droits de l'homme (Doc 7231) sur l'adhésion de la Russie à la lumière de la situation en Tchétchénie, déposé en vue du débat d'urgence décidé par l'Assemblée. C'est pourquoi seuls les événements survenus depuis la fin de janvier 1995 en Tchétchénie seront relatés ci-après.

7. Sur le plan militaire, Grozny, capitale de la République tchétchène, a été finalement investie par l'armée russe au début de février 1995. Bien que la ville ait été officiellement "pacifiée" depuis lors, les commandants militaires auxquels la Sous-commission s'est adressée à Grozny ont admis que des combats et des accrochages se poursuivaient dans la ville "chaque nuit", ce qui entraînait parfois des pertes de vies humaines. Selon les estimations, environ 250.000 habitants de Grozny[4] sont revenus dans la ville en ruines, où la production de gaz est le seul service public qui continue de fonctionner (il n'y a plus d'eau ni d'électricité). La situation est très critique, en dépit des efforts déployés par les organisations internationales et non-gouvernementales ainsi que le Programme fédéral de reconstruction (nous n'avons guère vu de traces de ce dernier). La plupart des maisons et immeubles d'habitation, notamment au centre, sont détruits ou tout au moins gravement endommagés par les bombes et les incendies. Ce qui n'a pas été détruit a été le plus souvent pillé. Des corps en voie de décomposition demeurent dans les caves de certains immeubles, et le risque d'épidémie dans la ville croît en fonction de l'augmentation de la chaleur estivale. La rocaille, la saleté et la poussière paraissent omniprésents.

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[2]Ces propositions ont été formulées le 29 mai 1995 par le Rapporteur à Paris et réitérées par différents membres de la Sous-commission et du Secrétariat, tant à Strasbourg qu'à Moscou et pendant toute la durée de la visite.

[3]La Sous-commission présente ses excuses aux représentants de Médecins sans frontières (MSF) qui se sont rendus auprès de la mission de l'OSCE à Grozny. Malheureusement, la Sous-commission n'a été informée que tardivement de leur présence (lors de son départ) et devait choisir entre un entretien avec MSF et la visite du camp de filtration de Grozny. Cet incident a été extrêmement regrettable.

[4] Sur une population estimée à plus de 400.000 avant la guerre.

8. Le 21 mars 1955, les forces armées de la Fédération de Russie ont lancé une offensive qui a abouti à la prise des dernières places fortes importantes tenues par M. Doudaïev et ses combattants dans les terres basses : Shali, Argun et Gudermès (en Tchétchénie orientale) sont tombées. Entre le 6 et le 8 avril 1995, le village de Samashki en Tchétchénie occidentale fut pris par les forces russes ; des rapports concernant le massacre systématique de près de 200 civils lors de la prise du village ont bientôt été ébruités.

9. M. Doudaïev a transféré son quartier général et ses combattants vers le sud, dans les régions plus montagneuses de la Tchétchénie, à Shatoï, Bamut et Vedeno. Pendant le week-end où la Sous-commission est arrivée à Moscou, l'armée fédérale russe a attaqué Vedeno et d'autres villages situés dans les environs (tels que Serzhen-Yurt). Les combattants tchétchènes fuirent vers le sud dans les montagnes, jurant d'y poursuivre leur lutte.

10. Selon le général Kulikov, chef du commandement central des forces armées fédérales en Tchétchénie, que la Sous-commission a rencontré à Grozny le 9 juin 1995, les forces armées fédérales - qui comptait plus de 40.000 membres - contrôlent le pays plat depuis mars et poursuivent désormais leurs opérations dans les zones montagneuses. Le 9 juin 1995, 80% du territoire tchétchène et 90% de la population auraient été sous contrôle russe. Il restait à "libérer" trois districts. Sur les 12 à 13.000 combattants et un nombre équivalent de formations de réserve placées sous le commandement de M. Doudaïev en décembre 1994, seul demeuraient sur place des combattants irréductibles dont le nombre est évalué entre 1.500 et 3.000. De l'avis du général Kulikov, une guerre populaire de partisans était exclue ; d'ici à six à huit semaines, la République allait être "techniquement" prête pour des élections.

B. La situation vue de Moscou et des Républiques voisines

11. Les pouvoirs installés à Moscou - essentiellement le Douma d'Etat, le Conseil de la Fédération, l'administration présidentielle et les ministères "puissants" - sont divisés sur l'évaluation de la situation en Tchétchénie. Tandis que les trois derniers acteurs semblent s'accorder sur la nécessité de poursuivre énergiquement l'action militaire en cas de nécessité, le Douma d'Etat adopte une position plus modérée, sinon pas toujours cohérente.

12. Le Douma d'Etat a adopté trois recommandations ainsi qu'un projet de loi sur la crise tchétchène, la dernière recommandation datant du 9 juin 1995. Dans ces textes, le Douma reconnaît que l'exécutif, y compris le Président de la Fédération de Russie, n'a pas épuisé tous les moyens pour trouver une solution pacifique en Tchétchénie; il exhorte l'exécutif à en trouver une maintenant. Les décisions du Douma risquent cependant de rester lettre morte ; c'est ainsi que le projet de loi susmentionné s'est heurté au véto du Président, qui a estimé qu'il violait certaines dispositions constitutionnelles. M. Filatov, chef du Bureau du Président, l'a qualifié de "loi populiste", selon lui adopté pour permettre au Douma de faire bonne figure, mais impossible à mettre en pratique.

13. Par ailleurs, le Douma d'Etat est lui-même divisé en factions "patriotiques" et "anti-militaires". Si le Douma ne soutient pas activement la guerre en Tchétchénie, il n'en a pas moins renvoyé à une large majorité son ombudsman, M. Sergeï Kovalyov, militant pour les droits de l'homme internationalement reconnu et lui-même député du Douma, censé avoir calomnié l'armée russe et pris le parti des Tchétchènes dans le conflit. On ne saurait donc s'attendre à une action concertée du Douma visant à mettre un terme à la guerre, bien qu'il puisse adopter une autre loi accordant l'amnistie aux combattants tchétchènes qui rendent les armes.

14. Les représentants du Conseil de la Fédération, avec lesquels la Sous-commission s'est entretenue durant sa visite, ont adopté une position encore plus dure. Ils ont souligné la nature du régime de M. Doudaïev de 1991 à 1994 ainsi que les violations présumées des droits de l'homme (notamment à l'encontre de la population russe vivant en Tchétchénie) durant ces années. De l'avis, par exemple, de M. Tarasenko, président de la Commission des affaires fédérales et de la politique régionale, les difficultés rencontrées par la population civile en Tchétchénie ne feraient que s'aggraver si les forces armées russes quittaient la région. Les allégations concernant les atrocités commises par les troupes russes furent rejetées comme constituant une "désinformation systématique et caractérisée"; le massacre de Samashki fut qualifié de "simple rumeur".

15. D'après M. Filatov, chef du Bureau du Président Eltsine, cette administration n'envisageait en décembre dernier qu'une seule possibilité pour sortir de la crise tchétchène: la solution militaire. M. Filatov a également estimé que les opérations militaires devaient se poursuivre, tout en déclarant que le gouvernement était «disposé à entamer des négociations à tous les niveaux nécessaires». Toutefois, durant le séjour de la Sous-commission, aucune négociation n'a eu lieu, chacune des parties ayant posé des conditions inacceptables: la partie russe exigea que les combattants tchétchènes déposent les armes, et la partie tchétchène exigea le retrait des forces russes de Tchétchénie.

16. Il est difficile de connaître l'opinion russe à l'égard de la guerre en Tchétchénie. D'une manière générale, il parait acquis que la majorité de la population dans les grandes villes – Moscou et Saint-Pétersbourg – est opposée à la guerre, alors qu'une approche plus «patriotique» semble recueillir la majorité à la campagne. A Moscou, l'un des opposants les plus décidés à la guerre est M. Sergeï Kovalyov, le Président susmentionné de la Commission des droits de l'homme du Président. Lui-même et certains membres d'organisations russes des droits de l'homme, notamment Memorial et la Commission des mères de soldats, ont accompli de multiples missions d'enquête dans la région tchétchène et y ont enregistré des violations des droits de l'homme ainsi que des atrocités. Leurs renseignements se sont avérés très précieux pour la Sous-commission des droits de l'homme.

17. De l'avis de pratiquement toutes les personnes que la Sous-commission a rencontrées dans les républiques limitrophes de la Tchétchénie – qu'elles étaient des représentants d'autorités régionales, des autochtones ou des réfugiés –, aucune raison ni aucune nécessité a justifié les moyens employés et la forme prise par l'action militaire engagée en décembre 1994 et se poursuivant à l'heure actuelle. Même si la République tchétchène a connu une certaine anarchie et un certain désordre sous le règne de M. Dudaïev, notamment en raison de l'accroissement du taux de la criminalité, il y avait d'autres moyens pour restaurer l'ordre. Selon ces personnes, le gouvernement russe, en envoyant les forces armées, avait choisi la solution la plus mauvaise et la moins opportune «pour sortir de la crise».

C. La position des organisations internationales concernées

18. Le présent rapport portant essentiellement sur la situation qui règne actuellement en Tchétchénie dans le domaine des droits de l'homme, nous n'exposerons que très sommairement les réactions de la communauté internationale, des organisations internationales et des organisations non gouvernementales (ONG), dans la mesure où la connaissance de ces réactions est essentielle pour comprendre la suite du présent rapport.

19. Le 18 avril 1995, l'Organisation pour la Sécurité et la Coopération en Europe (OSCE) a envoyé à Grozny un groupe d'assistance dirigé par un diplomate hongrois, l'ambassadeur Mészáros. Ce groupe d'assistance a pour mission de s'efforcer de trouver, grâce à des négociations, une solution pacifique de la crise tchétchène et de rétablir, dans le cadre de la constitution russe et en coopération avec la Fédération de Russie, des institutions démocratiques dans cette région. Le 25 mai 1995, des négociations préalables ont eu lieu sous les auspices de l'OSCE entre des représentants de M. Dudaïev et les autorités fédérales russes; toutefois, après que les difficultés à résoudre eurent été cernées et divisées en deux catégories (militaire et politique), les négociations furent arrêtées n'ont pas été reprises depuis lors, comme il est indiqué ci-dessus. La mission de l'OSCE ne dispose pas d'un mandat direct concernant les droits de l'homme, elle ne fait que transmettre les plaintes dont elle est saisie à la «Commission d'inspection mixte des droits de l'homme» des autorités fédérales ou régionales[5].

20. L'Union européenne (UE), à la suite d'une résolution adoptée par le Parlement européen le 19 janvier 1995, a reporté à une date indéfinie la signature de l'accord commercial intérimaire qu'elle devait conclure avec la Russie et a fermement condamné les violations persistantes des droits de l'homme en Tchétchénie. L'Union européenne s'est également prononcée en faveur du déploiement à Grozny du groupe d'assistance de l'OSCE. Le 15 juin 1995, le Parlement européen a adopté une recommandation allant dans le même sens.

21. En février 1995, les Nations Unies ont lancé un appel interorganisations en vue d'aider les personnes déportées en République tchétchène et ayant quitté celle-ci. Cette action, à laquelle sont associés le HCNUR, l'Unicef, l'Organisation mondiale de la Santé et d'autres organismes, est étroitement coordonnée avec la Croix-Rouge internationale (CICR), qui fournit une aide humanitaire et autre en Tchétchénie même. L'Organisation internationale des Migrations (OIM) et certaines organisations non gouvernementales, telles que Médecins sans frontières, Médecins du monde et merlin participent également à ces activités. Le travail des organisations susmentionnées est des plus méritoires; le plus souvent, l'aide qu'elles fournissent est la seule qui atteigne les populations en détresse, les réfugiés à l'intérieur et en dehors de la Tchétchénie, les blessés et les malades dans les hôpitaux et polycliniques tchétchènes, la population de Grozny qui manque d'eau.

22. L'activité des organisations internationales travaillant dans le domaine des droits de l'homme, notamment Human Rights Watch Helsinki, dont le siège se trouve aux Etats-Unis, est tout aussi remarquable. Leur quatre rapports sur la situation des droits de l'homme en Tchétchénie[6] sont extrêmement détaillés et des plus instructifs. D'autres organisations internationales des droits de l'homme, telle que la Fédération internationale d'Helsinki des droits de l'homme, dont le siège est à Vienne, accomplissent elles aussi un travail inestimable.

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[5]Cette Commission d'inspection mixte des droits de l'homme, qui sera évoquée à nouveau dans le chapitre du présent rapport consacré à la primauté du droit, ne semble disposer du moindre pouvoir. Je me suis personnellement entretenu avec son président, un ressortissant russe, qui n'avait alors enregistré aucune plainte concernant un mauvais traitement dans un centre de filtrage (sic).

[6]Peuvent être obtenus du secrétariat de la Commission des affaires juridiques et des droits de l'homme.

D. Le jugement du rapporteur

23. Le rapporteur porte le jugement suivant sur la situation générale en Tchétchénie: la guerre en Tchétchénie est entrée dans une phase nouvelle. Après l'assaut de Grozny, qui a coûté la vie à beaucoup de militaires et de civils, les opérations militaires en Tchétchénie ont été de plus en plus mal vues en Russie. Aussi les forces armées russes semblent-elles avoir changé de stratégie: elles avancent très lentement, repoussant vers le sud M. Dudaïev et ses combattants, tout en évitant les grandes batailles, la prise de villes et d'autres tactiques militaires qui augmenteraient les risques auxquels sont exposés les soldats russes[7]. Toutefois, elles continuent de recourir largement aux bombardements aériens, qui se traduisent par la destruction de villages et la mort de nombreux civils.

24. La stratégie des forces tchétchènes est également en train de changer. La guerre prend progressivement le caractère d'une guérilla, dans laquelle un nombre réduit de combattants montent des opérations ponctuelles, effectuent des tirs isolés et exécutent des coups de main terroristes (comme celui qui eut récemment lieu à Budennovsk, ville située dans le sud de la Russie). Le rapporteur ignore combien de temps les combattants de M. Dudaïev seront en mesure de poursuivre cette forme de combat, mais leur élimination dans un délai de six à huit semaines, annoncée par le général Kulikov, ne semble guère vraisemblable.

25. Simultanément, la tension dans la partie «occupée» ou «libérée» de la Tchétchénie semble augmenter. Dans ces zones, la population est de plus en plus exaspérée, moins en raison des actions des forces combattantes elles-mêmes qu'à la suite des actions menées par les troupes du ministère de l'Intérieur et celles de l'OMON, qui suivent les combattants proprement dits. Alors que beaucoup d'hommes tchétchènes sont retenus sans raison dans des camps de filtration, où ils sont souvent battus et parfois torturés – on signale des pillages, des vols à main armée, des actes de chantage, des viols et des meurtres commis par les unités spéciales[8], de nombreux Tchétchènes se retournent contre les Russes en général (y compris leurs voisins, souvent considérés comme collaborant avec l'ennemi). Indépendamment de sa haine refoulée contre le régime Dudaïev pendant la période de 1991 à 1994, sous lequel beaucoup de ses membres ont souffert, la population russe vivant en Tchétchénie vit également dans la peur d'actes de vengeance commis par ses voisins tchétchènes au cas où les troupes russes quitteraient le territoire.

26. La situation en Tchétchénie n'est donc pas simple. Une opération militaire prolongée du côté russe, une guerre de partisans et une stratégie terroriste du côté tchétchène, de la haine des deux côtés, ont conduit à une situation dans la République tchétchène à laquelle il sera difficile de trouver une solution politique, ni a fortiori militaire. Le présent rapport portant essentiellement sur la situation des droits de l'homme en Tchétchénie, le rapporteur se limitera à formuler une seule recommandation concernant la situation générale: une solution pacifique, politique, négociée du conflit en Tchétchénie doit être trouvée immédiatement – les combats (des deux côtés) **doivent** s'arrêter.

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[7] Malgré la faible superficie de la République tchétchène, la localité de Serzhen-Yurt, qui ne serait distante que de 7 km de Shali (prise par les forces russes à la fin de mars), n'a été enlevée que deux mois plus tard.

[8] Cet aspect sera développé dans le chapitre consacré aux droits de l'homme.

III. Violations des droits de l'homme et du droit humanitaire international

A. La partie russe

1. Faits de guerre

27. Comme il a déjà été soutenu dans l'avis de la Commission sur l'adhésion de la Russie à la lumière de la situation en Tchétchénie (Doc 7231), la Convention de Genève de 1949 pour la protection des victimes de guerre (notamment la quatrième convention et le deuxième protocole additionnel), le code de conduite de l'OSCE, signé en décembre 1994, ainsi que les multiples résolutions des Nations Unies s'appliquent toutes également à des conflits armés ne revêtant pas un caractère international. La Russie est liée par ces documents concernant le droit humanitaire international[9] et doit en appliquer les dispositions dans le conflit tchétchène.

28. Confronté par la Sous-commission à quelques-unes des violations alléguées du droit humanitaire international commises par les forces armées russes, le général Kulikov répondit qu'«une sale affaire comme la guerre s'accompagne toujours d'actes de même nature». Cette attitude, qui semble largement partagée par le commun des soldats russes communs, n'est nullement acceptable. Après tout, les Conventions de Genève ont été élaborées à la suite de la deuxième guerre mondiale et de ses pertes élevées en vies civiles en vue de protéger tous les humains, y compris les non-combattants, contre les ravages causés par la guerre (de telle sorte qu'une guerre ne puisse plus comporter d'actes «sales» commis contre la population civile). Bien entendu, il existe également des limites à cette protection des civils, dictées par des nécessités militaires contraignantes telles que la légitime défense, mais il ne convient pas, en règle générale, de déroger en temps de guerre aux dispositions du droit humanitaire international, précisément parce que celui-ci a été conçu pour les périodes de guerre.

29. A titre d'exemple, imaginons un cas limite pour les besoins de l'argumentation: dans une situation de combat aiguë, un soldat visé par des tirs provenant de l'intérieur d'un immeuble se défend ainsi que ses camarades en jetant à l'intérieur de celle-ci une grenade à main. Comme la défense efficace du soldat exigeait qu'il éliminât immédiatement le(s) combattant(s) à l'intérieur de cet immeuble, on ne saurait lui reprocher l'éventuelle présence de civils à l'intérieur de celui-ci, présence qu'il ignorait. En revanche, s'il avait jeté la grenade à main soit en l'absence de tout danger immédiat pour lui-même ou ses camarades, soit en sachant, alors qu'il était exposé à un grave danger, que des civils serait également à l'intérieur de la maison et qu'il existait d'autres moyens pour éliminer les combattants sans mettre ces civils en danger, ce soldat aurait violé le droit humanitaire international.

30. En réalité, la plupart des allégations concernant des violations de droit humanitaire international sont beaucoup plus tranchées que l'exemple ci-dessus; les actes incriminés peuvent même être qualifiés de politique délibérée de la part du commandement fédéral russe.

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[9]Pour une explication plus détaillée, veuillez vous reporter au Doc 7231, pages 3 et 4.

i. Bombardements aériens, tirs d'artillerie à longue portée et tirs au hasard

31. L'une des plaintes les plus souvent enregistrées par la Sous-commission (et par ailleurs confirmée par les rapports de l'ONG Human Rights Watch Helsinki concerné le tir au hasard. Il y a d'abord eu les bombardements aériens: des bombardements cadrés systématiques à Grozny en décembre et en janvier, à Argun en mars et en avril, le lancement de bombes groupées à Gudermes, des bombardements intermittents à Vedeno depuis la fin du mois de mars. Les tirs d'artillerie à longue portée étaient également usuels (par exemple à Shali à la fin de mars et au début d'avril), et des lance-flammes ont parfois été utilisés (par exemple, selon plusieurs témoignages que nous avons nous-mêmes enregistrés, à Sherzhen-Yurt au début de juin). Ces pratiques des tirs au hasard témoignent d'un recours disproportionné à la violence de la part de l'armée fédérale russe et sont contraires aux dispositions du droit humanitaire international, la population civile ne devant pas faire l'objet d'attaques[10]. Comme l'a indiqué à Human Rights Watch l'un des anciens habitants de Gudermes: «Les bombes ne font pas la différence entre civils, combattants, Russes, Tchétchènes.»[11]. C'est précisément pour cette raison que les tirs au hasard sont interdits, car ils ne permettent aucune protection appropriée de la population civile.

ii. Le massacre allégué à Samashki

32. Plusieurs rapports on fait état d'un massacre qui semble avoir été commis dans le village de Samashki en Tchétchénie occidentale, qui a été pris les 7 et 8 avril 1995. Les indications concernant le nombre des victimes divergent sensiblement, mais les sources officielles russes situent à au moins 120 le nombre des pertes en vies humaines. Les militaires russes font valoir que Samashki était une place forte ennemie et que la plupart des victimes étaient des combattants. Selon les témoignages de certains journalistes, d' ONGs et les déclarations de quelques témoins, la plupart des victimes étaient cependant des civils[12]. Selon ces témoignages, des militaires russe ont jeté des grenades dans des caves dans lesquelles des civils s'étaient cachés, incendié des maisons avec des lance-flammes et abattu sommairement des civils. Selon le témoignage d'un soldat russe qui a participé à l'attaque et auquel nous nous sommes adressés[13], les soldats ont effectivement jeté des grenades à main dans les caves parce qu'ils étaient attaqués par des combattants qui tiraient sur eux à partir de ce dernières (ce qui ferait de cette action un cas limite). Le même soldat a néanmoins admis que les militaires ont exécuté sur le lieu même cinq combattants capturés (sur les plus de 100 qui auraient été détenus), «parce qu'ils étaient des tireurs isolés».

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[10]Conformément à l'article 13 du deuxième protocole additionnel aux Conventions de Genève.

[11] Human Rights Watch/Helsinki: Russie - guerre des partisans en Tchétchénie à la veille de la commémoration de la deuxième guerre mondiale, mai 1995, page 9.

[12] Memorial envisage de publier à la fin de ce mois un rapport détaillé sur ce massacre. Cet organisme estime (provisoirement) à 94 le nombre des morts civils.

[13]Le nom de ce militaire est connu de la Sous-commission. Par principe, les noms des témoins ne sont cependant pas indiqués dans le présent rapport, afin d'éviter des représailles. Le présent renvoi en bas de page s'applique aussi aux autres témoins.

33. Le Rapporteur ne souhaite formuler, à ce stade, aucune appréciation quant au massacre qui aurait eu lieu à Samashki, essentiellement parce que les autorités russes n'ont malheureusement pas donné l'occasion à la Sous-commission de se rendre dans ce village et de s'entretenir avec ses habitants. Les terribles rumeurs concernant les événements à Shamashki, transmises à la Sous-commission par des habitants d'autres villes en Tchétchénie et par certains réfugiés, peuvent être exagérées; d'autre part, certaines preuves semblent témoigner d'un recours disproportionné à la violence par les forces fédérales russes. Il convient cependant de surseoir à un jugement définitif sur le présumé massacre, en attendant de disposer d'un complément d'information.

iii. Attaques directes dirigées contre des civils et des objectifs civils

34. L'une des informations les plus inquiétantes parvenues à la Sous-commission a été donnée par un groupe de femmes assez âgées à Shali, qui ont raconté comment elles-mêmes et leurs enfants ont été «chassées comme des lièvres» à partir d'hélicoptères au moment de la prise de la ville. Une autre femme y a indiqué que le bombardement de la ville a commencé un jour de marché et que les victimes - en l'espace de vingt minutes - étaient des civils qui s'étaient rendus au marché. A Shali et à Assinovskaya, plusieurs femmes originaires des villages environnants ont fait valoir qu'il n'y a pas eu de combattants dans leur villages, mais les soldats russe n'en ont pas moins bombardé le village, incendiant toutes les habitations de fond en comble. C'est ainsi que les 90% du village de Serzhen-Yurt en Tchétchénie orientale auraient été détruits seulement quelques jours avant l'arrivée de la Sous-commission.

35. Les rapports du Human Rights Watch/Hélsinki, contiennent de nombreuses descriptions d'autres attaques directes menées contre des objectifs civils ou des personnes civiles, par exemple l'incendie d'immeuble à Gudermes, le pillage généralisé à Grozny et à Shali, le bombardement intensif à Ishkoi-Yurt voire les tirs contre les réfugiés (notamment ceux qui se trouvaient à l'intérieur des voitures) sur les routes de Tchétchénie. Une femme avec laquelle nous nous sommes entretenus à Shali nous a rapporté comment son mari, âgé de 46 ans - un non combattant -, a été tué lorsqu'un obus a atteint sa voiture. De pareilles attaques menées contre les civils et les objectifs civils ne sauraient guère se justifier, pas même en tant que faits de guerre. En fait, elles sont expressément prohibées par le deuxième protocole additionnel aux Conventions de Genève.

36. Ce protocole interdit aussi expressément d'affamer des civils en tant que méthode de combat (article 14). La Sous-commission ne dispose pas encore d'un nombre suffisant de témoignages lui permettant d'alléguer l'existence, du côté russe, d'une telle politique, mais une tendance en ce sens semble se manifester. C'est ainsi qu'à Shali un homme d'un certain âge a accusé les forces russes de vouloir délibérément engendrer la famine: il ne pouvait laisser sortir ses vaches parce qu'elles furent déchirées par des mines souterraines. Une femme ajouta qu'elle ne fut pas autorisée à se rendre dans les champs parce que des chars s'y étaient retranchés. Dans d'autres champs, on pouvait encore voir les tranchées creusées dans la terre. Une autre femme s'est plainte que son potager ait été délibérément détruit par les militaires. Toute la population de Shali s'est plainte de la famine.[15]

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[15]A Assinovskaya, plusieurs femmes se sont plaintes d'une sorte de couvre-feu pendant la journée: il leur était interdit de quitter la maison pour travailler dans un kolkhoze local. Une femme a témoigné en ces termes: «Mais si nous sommes censées quitter nos maisons, comment pouvons-nous récolter nos pommes de terre?».

iv. Abus commis durant le désarmement.

37. Consignée pour la première fois dans le rapport de Human Rights Watch/Helsinki et confirmée par un témoignage recueilli par la Sous-commission, il existerait une tendance de la part des forces russes d'abuser de la manière suivante de leurs droits à désarmer les combattants: systématiquement, tout le village (indépendamment de la question de savoir s'il s'y trouve ou non des combattants) est invité à remettre un certains nombre d'armes, sous peine de bombardement et/ou de mise à sac du village. Qui pis est, le nombre arbitrairement fixé d'armes à livrer est souvent trop élevé, de sorte qu'un ancien du village doit acheter des armes pour tenter d'éviter au village l'application d'une sanction collective. Parfois, même lorsque les exigences des forces russes sont satisfaites, comme à Alleroi, Betti-Mokh et Bachi-Yurt[16], il semblerait que les villages n'en soient pas moins bombardés et criblés d'obus.

38. L'application d'une sanction collective à des civils est expressément prohibée par l'article 33 de la quatrième Convention de Genève. Là encore, le Rapporteur ne dispose pas de preuves suffisantes lui permettant d'affirmer que les abus commis lors du désarmement, décrits dans le paragraphe précédent, procèdent d'une politique délibérée appliquée par les forces russes; il peut ne s'agir que d'un accident isolé revêtant un caractère local. Toutefois, de pareils incidents sont totalement inacceptables. En tout état de cause, si les forces russes ont parfaitement le droit de désarmer les villageois, elles ne doivent jamais imposer des sanctions collectives à des civils - ni même les en menacer - lorsque leurs exigences ne sont pas satisfaites (bien entendu, elles ne sauraient pas non plus formuler des exigences arbitraires).

2. Le comportement des unités du ministère de l'Intérieur et des unités OMON

39. L'une des plaintes les plus fréquemment enregistrées par la Sous-commission à Assinovskaya n'était pas dirigée contre les soldats de l'armée russe, mais contre les troupes qui les suivirent pendant «l'occupation» du village, que les villageois ont appelées «mercenaires» ou «professionnels». Après quelques interrogations, la Sous-commission a compris que les villageois désignaient par ce terme des unités spéciales du ministère de l'Intérieur (telles que les unités SpetsNaz ou unités du service pénitentiaire) ou les unités OMON (une force de police spéciale - l'abréviation signifie «détachement de la milice pour mission spéciales »)[17]. Contrairement à la plupart des conscrits de l'armée régulière russe (qui mène les combats actuels), ces soldats sont des militaires professionnels qui servent sous contrat et reçoivent un salaire attrayant par rapport au salaire des premiers. Leur tâche officielle consiste à «nettoyer» un village occupé, à dénicher et à capturer les combattants, à désarmer les villageois et, d'une manière générale, à imposer l'ordre.

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[16]Human Rights Watch/Helsinki: Russie - guerre de partisans en Tchétchénie à la veille de la commémoration de la deuxième guerre mondiale, mai 1995, page 17.

[17]Le rôle des unités SOBR (une sorte de force spéciale de réaction rapide) n'apparaît pas clairement. A Assinovskaya, depuis qu'elles ont «pris en charge» le village le 19 mai 1995, la situation semble s'être améliorée - des hommes n'ont plus été enlevés la nuit de leurs habitations et le nombre des pillages et incendies volontaires a diminué. Dans d'autres localités, nous avons cependant enregistré des plaintes dirigées contre les unités SOBR de même nature que les plaintes dirigées contre les unités SpetsNaz et les unités OMON. La confusion est encore plus difficile à éviter parce que de nombreux témoins peuvent seulement distinguer entre l'armée régulière, les unités du ministère de l'Intérieur et les unités OMON (les trois sortes d'unités portent des uniformes et des insignes plus ou moins distinctifs); certains témoins ne peuvent pas même distinguer entre ces dernières.

40. La plupart de plaintes – malheureusement très fréquentes – concernant le comportement des troupes russes ont visé ces unités spéciales (excepté les quelques plaintes concernant l'armée russe en tant que telle, traitées dans le précédent chapitre intitulé «faits de guerre»). La Sous-commission a recueilli des comptes rendus macabres de la part d'un nombre élevé de témoins et qui ne peuvent être détaillés dans le présent contexte. Ils peuvent cependant être classés en certaines catégories:

– vol à main armée et pillage (en particulier d'objets de valeur et de matériels de télévision et de haute fidélité, mais aussi de vêtements);

– destruction gratuite (souvent les soldats ont volé ce qu'ils convoitaient, puis ont soulevé leur mitrailleuse et détruit le reste[18];

– chantage (nous avons entendu des récits concernant des soldats qui se faisaient payer l'accès à l'eau ou à la nourriture, ou simplement le droit de passage);

– incendie volontaire (les habitations pillées sont régulièrement incendiées; dans certains villages, comme à Assinovskaya, le feu est régulièrement mis aux habitations (non occupées) des réfugiés;

– viols (plus rares, seuls deux viols, commis à Assinovskaya, nous ont été relatés – il n'existe pas de preuves de viols systématiques comme en Bosnie-Herzégovine);

– «disparitions»[19]/prise d'otages (à Assinovskaya, notamment, les soldats auraient enlevé les hommes âgés de 12 à 60 ans, tous non combattants, en pleine nuit, soit pour les emmener vers un centre de filtrage, soit pour demander une rançon; quelques jeunes, tant à Assinovskaya qu'à Shali, ont complètement «disparu» après avoir été détenus par des militaires russes).

La Sous-commission n'a pas recueilli d'allégations concernant des meurtres proprement dits commis de sang froid[20] par les forces d'occupation (sauf en relation avec les centres de filtrage, qui seront traités au chapitre suivant).

41. Il convient de noter que tous ces incidents n'ont pas eu lieu lors des combats (tels que la prise d'un village) ni immédiatement après ces derniers, mais par la suite - parfois même des mois après la première occupation du village (comme dans le cas d'Assinovskaya). Personne n'a jamais appris qu'un militaire a été poursuivi pour avoir commis de pareils actes, ni a fortiori qu'il a été condamné, à l'exception du Général Kulikov, qui affirme que 60 poursuites avaient été engagées et que 12 condamnations avaient déjà été prononcées. Selon les soupçons exprimés par de nombreux villageois, ces actes cruels n'étaient pas toujours impulsifs, imputables à quelques soldats minables ou

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[18]A Assinovskaya, par exemple, la pharmacie locale a d'abord été pillée, puis complètement détruite, de sorte qu'il n'y restait plus aucun médicament.

[19]Deux cas de «disparitions» particulièrement émouvants ont été signalés: le 17 mai 1995, à Assinovskaya, des militaires ont arrêté et enlevé le fils d'une femme âgée de 80 ans, faute d'avoir un permis de séjour local, et même les fonctionnaires locaux n'ont pu découvrir son lieu de séjour. Le deuxième cas concernait trois jeunes gens - non armés, non combattants – originaires de Shali (Sh. Tashukhadjiev, A. Suleimanov et A. Domayev), qui disparurent le 9 mai 1995 avec la voiture de couleur blanche qu'ils conduisirent; leurs parents présument qu'ils ont été arrêtés par des soldats russes et emmenés à un centre de filtrage, mais aucun renseignement officiel ne leur a été fourni.

[20]A Znamenskoye, quelques femmes ont déclaré avoir assisté au meurtre, peu de temps auparavant, d'une mère et d'un enfant tchétchènes dans la rue principe de Znamenskoye. Une colonne de véhicules militaires a traversé la ville en début de soirée, lorsqu'une voiture blindée a subitement changé de direction, heurtant de front la mère et son enfant qui marchaient le long de la rue. Il n'était pas établi qu'il s'agissait d'un accident (provoqué par un conducteur en état d'ébriété) ou, au contraire, d'un acte délibéré.

ivres, commis à l'insu et/ou sans l'approbation de leurs supérieures: parfois ces derniers semblent avoir connu et toléré ces violations, voire les avoir ordonnées, appliquant peut-être un politique visant à écraser la résistance (civile) tchétchène et consistant à terroriser la population locale. Qu'elles aient été connues ou approuvées par les commandants ou commises à leur insu, ces violations des droits de l'homme telles que les méfaits sus-énumérés, sont bien entendu totalement inacceptables.

3. Les points de filtrage (PF)

42. L'ONG russe «Mémorial» a publié récemment un rapport circonstancié concernant les conditions qui règnent dans ce que l'on appelle les «points de filtrage» (en abrégé PF)[21], en s'appuyant sur les conclusions de missions d'enquête et sur de nombreux témoignages. Dans les paragraphes qui vont suivre, le rapporteur se fondera lui-même sur ce rapport, sur les entretiens qu'a eus la Sous-commission avec des représentants de «Mémorial» et avec le militant des droits de l'homme, Sergei Kovalyov, mais surtout sur les témoignages recueillis par la Sous-commission elle-même pendant ses visites aux points de filtrage de Mozdok et Grosny, ainsi que pendant ses entretiens avec d'anciens détenus et leurs proches à Assinovskaya, à Shalim et dans des camps de réfugiés.

43. En général, la politique suivie par les forces fédérales russes semble être la suivante: une fois qu'un village a été pris par l'armée russe, les troupes spéciales du ministère de l'Intérieur et de l'OMON qui entrent dans le village fouillent les maisons de tous les villageois pour chercher des combattants et/ou des armes. Pendant ce temps, presque tous les hommes qui restent dans le village, surtout les jeunes – qui, dans leur grande majorité, ne sont pas des combattants et ne possèdent pas d'armes – sont arrêtés et transportés jusqu'à des «points d'accumulation». En fait, tous les hommes tchétchènes qui se trouvent en territoire tenu par les Russes sont quotidiennement arrêtés, chez eux, à des barrages routiers, ou dans les champs. En règle générale, aucun motif d'arrestation n'est invoqué; si un motif est donné, c'est «individu soupçonné d'être un combattant», «possession d'armes», ou «contrôle d'identité». Le dernier motif est, pour la plupart des gens, le plus odieux, car il y a eu des cas où la personne arrêtée était en possession de tous ses papiers mais où ceux-ci ont été soit dérobés soit détruits par les troupes qui l'ont arrêtée[22].

44. Les points de filtrage ont été mis sur pied par le ministère de l'Intérieur pour «filtrer» les combattants par rapport aux non-combattants. Il n'existe cependant en droit russe aucune base légale pour leur création. Les PF fonctionnent dans un vide juridique complet. Officiellement, ils n'existent même pas réellement, car leur existence n'a pas de base. C'est pourquoi il n'y a pas non plus de lignes directrices concernant le point de savoir qui pourrait ou devrait y être conduit. Les arrestations sont donc complètement arbitraires – les troupes du ministère de l'Intérieur peuvent arrêter et détenir qui elles le souhaitent dans les PF. C'est ainsi que, la plupart du temps, de simples Tchétchènes – des civils, pas des combattants – sont «soupçonnés» et conduits aux PF.

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[21]Centre «Mémorial» de défense des droits de l'homme: ... Moscou 1995.

[22]Un exemple très parlant a été donné à la Sous-commission, à Assinovskaya, par une femme dont l'époux a été arrêté chez lui, à 2 heures du matin, pour «contrôle d'identité». L'homme ayant présenté ses papiers aux troupes spéciales, l'un des soldats les lui a arrachés en disant «vous n'en aurez plus besoin». L'homme a ensuite été conduit à un point d'accumulation et, de là, à un point de filtrage «parce qu'il n'avait pas de papiers».

45. Le nombre extrêmement élevé de témoignages permet d'affirmer que les personnes arrêtées sont généralement battues et maltraitées d'autres façons pendant qu'elles sont conduites aux points de filtrage et après leur arrivée. Les passages à tabac sont fréquents, de même que la privation de sommeil, de nourriture et d'eau, et il y a parfois des actes de torture (qui conduiraient même, dans des cas isolés, à la mort). En général, les enquêteurs posent aux personnes arrêtées des questions simples («Etes-vous un combattant? Avez-vous des armes?» et «Connaissez-vous un combattant? Savez-vous où les combattants se cachent?»), tandis que ceux-ci sont battus de façon intermittente par les gardes pour les pousser aux aveux[23].

46. Au bout de plusieurs jours, la plupart des hommes arrêtés sont tout simplement relâchés. Certains sont accusés de divers crimes et délits et envoyés dans des centres de détention préventive en Russie[24] (en outre, selon certaines allégations, des personnes seraient envoyées dans de tels centres, ou directement dans des camps de prisonniers, sans être accusées du moindre délit). Certains sont récupérés par leur famille en échange d'une rançon versée secrètement; certains sont échangés contre des soldats russes capturés par M. Dudayev; d'autres sont échangés contre les cadavres de soldats russes[25]; certains de ceux qui ont été arrêtés reçoivent des certificats attestant qu'ils sont passés par un point de filtrage, pour leur éviter d'être immédiatement arrêtés à nouveau, mais la plupart ne reçoivent pas de tels documents. Selon des chiffres provisoires de «Mémorial», il y aurait eu, jusqu'au début du mois de juin 1995, au moins 2 000 hommes tchétchènes arrêtés et détenus à des points de filtrage.

i. Traitement aux points de pré-filtrage («points d'accumulation»)

47. Il semble que la plupart des hommes arrêtés soient d'abord conduits à des «points d'accumulation» avant d'être transférés aux points de filtrage proprement dits, à pied, en voiture, en autobus, en camion ou en hélicoptère. Ces «points d'accumulation» peuvent être n'importe quoi: des champs, des voitures et des camions, des cours, des casernes, ou (le pire de tout) des fosses. Nous avons entendu à Assinovskaya la déclaration faite par la mère d'un jeune homme qui avait été arrêté à la fin du mois de février et emmené dans un champ où l'on rassemblait les hommes. Ceux-ci avaient les yeux bandés (ce qui semble être la procédure habituelle) et les mains liées derrière le dos; ensuite on les a fait courir à travers le champ tandis que les soldats leur donnaient des coups sur les jambes. Enfin, on les a «chargés» dans un hélicoptère (où ils devaient se coucher les uns au-dessus des autres); pendant le vol, les soldats les ont menacés d'en jeter un ou deux par-dessus bord parce que l'hélicoptère était trop chargé. A Assinovskaya encore, un homme âgé, qui avait été lui-même transféré par hélicoptère au PF de Mozdok, a certifié que les soldats battaient les détenus même pendant le vol, mais surtout à l'arrivée.

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[23]Dans au moins un cas dont nous avons entendu parler, l'homme arrêté avait les yeux bandés et on lui avait demandé de signer un papier. Lorsqu'il a refusé, on l'a battu. Il a fini par signer. Il s'est avéré par la suite que le papier en question constituait ses aveux selon lesquels il était l'un des combattants de M. Dudayev.

[24]Certains à proximité, comme à Vladikavkaz (Ossétie du Nord), à Stavropol et à Pyatigorsk, mais d'autres aussi loin qu Chelyabinsk (dans les monts Oural).

[25]Le «taux de change» actuel semble être d'un civil tchétchène vivant contre deux soldats russes morts.

48. Le rapport susmentionné de «Mémorial» décrit plusieurs autres incidents analogues de mauvais traitements aux «points d'accumulation», y compris la détention des hommes arrêtés dans des fosses (les yeux bandés) où ils étaient roués de coups[26]. Le rapport fait également état de marches forcées jusqu'aux points de filtrage, marches pendant lesquelles les détenus étaient battus et parfois même abattus[27]. Ces témoignages ont été confirmés par le représentant du Comité international de la Croix-Rouge (CICR) que la Sous-commission a rencontré à Moscou: la plupart des passages à tabac et des mauvais traitements subis par les personnes arrêtées avaient lieu, semble-t-il, avant l'arrivée aux points de filtrage.

ii. Le point de filtrage de Mozdok

49. La visite du point de filtrage de Mozdok figurait depuis le tout début au programme de la Sous-commission. Pourtant, lorsque celle-ci est arrivée à Moscou, M. Filatov (Chef du personnel de l'administration présidentielle) lui a appris que le point de filtrage de Mozdok avait été fermé deux jours plus tôt (le 3 juin 1995). Lorsque la Sous-commission est arrivée à Mozdok, le 8 juin 1995, les autorités locales lui ont confirmé que le point de filtrage avait été fermé une semaine plus tôt, et elles lui ont proposé de visiter à la place le point de filtrage de Grosny. La Sous-commission a cependant insisté pour voir malgré tout le PF vide de Mozdok, et elle y a envoyé une petite délégation. On a montré à la délégation où se trouvaient auparavant, à la gare ferroviaire de Lukovskaya, les trois voitures spéciales[28] qui avaient constitué le point de filtrage. La délégation a pu s'entretenir avec certains membres du personnel d'entretien de la gare, parce que les voitures du service d'entretien du train du PF s'y trouvaient encore. Ils ont confirmé que les voitures de chemin de fer avaient été conduites à Rostov-sur-le-Don deux jours plus tôt, le 6 juin 1995[29]. Il y avait eu beaucoup d'allées et venues sur le quai auparavant, mais le personnel de la gare a été incapable de dire s'il y avait encore des détenus dans les wagons lorsqu'ils sont partis pour Rostov.

50. Un jeune réfugié d'Assinovskaya, avec lequel la Sous-commission s'est entretenue à Nazran, avait d'abord été détenu pendant deux jours (fin avril) à Assinovskaya, où il avait été battu tandis que des fils électriques étaient placés en travers de son estomac et de ses épaules, avant d'être conduit au point de filtrage de Mozdok. A Mozdok, il a été détenu pendant dix-huit jours dans un wagon de chemin de fer qui avait des fenêtres à barreaux. Les gardiens exigeaient six millions de roubles (environ 1 200 dollars [USD]) pour sa libération, mais sa famille était incapable de réunir une somme pareille. Au PF de Mozdok, il a été battu violemment (notamment avec la crosse d'une mitraillette) et roué de coups de pieds, ce qui a endommagé son foie et ses reins. Pendant qu'on le battait, le commandant criait régulièrement «Ne touchez pas à l'écran de télévision», ce qui voulait

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[26]Rapport de «Mémorial», pages 12 et 13 (Assinovskaya et Shali).

[27]Ibid, page 17.

[28]Ces voitures, de couleur verte, étaient ce que l'on appelle des wagons «Stolypine». D'un côté, elles n'avaient pas de fenêtres du tout, de l'autre, des fenêtres à barreaux métalliques.

[29]Il est intéressant de noter que, selon le personnel de la gare, les wagons eux-mêmes avaient été «prêtés» par Rostov, et qu'ils avaient été changés plusieurs fois aux cours de l'existence du PF. Les gardiens aussi changeaient toutes les quatre à six semaines — les gardiens (du ministère de l'Intérieur) étaient en «mission» ou en détachement.

dire son visage[30]. Une fois, il a été torturé, avec deux fils électriques placés sous la langue. Il a vu comment des chiens étaient lâchés sur des codétenus. Pendant qu'il était au PF, la Croix-Rouge internationale a visité celui-ci. Les gardiens ont arrêté de battre les détenus la veille et les ont tous prévenus qu'ils n'avaient pas intérêt à se plaindre à la délégation, car «Eux, ils vont et viennent, mais vous, vous restez». Les gardiens avaient aussi menacé de tuer quiconque dirait la vérité. Après la visite de la Croix-Rouge, un détenu russe a été sorti du wagon et enterré vivant – sous les yeux des autres détenus – parce qu'il avait dit quelque chose à la Croix-Rouge. Finalement, l'homme avec lequel nous avons parlé a été échangé à Bamut contre les corps de deux soldats russes par des combattants tchétchènes.

51. Le témoignage de ce jeune homme est corroboré par plusieurs autres témoignages que la Sous-commission a entendus à différents endroits: plus particulièrement, les menaces adressées aux détenus pour qu'ils n'informent pas les délégations internationales de leurs mauvais traitements étaient très fréquentes, et les chiens spécialement dressés ont été mentionnés plus d'une fois. Le rapport de «Mémorial» contient aussi des témoignages de torture à l'aide de fils électriques au PF de Mozdok. A la mi-avril 1995, selon des documents officiels, 535 hommes étaient passés par le PF de Mozdok, dont 89 avaient été échangés contre des soldats russes capturés par les combattants de M. Dudayev. Dans ces conditions, la Sous-commission doit ajouter foi aux allégations largement répandues selon lesquelles les forces fédérales russes détiendraient exprès un aussi grand nombre de civils tchétchènes aux points de filtrage, pour disposer d'un «réservoir» de détenus à échanger contre des soldats russes capturés[31].

iii. Le point de filtrage de Grosny

52. Après quelques négociations avec les autorités russes, la Sous-commission a été autorisée à visiter de manière impromptue le point de filtrage de Grosny, ce dont elle est très reconnaissante. Le PF de Grosny se trouve dans un bâtiment sévèrement gardé (un ancien dépôt d'autobus); son rez-de-chaussée avait été provisoirement reconstruit pour abriter des cellules et des salles d'interrogatoire. Tant les cellules que les salles étaient presque entièrement nues, sans lumière du jour, avec quelques chaises et tables (à moitié cassées) dans les salles d'interrogatoire, et des matelas et tapis sales dans les cellules. Au moment de la visite de la Sous-commission, il y avait 44 détenus dans 7 cellules. Le directeur de l'établissement a expliqué que la plupart des détenus se trouvaient là pour des crimes et délits de droit commun, tels que vols, meurtres ou trafic de stupéfiants; les véritables combattants pouvaient se compter sur les doigts d'une main. Le délai maximum de détention était théoriquement de trente jours, mais les détenus n'étaient gardés là que jusqu'à ce que l'enquêteur ait découvert s'ils avaient ou non un lien avec des bandes armées illégalement. Les détenus étaient ensuite relâchés ou transférés dans des centres

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[30]Néanmoins, une petite cicatrice subsistait sur le visage de cet homme, au dessus de l'arcade sourcilière. Le fils d'une femme avec laquelle nous avons parlé à Assinovskaya avait été battu de la même façon; selon sa mère, «lorsqu'il est revenu, il lui manquait un morceau de chair au-dessus de l'arcade sourcilière».

[31]La Sous-commission a entendu des rumeurs selon lesquelles M. Dudayev serait en train de mettre un terme à ces échanges de prisonniers vivants contre des prisonniers vivants parce qu'il estime contraire aux accords le fait qu'il reçoive des simples civils tchétchènes en échange de soldats russes capturés.

de détention préventive. Le directeur nous a appris qu'il n'y avait au PF de Grosny aucun détenu qui aurait été transféré du PF fermé de Mozdok. La présence d'un avocat était obligatoire au début de l'enquête pénale mais, pendant la vérification d'une identité ou pendant les «premières investigations», aucun avocat n'était présent.

53. La première cellule visitée n'était occupée que par des femmes. Elles étaient toutes accusées d'avoir volé ou d'avoir acheté et vendu des marchandises volées. Elles se trouvaient au PF depuis deux mois[32], et elles n'avaient jamais eu accès à un avocat. L'enquêteur leur avait rendu visite pour la première fois ce même jour. Dans la deuxième cellule se trouvaient cinq hommes, deux accusés de meurtre, deux de vol, et un de non-dénonciation – aucun n'était soupçonné d'être un combattant. Deux d'entre eux se trouvaient dans la cellule depuis déjà un mois.

[32]Une telle durée de détention est illégale en vertu du droit russe. La Constitution prévoit un délai maximum de quarante-huit heures de garde à vue par la police et de détention préventive avant que la personne arrêtée ne soit traduite devant un juge. Le décret (illégal) du Président Eltsine, en date du 14 juin 1994, concernant les «Mesures d'urgence destinées à protéger la population contre le banditisme et les autres manifestations de la criminalité organisée» a porté ce délai à trente jours, mais on ne trouve dans absolument aucun texte un délai de deux mois.

Dans la troisième cellule se trouvait un jeune Estonien accusé d'être un mercenaire de M. Dudaiev, parce qu'il n'avait pas été en mesure de montrer ses papiers à un barrage routier.

54. Il a été impossible à la sous-commission de s'entretenir librement avec les détenus, mais nous avons appris que le CICR jouissait d'un libre accès et qu'il avait en fait interrogé des détenus à ce point de filtrage quelques jours seulement avant notre arrivée. La sous-commission n'avait pas entendu autant de témoignages de coups et de tortures à propos du PF de Grozny qu'à propos de Mozdok et des autres PF. Elle a été surprise de voir que le PF de Grozny voulait être une sorte de mélange entre un centre normal de détention préventive et un point de filtrage. Si le point de filtrage de Mozdok était vraiment fermé pour de bon (et non pas seulement fermé temporairement ou transféré dans une autre ville) et si le camp de filtrage de Grozny fonctionnait de plus en plus comme un centre normal de détention préventive, cela pouvait être une évolution encourageante. Cependant, le rapporteur en doute

en raison: des «disparitions» continues de jeunes gens tchétchènes, de quelques témoignages d'anciens détenus relâchés seulement à la mi-mai 1995, ainsi que de la durée (extrêmement) illégale de la détention au PF de Grozny. En tout état de cause, il faut demander aux autorités russes de fermer ces points de filtrage et de mettre un terme aux arrestations arbitraires ainsi qu'aux détentions illégales et trop longues qui vont de pair avec elles, car leur existence n'a aucune base légale.

B. Le côté tchétchène

55. Certes, les forces fédérales russes ne sont pas les seules à être coupables de violations des droits de l'homme et du droit humanitaire international; le camp tchétchène semble en avoir fait tout autant. Le fait que la sous-commission ait pu apporter la preuve d'un plus grand nombre d'abus du côté russe que du côté tchétchène est dû aussi au fait que la sous-commission a eu accès dans des conditions de relative liberté aux régions sous contrôle russe et aux installations fédérales (telles que les camps de filtrage), tandis qu'elle n'a pas pu

pénétrer sur le territoire contrôlé par les combattants de M. Dudaiev (par exemple, pour voir dans quelles conditions les soldats russes capturés y étaient détenus).

56. Il est peut-être intéressant de noter que la plupart des plaintes visant le côté tchétchène n'étaient pas liées au conflit armé qui a éclaté en décembre 1994 — les autorités russes surtout, mais aussi les populations locales et réfugiés russes se sont plus plaintes du caractère illégal du régime de M. Dudaiev au cours des trois années précédentes. Le rapporteur ne peut, bien entendu, pas s'appesantir sur ces allégations, car il a pour mandat de rendre compte de la situation actuelle des droits de l'homme en Tchétchénie, mais il va les résumer.

1. Le régime Dudaiev 1991-1994

57. Une plainte qui revient si souvent même parmi la population locale tchétchène qu'elle semble parfaitement crédible réside dans l'absence de lois et d'ordre pendant le régime Dudaiev de 1991 à 1994. Apparemment, lorsque M. Dudaiev est arrivé au pouvoir, il a proclamé l'amnistie des condamnés

de droit commun, ce qui a entraîné une hausse du taux de criminalité et surtout une augmentation particulièrement élevée de la proportion de crimes avec violence (vols à main armée, viols et meurtres). Il semble que les principales victimes de ces crimes aient été les Russes vivant en Tchétchénie. Pour autant que le rapporteur puisse en juger, cela n'a pas été le résultat d'une «politique d'épuration ethnique» de la part de l'administration mais d'une rupture de la loi et de l'ordre. Dans cette situation, où les policiers locaux ne pouvaient pas (ou peut-être aussi ne voulaient pas) assurer une protection, le principal moyen de dissuasion des criminels résidait dans la tradition de la vendetta — si un criminel assassinait un Tchétchène, il était pourchassé par sa famille. Les Russes qui vivaient en Tchétchénie n'avaient pas de telles traditions, si bien que les criminels avaient rarement peur de déclencher une vendetta en les attaquant[13].

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13. Nous avons entendu parler de cas dans lesquels les Tchétchènes se lanceraient dans des vendettas également pour leur voisin russe, leur accordant ainsi une certaine protection.

C'est ainsi que la population locale russe est devenue une cible «facile» pour les criminels. Il semble aussi que le délit d'extorsion ait été particulièrement répandu: les délinquants forçaient les Russes à leur vendre leurs appartements au dixième du prix du marché.

58. Il y a une autre plainte qui revient très souvent dans la population locale tant tchétchène que russe: il s'agit du défaut de paiement des salaires des pensions, au moins en 1994, probablement même plus tôt. Le rapporteur a du mal à comprendre comment les gens ont réussi à survivre sans percevoir le moindre centime pendant des mois, mais là encore les liens et les traditions des familles tchétchènes pourraient fournir la réponse: un réfugié tchétchène a expliqué que les voisins aisés (entrepreneurs privés et commerçants) partageaient leurs gains avec leur famille et leurs amis. Cela expliquerait aussi pourquoi, là encore, la population locale russe a été plus durement touchée car elle était dépourvue des liens des clans tchétchènes. Le rapporteur est incapable de répondre à la question de savoir si M.

Dudaiev et son administration ont retenu délibérément les salaires et les pensions (par exemple, pour acheter des armes, ainsi que le prétendent certaines personnes) ou s'ils étaient incapables de les payer (par exemple, parce que le régime fédéral de retraite avait coupé les vivres à la République tchétchène).

59. Les principaux griefs soulevés par les autorités russes et les autorités tchétchènes nouvellement créées concernaient la persécution de l'opposition ainsi que ce qui aurait été une politique de «purification ethnique» à l'encontre de la population russe locale. Alors que les allégations concernant la persécution de l'opposition (aboutissant dans certains cas, à l'incarcération, à l'exil forcé, voire au meurtre) semblent tout à fait crédibles, le rapporteur est incapable d'apprécier la véracité de la seconde allégation. Il a, pour sa part, des doutes mais il s'abstiendra de juger jusqu'à plus ample informé.

2. Les violations des droits de l'homme liées à la guerre

60. La violation la plus probable du droit international

humanitaire que commettent les combattants de M. Dudaiev est celle qui consiste à utiliser des civils comme bouclier. L'ONG américaine Human Rights Watch/Helsinki a fourni des documents concernant au moins un tel cas à Grozny, où les combattants tchétchènes utilisaient un bâtiment civil comme dépôt de munitions et garaient un char devant lui, si bien que les immeubles (d'habitation) voisins attiraient le feu des forces russes[14]. On a du mal à savoir si les combattants tchétchènes se sont comportés de la même manière, par exemple à Samashki et à Serzhen-Yurt. Pour ne pas violer le droit international humanitaire, il faudrait que soit les combattants tchétchènes ne s'emparent pas de positions proches d'habitations civiles soit, s'ils ne peuvent vraiment pas faire autrement, qu'ils donnent impérativement aux civils des avertissements sans ambiguïté pour que ces derniers évacuent les lieux avant que les Tchétchènes ne s'emparent de telles positions. A défaut,

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14. Human Rights Watch/Helsinki: Russie — la guerre en Tchétchénie: Nouveaux rapports concernant la situation sur le terrain, janvier 1995, pages 10-11.

ils seraient responsables de la transformation des civils et des structures civiles en cibles militaires légitimes, ce qui constituerait une violation flagrante des Conventions de Genève.

61. Il semble qu'une autre violation du droit international humanitaire se soit produite pendant l'assaut lancé sur Grozny, lorsque des combattants tchéchènes ont — sans le faire exprès — tué une femme civile en tirant sans discrimination avec des armes à feu de petits calibres[15]. Conformément aux règles de la guerre, les combattants doivent identifier leur cible avant de tirer: si ce n'est pas possible, ils doivent s'abstenir de tirer. Le rapporteur tient toutefois à souligner qu'il semble s'agir là d'un incident isolé. Au moment où la sous-commission s'y est rendue, Grozny n'avait rien à voir avec Sarajevo, où les civils sont communément tués par des tireurs isolés et des obus. Les rues de Grozny étaient peuplées de civils ainsi que de soldats russes, mais les civils se déplaçaient librement, sans crainte des tireurs

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15. Ibid, p. 11.

isolés. Il y a bien à Grozny des tireurs isolés tchétchènes mais, apparemment, ils ne prennent pas pour cible les civils, seulement les soldats en uniforme.

62. Les attentats terroristes sont bien entendu une toute autre affaire. A Budennovsk (en-dehors de la Tchétchénie), des combattants tchétchènes ayant à leur tête un certain M. Shamiyev ont attaqué la ville puis pris des centaines d'otages à l'hôpital, tuant des civils, d'une part, directement pendant l'assaut de la ville et, d'autre part, indirectement en les utilisant comme boucliers humains lorsque des forces spéciales russes ont attaqué l'hôpital[16]. On a également signalé l'exécution sommaire de cinq jeunes hommes russes la première nuit à l'hôpital. L'Assemblée parlementaire du Conseil de l'Europe a toujours condamné le terrorisme sous tous ses aspects. Le rapporteur souligne que les événements de Budennovsk lui font horreur et qu'il les condamne

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16. Le rapporteur estime que certaines des mesures prises en réaction contre l'attentat étaient disproportionnées et inutiles(?).

vigoureusement; ils ont constitué une violation flagrante des droits de l'homme que rien ne saurait justifier.

63. Lorsque la sous-commission se trouvait à Moscou, elle a rencontré deux soldats russes récemment démobilisés qui avaient combattu en Tchétchénie depuis le début des opérations militaires qui s'y déroulent. Selon ces soldats, les combattants tchétchènes auraient castré douze soldats russes capturés, avant de les relâcher. Selon les soldats qui n'avaient, toutefois, rien vu eux-mêmes, seulement deux des soldats castrés auraient réussi à «revenir en rampant». Les rumeurs de ce genre semblaient abonder parmi les forces fédérales russes servant en Tchétchénie.

64. Cependant, selon des sources russes officielles citées par M. Kovalyov, pas un seul cas de soldat castré vivant n'a été prouvé, bien qu'une enquête judiciaire ait été lancée relativement à la mutilation de neuf cadavres de soldats russes dont trois ont été décrits comme ayant subi une «castration traumatique». Il est difficile de savoir si cela signifie que la castration a été la conséquence d'une blessure

des organes génitaux subie pendant le combat ou si ces castrations ont été effectuées délibérément. En tout état de cause, des experts médicaux confirment que les mutilations n'ont pas été faites sur des soldats vivants (et n'ont pas provoqué leur mort); elles ont été pratiquées soit pendant l'agonie des soldats soit après leur mort. Cela ne veut pas dire la mutilation de cadavres soit permise; au contraire, la profanation des morts est, bien entendu, ignoble et elle doit être condamnée très énergiquement. Cependant, le rapporteur n'est pas entièrement convaincu de la véracité des rumeurs de castration.

65. En fait, la sous-commission a reçu des preuves contraires de la part de personnes qui avaient elles-mêmes vu comment les soldats russes capturés par les combattants tchétchènes étaient détenus: apparemment dans des conditions tout à fait humaines[17]. Il y a deux cas connus de soldats russes capturés

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17. La mère d'un soldat qui s'était elle-même rendue en janvier, à la recherche de son fils, dans plusieurs endroits où les combattants tchétchènes détenaient des soldats russes

et blessés qui ont été attaqués à l'hôpital par des combattants tchétchènes (également blessés); dans un cas, cela a abouti à la mort du soldat russe. Cela étant, ces incendies semblent être isolés et ne paraissent pas résulter d'une politique délibérée de la part de l'administration tchétchène[18]. Le rapporteur invite les combattants tchétchènes à respecter le droit humanitaire international en ce qui

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capturés, a certifié que les soldats avaient même droit à la même nourriture que les combattants et que les relations entre les combattants et les prisonniers semblaient tout à fait bonnes (compte tenu des circonstances). M. Kovalyov lui-même, ainsi que le CICR, avaient visité des lieux analogues et confirmé ces observations (par exemple, il n'y avait aucune allégation selon lesquelles les passages à tabac ou la torture seraient pratiqués systématiquement).

18. M. Kovalyov a souligné qu'au contraire l'administration tchétchène a par la suite pris des mesures pour protéger dans ces hôpitaux les soldats russes blessés afin d'éviter de nouvelles attaques.

concerne le traitement des soldats ennemis capturés, et à traiter ceux-ci avec humanité.

IV. L'Etat de droit/la primauté du droit

66. De toute évidence, le rapporteur ne traitera de cette question que dans la mesure où elle s'applique à la situation tchétchène (la situation en Tchétchénie elle-même, et le situation des réfugiés). Il ne sera pas question ici de l'Etat de droit dans l'ensemble de la Fédération de Russie.

A. Discipline militaire et sanctions

67. Avant les combats d'une grande intensité qui ont eu lieu à Grozny et dans les environs à la fin du mois de décembre en 1994, de nombreux soldats n'auraient, paraît-il, pas été très motivés pour combattre. Selon les organisations des droits de l'homme, le commandement fédéral avait réagi par une «vague de propagande», essayant de stigmatiser les Tchétchènes comme étant l'ennemi (cruel). Cette politique avait – dans une certaine mesure – échoué car elle avait rendu particulièrement déplaisant l'état d'esprit de l'armée (l'armée russe devenant «les justiciers»), ce qui a conduit au pillage à grand échelle

et à d'autres violations des droits de l'homme également contre la population civile tchétchène. Il semblerait que le commandement fédéral cherche maintenant à faire amende honorable en «renforçant la discipline dans l'armée» selon les termes du général Kulikov. Cela doit se faire, par exemple, à l'aide de directives et de recommandations adressées aux officiers pour qu'ils expliquent à leurs soldats les règles de droit international.

68. Ainsi qu'on peut le voir dans le chapitre précédent, cette politique ne semble pas avoir produit des résultants très tangibles. Il semble que la discipline dans les forces fédérales russes, surtout au ministère spécial de l'Intérieur et dans les troupes de l'OMON (?), reste très relâchée. Par exemple, le préfet local de la région d'Assinovskaya, avec lequel nous nous sommes entretenus et qui ne s'est pas plaint en général des forces russes, a certifié que pas un seul cas de violation (établie) des droits de l'homme aux points de filtrage n'avait fait l'objet d'une enquête, ni a fortiori de poursuites. La Commission mixte d'inspection, dont nous avons

rencontré le chef à Grozny et qui a pour mission officielle d'enquêter sur les violations des droits de l'homme en Tchétchénie, a reconnu qu'elle n'enquêtait sur aucune plainte déposée pour sévices aux PF(?). Une femme qui travaillait au parquet local de Znamenskoye a certifié que, même lorsque le procureur arrêtait un soldat russe pour meurtre, il était tenu de le conduire devant l'officier responsable de la garnison, lequel libérait immédiatement le soldat. Le parquet militaire commençait à procéder à des enquêtes, selon le général Kulikov, mais le rapporteur en doute.

69. On peut donc résumer la situation en disant qu'en principe les violations des droits de l'homme commises par les forces fédérales russes à l'encontre de la population tchétchène semblent ne faire l'objet d'aucune enquête ni d'aucune poursuite, ni en application de la discipline militaire ni par le biais du système judiciaire de droits communs. Il s'agit là d'une situation inadmissible[19].

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19. D'autant plus que le parquet militaire semble travailler plus efficacement lorsqu'il s'agit de poursuivre des personnes

«qui se sont rendues volontairement en temps de guerre» (article 264 du Code pénal russe). Selon des informations communiquées par plusieurs organisations qui s'occupent des droits de l'homme, le lieutenant M. Yashenko et son collègue A. Bulkin ont été arrêtés le 14 avril 1995 sous ce chef d'accusation. Je me demande comment une telle accusation peut être apportée(?) («en temps de guerre») alors que l'état d'urgence – ni a fortiori la guerre – n'a même pas été déclarée en Tchétchénie.

Il faut renforcer la discipline militaire de façon à, soit, tout simplement empêcher, soit dûment poursuivre après coup, les arrestations arbitraires, les pillages, les extorsions et toute la liste des abus et violences mentionnés au chapitre 3.A.2 du présent rapport.

B. La question des réfugiés

70. Il y a une question qui est liée à la situation en Tchétchénie, tant avant qu'après le conflit militaire qui a débuté en décembre 1994, c'est celle des réfugiés, ou plutôt, pour être plus exact, des personnes déplacées à l'intérieur

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(les réfugiés franchissent des frontières internationalement reconnues). On estime au total à 450 000, le nombre de personnes qui ont franchi la frontière de la Tchétchénie pour se rendre dans les républiques (Ingouchie, Daghestan, Ossetie du nord, Kabardino-Balkarie) et régions voisines qui font partie de la Fédération de Russie. L'Ingouchie a absorbé à elle seule 160 000 réfugiés de Tchéchénie[20]. La plupart des réfugiés sont logés par leur famille et leurs amis; il n'y en a que 15 % environ qui vivent véritablement dans des camps de réfugiés. Ces camps se trouvent généralement dans un état lamentable en raison du manque de moyens financiers[21].

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20. Cela s'ajoute aux plus de 50 000 réfugiés Ingouches qui ont fui en 1992, le conflit - toujours non résolu - d'Ossetie du nord, et qui attendent encore des garanties pour leur sécurité afin de pouvoir rentrer chez eux.

21. C'est seulement à Nalchik (Kabardino-Balkarie) que nous avons vu des conditions acceptables dans un camp de réfugiés situé dans un ancien sanatorium et où sont actuellement logés 78 personnes. A Nazran, où les réfugiés sont bien plus nombreux,

71. C'est là qu'intervient l'absence d'état de droit: bien que le Service fédéral des migrations soit sensé fournir son aide, celle-ci bien souvent n'arrive pas sur le terrain ou est bien trop clairsemée. Par exemple, le vice-président du Gouvernement ingouche, responsable de la question des réfugiés, a appris à la sous-commission que l'Ingouchie n'avait reçu que trois milliards de roubles d'aide de l'Etat, sur les 337 milliards de roubles qu'elle avait eus à dépenser. Nous avons aussi entendu de la part d'autres sources que, souvent, l'Etat ne payait que 5 000 roubles (un dollars des Etas-Unis) par jour, même pour les réfugiés les plus démunis, ce qui n'était même pas suffisant pour payer un seul repas à la cantine. En principe, les réfugiés étaient sensés recevoir un salaire minimum dès leur arrivée, des médicaments gratuits et jusqu'à 10 fois le salaire minimum pour les frais d'enterrement. Néanmoins, le plus souvent, la seule aide qui parvienne véritablement aux réfugiés provenait du ministère

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il doivent loger dans des wagons de chemins de fer ou dans une ancienne ferme d'élevage.

fédéral pour les situations d'urgence (nourriture en conserve), des organismes d'aide humanitaire comme le CICR ou le HCR (nourriture, couvertures, nécessaires de cuisine et de toilette) et de quelques ONG.

72. L'un des principaux problèmes auquel est à faire face les réfugiés, réside dans le manque d'emplois et de places dans les écoles et les crèches. Bien que les autorités locales et les représentants régionaux du Service fédéral des migrations fassent souvent de leur mieux, ils sont souvent submergés rien que par le nombre de réfugiés qui ont besoin d'aide. En ce qui concerne le gouvernement fédéral, il est nécessaire d'augmenter l'aide aux républiques et régions qui accueillent les personnes déplacées à l'intérieur mais, avant tout, il faut mieux l'organiser et la réglementer de façon plus précise, afin qu'elle parvienne à sa destination.

V. Conclusions et recommandations

73. En conclusion, on peut dire que des violations des droits de l'homme et du droit international humanitaire ont été commises par les belligérants des deux côtés, ainsi que le

montre le chapitre 3 du présent rapport. Du côté russe, les fusillades sans discrimination, les violations des droits de l'homme commises par le ministère spécial de l'Intérieur et les troupes de l'OMON (?) (y compris les vols à main armée, les pillages, les extorsions de fonds, les incendies criminels, et les «disparitions») et le traitement subi jusqu'aux points de filtrage et après l'arrivée, doivent être particulièrement condamnés. Les problèmes qui se posent du côté russe sont aggravés par l'absence de discipline militaire et de sanctions judiciaires, et d'états de droit en général. Ce qui est particulièrement déplorable du côté tchétchène, c'est l'attentat terroriste commis récemment à Budennvosk.

74. Conformément à la Résolution n° 1055 (1995) qui a suspendu la procédure concernant l'avis statutaire de l'Assemblée sur la demande d'adhésion de la Russie, le rapporteur ne se prononcera pas sur cette question. Il adresse cependant aux belligérants les recommandations suivantes:

A. Recommandations aux belligérants des deux camps:

* arrêter les combats, instaurer et respecter un cessez-le-

feu, et trouver pour le conflit en Tchéchénie une solution négociée qui soit à la fois pacifique et politique.

B. Recommandations au camp russe:

* mettre un terme à la politique de bombardements aériens et de tirs d'obus de longue portée (?) sur les zones civiles/résidentielles, et aux tirs sans discrimination de manière générale, car il s'agit d'un recours disproportionné à la violence, contraire à la Convention de Genève et à ses protocoles;

* cesser les attaques directes contre des civils et des cibles civile, surtout les punitions collectives de villageois lors du désarmement;

* renforcer la discipline militaire et instaurer dans les forces armées le principe de la responsabilité (surtout pour les troupes du ministère de l'Intérieur et de l'OMON), pour mettre un terme aux pratiques répandues des vols à main armée, des pillages, des destructions gratuites, des extorsions de fonds, des passages à tabac et des incendies criminels, ainsi que les cas isolés de torture, de viols et de massacres;

* fermer les points de filtrage (et supprimer les «points d'accumulation») et revenir au système judiciaire et pénitentiaire de droit commun régi par la Constitution russe et les autres lois fédérales, et mettre un terme aux arrestations arbitraires, aux passages à tabac, à la torture et aux détentions à la fois illégales et trop longues liées aux points de filtrage;

* poursuivre dans le cadre du système judiciaire tous les actes criminels commis au cours des sic derniers mois (tels que ceux mentionnés aux quatre points ci-dessus);

* traiter conformément au droit international humanitaire, les combattants capturés (arrêter les exécutions sommaires, par exemple des tireurs isolés «snipers» capturés).

C. Recommandations au camp tchétchène:

* cesser d'utiliser les civils comme «boucliers humains» et prévenir comme un convient les civils pour qu'ils évacuent lorsque les combattants s'emparent de positions dans des quartiers résidentiels;

* arrêter complètement les attentats terroristes comme

celui de Budennovsk;

* traiter conformément au droit international humanitaire les soldats russes capturés (cesser de mutiler, par exemple, les cadavres des soldats russes).

75. La conclusion du rapporteur est que, jusqu'à ce que ces recommandations aient été mises en œuvre par les belligérants des deux camps, la situation des droits de l'homme en Tchéchénie ne sera ni satisfaisante, ni acceptable.

ANNEXE I

PROGRAMME

de la visite de la Sous-commission des droits de l'homme à Moscou et en Tchétchénie (5-11 juin 1995)

Dimanche 4 juin 1995

Arrivée à Moscou

Nuitée à Moscou

Lundi 5 juin 1995

10 h	Réunion avec M. Mityukov, Premier Vice-président du Douma d'état de la Fédération de Russie
11 h 30	Réunions avec des membres de la délégation russe des invités spéciaux auprès de l'Assemblée parlementaire du Conseil de l'Europe (MM Lukin, Dzasokhov et Aoulov)
13 h	Déjeuner (Douma d'état)
14 h 30	Réunion avec des membres du Conseil de la Fédération de l'Assemblée fédérale de la Fédération de Russie (MM Podoprigora et Tarasenko)
18 h	Réunion à l'Administration présidentielle avec M. Filatov, Chef du Bureau du Président
19 h 30	Manifestations protocolaires à l'Hôtel President

Mardi 6 juin 1995

10 h	Réunion avec des représentants de l'UNHCR, MM Carpenter et Jolles
11 h 30	Réunion avec le représentant à Moscou du CICR, M. Meyrat
13 h	Réunion avec un des représentants à Moscou de l'IOM, M. Sanikidze
14 h 15	Déjeuner (Conseil de la Fédération)
16 h	Réunion avec des représentants du Centre de recherche sur les droits de l'homme de Moscou
17 h 30	Réunion avec des représentants de Memorial et de Human Rights Watch

Mercredi 7 juin 1995

7 h 30	Vol pour Vladikavkaz
11 h 30	Arrivée à Vladikavkaz
12 h	Réunion avec M. Galazov, Président de la République d'Ossétie du Nord, et avec des représentants des autorités locales
13 h 30	Déjeuner à l'Hôtel
15 h	Vol pour Assinovskaya (en hélicoptère)
16 h 30	Réunion avec des habitants locaux, courte visite du village
18 h 30	Vol pour Vladikavkaz (en hélicoptère)
20 h	Réception offerte par le Président de la République d'Ossétie du Nord

Jeudi 8 juin 1995

8 h	Vol pour Mozdok (Ossétie du Nord)
9 h	Réunion avec les autorités locales
10 h	Réunion avec des réfugiés de Tchétchénie (non prévue)
11 h 30	Réunion avec un régiment opérationnel du Ministère de l'Intérieur
12 h	Déjeuner / Visite de l'ancien point de filtration "Gare ferroviaire de Lukovskaya"
14 h 30	Vol pour Nazran (Ingushie)
15 h 30	Visite de deux camps de réfugiés
17 h 15	Réunion avec des représentants de CICR, UNHCR, Médecins du Monde et merlin
18 h	Réunion avec M. Aushev, Président de la République d'Ingushie, et avec des représentants des autorités locales
19 h 30	Départ pour Vladikavkaz
20 h 15	Visite du Centre fédéral des services de migration à Vladikavkaz
21 h	Dîner à l'Hôtel

Vendredi 9 juin 1995

8 h	Vol pour Grosny (en hélicoptère)
9 h 45	Réunion avec des représentants des forces fédérales (y compris Col.-Général Kulikov, Lt.-Général Nagorniy et Général Shumov), et avec des représentants des autorités locales (y compris MM Khadzhiyev, Avturkhanov, Surin et Federov)
11 h	Réunion avec la mission de l'OSCE
11 h 30	Visite du camp de filtration de Grosny
12 h 30	Déjeuner
13 h 15	Vol de Grosny à Shali (en hélicoptère)
14 h	Réunions avec les habitants locaux
16 h 30	Vol de Shali à Znamenskoye (en hélicoptère)
17 h 15	Réunion avec les habitants locaux
19 h 15	Vol pour Vladikavkaz
20 h 30	Dîner à l'Hôtel

Samedi 10 juin 1995

7 h 45	Réunion avec M. Coussidis, représentant de l'UNHCR à Vladikavkaz
9 h	Vol de Vladikavkaz à Nalchik
10 h 30	Arrivée à Nalchik (Kabardino-Balkaria)
11 h	Visite d'un camp de réfugiés à Nalchik
12 h	Réunion avec M. Kokov, Président de la République de Kabardino-Balkaria, et avec des représentants des autorités locales
14 h	Déjeuner
15 h	Programme culturel
18 h	Dîner à Nalchik
20 h	Départ pour Moscou
22 h 30	Arrivée à Moscou
23 h 30	Arrivée à l'Hôtel Metropol à Moscou

Dimanche 11 juin 1995

10 h	Réunion avec M. Kovalyov, Président de la Commission des droits de l'homme du Président
12 h	Départ pour les capitales nationales

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Vendredi 9 juin 1995

8 h	Vol pour Grosny (en hélicoptère)
9 h 45	Réunion avec des représentants des forces fédérales (y compris Col.-Général Kulikov, Lt.-Général Nagorniy et Général Shumov), et avec des représentants des autorités locales (y compris MM Khadzhiyev, Avturkhanov, Surin et Federov)
11 h	Réunion avec la mission de l'OSCE
11 h 30	Visite du camp de filtration de Grosny
12 h 30	Déjeuner
13 h 15	Vol de Grosny à Shali (en hélicoptère)
14 h	Réunions avec les habitants locaux
16 h 30	Vol de Shali à Znamenskoye (en hélicoptère)
17 h 15	Réunion avec les habitants locaux
19 h 15	Vol pour Vladikavkaz
20 h 30	Dîner à l'Hôtel

Samedi 10 juin 1995

7 h 45	Réunion avec M. Coussidis, représentant de l'UNHCR à Vladikavkaz
9 h	Vol de Vladikavkaz à Nalchik
10 h 30	Arrivée à Nalchik (Kabardino-Balkaria)
11 h	Visite d'un camp de réfugiés à Nalchik
12 h	Réunion avec M. Kokov, Président de la République de Kabardino-Balkaria, et avec des représentants des autorités locales
14 h	Déjeuner
15 h	Programme culturel
18 h	Dîner à Nalchik
20 h	Départ pour Moscou
22 h 30	Arrivée à Moscou
23 h 30	Arrivée à l'Hôtel Metropol à Moscou

Dimanche 11 juin 1995

10 h	Réunion avec M. Kovalyov, Président de la Commission des droits de l'homme du Président
12 h	Départ pour les capitales nationales

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, le 20 juin 1995
oj/fanoj6.95

Restricted
AS/NM (1995) OJ 6

COMMISSION DES RELATIONS AVEC LES PAYS EUROPEENS NON MEMBRES

PROJET D'ORDRE DU JOUR

de la réunion qui se tiendra le mardi 27 juin 1995,
à 8 h 30, au Palais de l'Europe, à Strasbourg (Salle 7)

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1. ORDRE DU JOUR <AS/NM (1995) OJ 6>

Adoption du projet d'ordre du jour.

2. PROCES-VERBAL <AS/NM (1995) PV 5>

Approbation du projet de procès-verbal de la réunion tenue le 15 mai 1995 à Paris.

3. RESPECT DES OBLIGATIONS ET ENGAGEMENTS CONTRACTÉS PAR LES ETATS MEMBRES DU CONSEIL DE L'EUROPE

<Directive n° 508 (1995)>

a. République tchèque
(Rapporteur pour avis: Mme Poptodorova)

- Déclaration du rapporteur

b. Bulgarie

- Désignation d'un rapporteur pour avis

c. Roumanie

- Désignation d'un rapporteur pour avis

4. MANDAT DE LA COMMISSION <AS/NM (1995) 6>

- Déclaration du Président.

N.B. Cet ordre du jour tient lieu de lettre de convocation.

5. DEMANDES D'ADHESION FIGURANT A L'ORDRE DU JOUR DE LA PARTIE DE SESSION DU 26 AU 30 JUIN 1995

a) Albanie
(Rapporteur pour avis: M. Ruffy) <AS/NM (1995) 17>
<Doc. 7304>

- Adoption d'un projet d'avis.

b) Moldova <Doc. 7278>
(Rapporteur pour avis: Mme Durrieu) <Doc. 7331>

- Préparation du débat.

6. AUTRES DEMANDES D'ADHÉSION

a) Bélarus
(Rapporteur pour avis: M. Seitlinger)

Vinta 6. 8 ottobre

b) Croatie
(Rapporteur pour avis: Lord Dundee)

c) ex-République yougoslave de Macédoine
(Rapporteur pour avis: M. Ruffy)

d) Ukraine
(Rapporteur pour avis: Mme Severinsen)

7. FÉDÉRATION DE RUSSIE
(Rapporteur: M. Atkinson) <Résolution 1055 (1995)>
<Directive 506 (1995)>

- Echange de vues.

8. DEMANDES DE STATUT D'INVITÉ SPÉCIAL

a. Arménie
(Rapporteur: Mme Gelderblom-Lankhout)
<AS/NM (1995) 14>

b. Azerbaïdjan
(Rapporteur: M. Sole Tura)

c. Géorgie
(Rapporteur: M. Cummings) <AS/NM (1995) 7>

9. COMMUNAUTÉ AROUMAINE
(Rapporteur pour avis: M. Gabrielescu)
<Doc. 7091>

- Echange de vues

10. QUESTIONS DIVERSES
- Eventuellement, désignation d'un rapporteur pour un débat d'urgence ou d'actualité.

11. PROCHAINE REUNION

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COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, le 29 juin 1995
faj22.95

AS/Jur (1995) 22

COMMISSION DES QUESTIONS JURIDIQUES ET DES DROITS DE L'HOMME

RAPPORT

sur la situation des droits de l'homme en Tchétchénie

(Rapporteur: M. BINDIG, Allemagne, Groupe socialiste)

I. Introduction

1. Conformément à la directive 506 (1995) relative à l'adhésion de la Russie à la lumière de la situation en Tchétchénie, la Sous-commission des droits de l'homme (de la Commission des questions juridiques et des droits de l'homme)[1] a visité Moscou, la Tchétchénie ainsi que les Républiques limitrophes du 5 au 11 juin 1995.

2. Après quelques difficultés initiales concernant le calendrier de la visite (dues à l'insistance des autorités russes, les dates d'abord envisagées - 1er au 7 mai 1995 - ayant dû être reportées), la visite a été très bien organisée par nos hôtes russes. Pendant toute la durée du séjour, la Sous-commission des droits de l'homme a été accompagnée par MM. Lukin et Zapolsky, membres de la Douma, et par M. Podoprigora, membre du Conseil de la Fédération (tous également membres de la délégation russe d'invités spéciaux auprès de l'Assemblée parlementaire du Conseil de l'Europe). Leur participation était la bienvenue. L'excellente organisation technique de la visite, notamment en ce qui concerne les moyens de transport (avions, hélicoptères, autobus, etc.), les mesures impressionnantes prises pour assurer notre sécurité, ainsi que les multiples marques d'hospitalité méritent d'être soulignées.

3. Le 7 juin 1995, après deux journées de réunions préparatoires à Moscou, la Sous-commission s'est rendue par avion en Ossétie du Nord, d'où elle a pu rejoindre, le même après-midi, toujours en hélicoptère, la localité d'Assinovskaya, village situé dans une zone stratégique que se disputent les Tchétchènes et les Ingouches, où elle a rencontré des habitants locaux. Après une journée passée dans les Républiques limitrophes d'Ossétie du Nord et d'Ingoustie, où la Sous-commission a rencontré les autorités locales et des réfugiés, elle s'est rendue le 9 juin 1995 en Tchétchénie proprement dite, visitant les villes de Grosny, Shali et Znamenskoye. La Sous-commission est demeurée une journée à Nalchik (Kabardino-Balkaria), puis est rentrée à Moscou, pour y rencontrer M. Sergeï Kovalyov, militant pour les droits de l'homme[2].

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[1] La délégation était composée de: M. López Henares (Espagne, PPE), Président, M. Severin (Roumanie, SOC), Vice-président, M. Bindig (Allemagne, SOC), Rapporteur, M. Bartodziej (Pologne, PPE), M. Columberg (Suisse, PPE), M^me^ Gelderblom-Lankhout (Pays-Bas, LDR), M^me^ Jaani (Estonie, PPE), M. Solé Tura (Espagne, SOC), et M. Plate et M^me^ Kleinsorge, Secrétariat.

[2] Pour plus de détails concernant le programme de la Sous-commission, voir annexe I.

4. La Sous-commission regrette cependant que les autorités russes n'aient pris en compte aucune des modifications qu'elle avait proposées par rapport au programme soumis par les autorités russes[3]. Elle regrette en particulier qu'elle n'ait eu l'occasion de rencontrer des représentants de M. Dudaïev ni de prolonger son séjour en Tchétchénie même - elle aurait souhaité visiter Argun, Samashki et Serzhen-Yurt - et de demeurer plus longtemps à Grosny[4].

5. La Sous-commission n'en souhaite pas moins remercier sincèrement les organisateurs russes de ce séjour. Elle exprime également ses remerciements particuliers à tous ses interlocuteurs, tant à Moscou que dans la région tchétchène, qui ont pris le temps de nous rencontrer - souvent au pied levé - et nous ont fourni de très précieux renseignements dans le cadre de discussions franches et ouvertes.

II. La situation générale en Tchétchénie

A. Sur le terrain

6. L'historique, les événements à l'origine de la situation telle qu'elle s'est présentée à la fin de janvier 1995 et le sort de la population civile à ce moment ont été exposés dans l'Avis du 2 février 1995 de la Commission des questions juridiques et des droits de l'homme (Doc 7231, dont un extrait figure en Annexe II) sur l'adhésion de la Russie à la lumière de la situation en Tchétchénie, déposé en vue du débat d'urgence décidé par l'Assemblée. C'est pourquoi seuls les événements survenus depuis la fin de janvier 1995 en Tchétchénie seront relatés ci-après.

7. Sur le plan militaire, Grosny, capitale de la République tchétchène, a été finalement investie par l'armée russe au début de février 1995. Bien que la ville ait été officiellement "pacifiée" depuis lors, les commandants militaires auxquels la Sous-commission s'est adressée à Grosny ont admis que des combats et des accrochages se poursuivaient dans la ville "chaque nuit", ce qui entraînait parfois des pertes de vies humaines. Selon les estimations, environ 250.000 habitants de Grosny[4] sont revenus dans la ville en ruines, où la production de gaz est le seul service public qui continue de fonctionner (il n'y a plus d'eau ni d'électricité). La situation est très critique, en dépit des efforts déployés par les organisations internationales et non-gouvernementales ainsi que le Programme fédéral de reconstruction (nous n'avons guère vu de traces de ce dernier). La plupart des maisons et immeubles d'habitation, notamment au centre, sont détruits ou tout au moins gravement endommagés par les bombes et les incendies. Ce qui n'a pas été détruit a été le plus souvent pillé. Des corps en voie de décomposition demeurent dans les caves de certains immeubles, et le risque d'épidémie dans la ville croît en fonction de l'augmentation de la chaleur estivale. La rocaille, la saleté et la poussière paraissent omniprésents.

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[3]Ces propositions ont été formulées le 29 mai 1995 par le Rapporteur à Paris et réitérées par différents membres de la Sous-commission et du Secrétariat, tant à Strasbourg qu'à Moscou et pendant toute la durée de la visite.

[4]La Sous-commission présente ses excuses aux représentants de Médecins sans frontières (MSF) qui se sont rendus auprès de la mission de l'OSCE à Grozny. Malheureusement, la Sous-commission a été informée trop tard de leur présence (lors de son départ) et devait choisir entre un entretien avec MSF et la visite du camp de filtration de Grozny. Cet incident a été extrêmement regrettable.

[4] Sur une population estimée à plus de 400.000 avant la guerre.

8. Le 21 mars 1955, les forces armées de la Fédération de Russie ont lancé une offensive qui a abouti à la prise des dernières places fortes importantes tenues par M. Dudaïev et ses combattants dans les terres basses : Shali, Argun et Gudermès (en Tchétchénie orientale) sont tombées. Entre le 6 et le 8 avril 1995, le village de Samashki en Tchétchénie occidentale fut pris par les forces russes ; des rapports concernant le massacre systématique de près de 200 civils lors de la prise du village ont bientôt été ébruités.

9. M. Dudaïev a transféré son quartier général et ses combattants vers le sud, dans les régions plus montagneuses de la Tchétchénie, à Shatoï, Bamut et Vedeno. Pendant le week-end où la Sous-commission est arrivée à Moscou, l'armée fédérale russe a attaqué Vedeno et d'autres villages situés dans les environs (tels que Serzhen-Yurt). Les combattants tchétchènes fuirent vers le sud dans les montagnes, jurant d'y poursuivre leur lutte.

10. Selon le général Kulikov, chef du commandement central des forces armées fédérales en Tchétchénie, que la Sous-commission a rencontré à Grosny le 9 juin 1995, les forces armées fédérales - qui comptait plus de 40.000 membres - contrôlent le pays plat depuis mars et poursuivent désormais leurs opérations dans les zones montagneuses. Le 9 juin 1995, 80% du territoire tchétchène et 90% de la population auraient été sous contrôle russe. Il restait à "libérer" trois districts. Sur les 12 à 13.000 combattants et un nombre équivalent de formations de réserve placées sous le commandement de M. Dudaïev en décembre 1994, seul demeuraient sur place des combattants irréductibles dont le nombre est évalué entre 1.500 et 3.000. De l'avis du général Kulikov, une guerre populaire de partisans était exclue ; d'ici à six à huit semaines, la République allait être "techniquement" prête pour des élections.

B. La situation vue de Moscou et des Républiques voisines

11. Les pouvoirs installés à Moscou - essentiellement la Douma d'Etat, le Conseil de la Fédération, l'administration présidentielle et les ministères "puissants" - sont divisés sur l'évaluation de la situation en Tchétchénie. Tandis que les trois derniers acteurs semblent s'accorder sur la nécessité de poursuivre énergiquement l'action militaire en cas de nécessité, la Douma d'Etat adopte une position plus modérée, sinon pas toujours cohérente.

12. La Douma d'Etat a adopté trois recommandations ainsi qu'un projet de loi sur la crise tchétchène, la dernière recommandation datant du 9 juin 1995. Dans ces textes, la Douma reconnaît que l'exécutif, y compris le Président de la Fédération de Russie, n'a pas épuisé tous les moyens pour trouver une solution pacifique en Tchétchénie; il exhorte l'exécutif à en trouver une maintenant. Les décisions de la Douma risquent cependant de rester lettre morte ; c'est ainsi que le projet de loi susmentionné s'est heurté au véto du Président, qui a estimé qu'il violait certaines dispositions constitutionnelles. M. Filatov, chef du Bureau du Président, l'a qualifié de "loi populiste", selon lui adopté pour permettre à la Douma de faire bonne figure, mais impossible à mettre en pratique.

13. Par ailleurs, la Douma d'Etat est lui-même divisé en factions "patriotiques" et "anti-militaires". Si la Douma ne soutient pas activement la guerre en Tchétchénie, il n'en a pas moins renvoyé à une large majorité son ombudsman, M. Sergeï Kovalyov, militant pour les droits de l'homme internationalement reconnu et lui-même député de la Douma, censé avoir calomnié l'armée russe et pris le parti des Tchétchènes dans le conflit. On ne saurait donc s'attendre à une action concertée de la Douma visant à mettre un terme à la guerre, bien qu'il puisse adopter une autre loi accordant l'amnistie aux combattants tchétchènes qui rendent les armes.

14. Les représentants du Conseil de la Fédération, avec lesquels la Sous-commission s'est entretenue durant sa visite, ont adopté une position encore plus dure. Ils ont souligné la nature du régime de M. Dudaïev de 1991 à 1994 ainsi que les violations présumées des droits de l'homme (notamment à l'encontre de la population russe vivant en Tchétchénie) durant ces années. De l'avis, par exemple, de M. Tarasenko, président de la Commission des affaires fédérales et de la politique régionale, les difficultés rencontrées par la population civile en Tchétchénie ne feraient que s'aggraver si les forces armées russes quittaient la région. Les allégations concernant les atrocités commises par les troupes russes furent rejetées comme constituant une "désinformation systématique et caractérisée"; le massacre de Samashki fut qualifié de "simple rumeur".

15. D'après M. Filatov, chef du Bureau du Président Eltsine, cette administration n'envisageait en décembre dernier qu'une seule possibilité pour sortir de la crise tchétchène: la solution militaire. M. Filatov a également estimé que les opérations militaires devaient se poursuivre, tout en déclarant que le gouvernement était «disposé à entamer des négociations à tous les niveaux nécessaires». Toutefois, durant le séjour de la Sous-commission, aucune négociation n'a eu lieu, chacune des parties ayant posé des conditions inacceptables: la partie russe exigea que les combattants tchétchènes déposent les armes, et la partie tchétchène exigea le retrait des forces russes de Tchétchénie.

16. Il est difficile de connaître l'opinion russe à l'égard de la guerre en Tchétchénie. D'une manière générale, il parait acquis que la majorité de la population dans les grandes villes — Moscou et Saint-Pétersbourg — est opposée à la guerre, alors qu'une approche plus «patriotique» semble recueillir la majorité à la campagne. A Moscou, l'un des opposants les plus décidés à la guerre est M. Sergeï Kovalyov, le Président susmentionné de la Commission des droits de l'homme du Président. Lui-même et certains membres d'organisations russes des droits de l'homme, notamment Memorial et la Commission des mères de soldats, ont accompli de multiples missions d'enquête dans la région tchétchène et y ont enregistré des violations des droits de l'homme ainsi que des atrocités. Leurs renseignements se sont avérés très précieux pour la Sous-commission des droits de l'homme.

17. De l'avis de pratiquement toutes les personnes que la Sous-commission a rencontrées dans les républiques limitrophes de la Tchétchénie — qu'elles étaient des représentants d'autorités régionales, des autochtones ou des réfugiés —, aucune raison ni aucune nécessité a justifié les moyens employés et la forme prise par l'action militaire engagée en décembre 1994 et se poursuivant à ce moment-là. Même si la République tchétchène a connu une certaine anarchie et un certain désordre sous le règne de M. Dudaïev, notamment en raison de l'accroissement du taux de la criminalité, il y avait d'autres moyens pour restaurer l'ordre. Selon ces personnes, le gouvernement russe, en envoyant les forces armées, avait choisi la solution la plus mauvaise et la moins opportune «pour sortir de la crise».

C. La position des organisations internationales concernées

18. Le présent rapport portant essentiellement sur la situation qui règne actuellement en Tchétchénie dans le domaine des droits de l'homme, nous n'exposerons que très sommairement les réactions de la communauté internationale, des organisations internationales et des organisations non gouvernementales (ONG), dans la mesure où la connaissance de ces réactions est essentielle pour comprendre la suite du présent rapport.

19. Le 18 avril 1995, l'Organisation pour la Sécurité et la Coopération en Europe (OSCE) a envoyé à Grosny un groupe d'assistance dirigé par un diplomate hongrois, l'ambassadeur Mészáros. Ce groupe d'assistance a pour mission de s'efforcer de trouver, grâce à des négociations, une solution pacifique de la crise tchétchène et de rétablir, dans le cadre de la constitution russe et en coopération avec la Fédération de Russie, des institutions démocratiques dans cette région. Le 25 mai 1995, des négociations préalables ont eu lieu sous les auspices de l'OSCE entre des représentants de M. Dudaïev et les autorités fédérales russes; toutefois, après que les difficultés à résoudre eurent été cernées et divisées en deux catégories (militaire et politique), les négociations furent arrêtées n'ont pas été reprises depuis lors, comme il est indiqué ci-dessus. La mission de l'OSCE ne dispose pas d'un mandat direct concernant les droits de l'homme, elle ne fait que transmettre les plaintes dont elle est saisie à la «Commission d'inspection mixte des droits de l'homme» des autorités fédérales ou régionales[5].

20. L'Union européenne (UE), à la suite d'une résolution adoptée par le Parlement européen le 19 janvier 1995, a reporté à une date indéfinie la signature de l'accord commercial intérimaire qu'elle devait conclure avec la Russie et a fermement condamné les violations persistantes des droits de l'homme en Tchétchénie. L'Union européenne s'est également prononcée en faveur du déploiement à Grosny du groupe d'assistance de l'OSCE. Le 15 juin 1995, le Parlement européen a adopté une recommandation allant dans le même sens.

21. En février 1995, les Nations Unies ont lancé un appel interorganisations en vue d'aider les personnes déportées en République tchétchène et ayant quitté celle-ci. Cette action, à laquelle sont associés le HCNUR, l'Unicef, l'Organisation mondiale de la Santé et d'autres organismes, est étroitement coordonnée avec la Croix-Rouge internationale (CICR), qui fournit une aide humanitaire et autre en Tchétchénie même. L'Organisation internationale des Migrations (OIM) et certaines organisations non gouvernementales, telles que Médecins sans frontières, Médecins du monde et merlin participent également à ces activités. Le travail des organisations susmentionnées est des plus méritoires; le plus souvent, l'aide qu'elles fournissent est la seule qui atteigne les populations en détresse, les réfugiés à l'intérieur et en dehors de la Tchétchénie, les blessés et les malades dans les hôpitaux et polycliniques tchétchènes, la population de Grosny qui manque d'eau.

22. L'activité des organisations internationales travaillant dans le domaine des droits de l'homme, notamment Human Rights Watch Helsinki, dont le siège se trouve aux Etats-Unis, est tout aussi remarquable. Leur quatre rapports sur la situation des droits de l'homme en Tchétchénie[6] sont extrêmement détaillés et des plus instructifs. D'autres organisations internationales des droits de l'homme, telle que la Fédération internationale d'Helsinki des droits de l'homme, dont le siège est à Vienne, accomplissent elles aussi un travail inestimable.

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[5]Cette Commission d'inspection mixte des droits de l'homme, qui sera évoquée à nouveau dans le chapitre du présent rapport consacré à la primauté du droit, ne semble disposer du moindre pouvoir. Je me suis personnellement entretenu avec son président, un ressortissant russe, qui n'avait alors enregistré aucune plainte concernant un mauvais traitement dans un centre de filtrage (sic).

[6]Peuvent être obtenus du secrétariat de la Commission des affaires juridiques et des droits de l'homme.

D. Le jugement du rapporteur

23. Le rapporteur porte le jugement suivant sur la situation générale en Tchétchénie: la guerre en Tchétchénie est entrée dans une phase nouvelle. Après l'assaut de Grosny, qui a coûté la vie à beaucoup de militaires et de civils, les opérations militaires en Tchétchénie ont été de plus en plus mal vues en Russie. Aussi les forces armées russes semblent-elles avoir changé de stratégie: elles avancent très lentement, repoussant vers le sud M. Dudaïev et ses combattants, tout en évitant les grandes batailles, la prise de villes et d'autres tactiques militaires qui augmenteraient les risques auxquels sont exposés les soldats russes[7]. Toutefois, elles continuent de recourir largement aux bombardements aériens, qui se traduisent par la destruction de villages et la mort de nombreux civils.

24. La stratégie des forces tchétchènes est également en train de changer. La guerre prend progressivement le caractère d'une guérilla, dans laquelle un nombre réduit de combattants montent des opérations ponctuelles, effectuent des tirs isolés et exécutent des coups de main terroristes (comme celui qui eut récemment lieu à Budennovsk, ville située dans le sud de la Russie). Le rapporteur ignore combien de temps les combattants de M. Dudaïev seront en mesure de poursuivre cette forme de combat, mais leur élimination dans un délai de six à huit semaines, annoncée par le général Kulikov, ne semble guère vraisemblable.

25. Simultanément, la tension dans la partie «occupée» ou «libérée» de la Tchétchénie semble augmenter. Dans ces zones, la population est de plus en plus exaspérée, moins en raison des actions des forces combattantes elles-mêmes qu'à la suite des actions menées par les troupes du ministère de l'Intérieur et celles de l'OMON, qui suivent les combattants proprement dits. Alors que beaucoup d'hommes tchétchènes sont retenus sans raison dans des camps de filtration, où ils sont souvent battus et parfois torturés — on signale des pillages, des vols à main armée, des actes de chantage, des viols et des meurtres commis par les unités spéciales[8], de nombreux Tchétchènes se retournent contre les Russes en général (y compris leurs voisins, souvent considérés comme collaborant avec l'ennemi). Indépendamment de sa haine refoulée contre le régime Dudaïev pendant la période de 1991 à 1994, sous lequel beaucoup de ses membres ont souffert, la population russe vivant en Tchétchénie vit également dans la peur d'actes de vengeance commis par ses voisins tchétchènes au cas où les troupes russes quitteraient le territoire.

26. La situation en Tchétchénie n'est donc pas simple. Une opération militaire prolongée du côté russe, une guerre de partisans et une stratégie terroriste du côté tchétchène, de la haine des deux côtés, ont conduit à une situation dans la République tchétchène à laquelle il sera difficile de trouver une solution politique, ni a fortiori militaire. Le présent rapport portant essentiellement sur la situation des droits de l'homme en Tchétchénie, le rapporteur se limitera à formuler une seule recommandation concernant la situation générale: une solution pacifique, politique, négociée du conflit en Tchétchénie doit être trouvée immédiatement — il ne faut plus qu'il y ait de combats (ni d'un côté ni de l'autre).

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[7]Malgré la faible superficie de la République tchétchène, la localité de Serzhen-Yurt, qui ne serait distante que de 7 km de Shali (prise par les forces russes à la fin de mars), n'a été enlevée que deux mois plus tard.

[8] Cet aspect sera développé dans le chapitre consacré aux droits de l'homme.

III. Violations des droits de l'homme et du droit humanitaire international

A. La partie russe

1. Faits de guerre

27. Comme il a déjà été soutenu dans l'avis de la Commission sur l'adhésion de la Russie à la lumière de la situation en Tchétchénie (Doc 7231), la Convention de Genève de 1949 pour la protection des victimes de guerre (notamment la quatrième convention et le deuxième protocole additionnel), le code de conduite de l'OSCE, signé en décembre 1994, ainsi que les multiples résolutions des Nations Unies s'appliquent toutes également à des conflits armés ne revêtant pas un caractère international. La Russie est liée par ces documents concernant le droit humanitaire international[9] et doit en appliquer les dispositions dans le conflit tchétchène.

28. Confronté par la Sous-commission à quelques-unes des violations alléguées du droit humanitaire international commises par les forces armées russes, le général Kulikov répondit qu'«une sale affaire comme la guerre s'accompagne toujours d'actes de même nature». Cette attitude, qui semble largement partagée par le commun des soldats russes communs, n'est nullement acceptable. Après tout, les Conventions de Genève ont été élaborées à la suite de la deuxième guerre mondiale et de ses pertes élevées en vies civiles en vue de protéger tous les humains, y compris les non-combattants, contre les ravages causés par la guerre (de telle sorte qu'une guerre ne puisse plus comporter d'actes «sales» commis contre la population civile). Bien entendu, il existe également des limites à cette protection des civils, dictées par des nécessités militaires contraignantes telles que la légitime défense, mais il ne convient pas, en règle générale, de déroger en temps de guerre aux dispositions du droit humanitaire international, précisément parce que celui-ci a été conçu pour les périodes de guerre.

29. A titre d'exemple, imaginons un cas limite pour les besoins de l'argumentation: dans une situation de combat aiguë, un soldat visé par des tirs provenant de l'intérieur d'un immeuble se défend ainsi que ses camarades en jetant à l'intérieur de celle-ci une grenade à main. Comme la défense efficace du soldat exigeait qu'il éliminât immédiatement le(s) combattant(s) à l'intérieur de cet immeuble, on ne saurait lui reprocher l'éventuelle présence de civils à l'intérieur de celui-ci, présence qu'il ignorait. En revanche, s'il avait jeté la grenade à main soit en l'absence de tout danger immédiat pour lui-même ou ses camarades, soit en sachant, alors qu'il était exposé à un grave danger, que des civils serait également à l'intérieur de l'immeuble et qu'il existait d'autres moyens pour éliminer les combattants sans mettre ces civils en danger, ce soldat aurait violé le droit humanitaire international.

30. En réalité, la plupart des allégations concernant des violations du droit humanitaire international sont beaucoup plus tranchées que l'exemple ci-dessus; parfois les actes incriminés peuvent même être qualifiés de politique délibérée de la part du commandement fédéral russe.

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[9]Pour une explication plus détaillée, veuillez vous reporter au Doc 7231, pages 3 et 4.

i. Bombardements aériens, tirs d'artillerie à longue portée et tirs au hasard

31. L'une des plaintes les plus souvent enregistrées par la Sous-commission (et par ailleurs confirmée par les rapports de l'ONG Human Rights Watch/Helsinki concerné le tir au hasard. Il y a d'abord eu les bombardements aériens: des bombardements cadrés systématiques à Grosny en décembre et en janvier, à Argun en mars et en avril, le lancement de bombes groupées à Gudermes, des bombardements intermittents à Vedeno depuis la fin du mois de mars. Les tirs d'artillerie à longue portée étaient également usuels (par exemple à Shali à la fin de mars et au début d'avril), et des lance-flammes ont parfois été utilisés (par exemple, selon plusieurs témoignages que nous avons nous-mêmes enregistrés, à Sherzhen-Yurt au début de juin). Ces pratiques des tirs au hasard témoignent d'un recours disproportionné à la violence de la part de l'armée fédérale russe[10] et sont contraires aux dispositions du droit humanitaire international, la population civile ne devant pas faire l'objet d'attaques[11]. Comme l'a indiqué à Human Rights Watch l'un des anciens habitants de Gudermes: «Les bombes ne font pas la différence entre civils, combattants, Russes, Tchétchènes.»[12]. C'est précisément pour cette raison que les tirs au hasard sont interdits, car ils ne permettent aucune protection appropriée de la population civile.

ii. Le massacre allégué à Samashki

32. Plusieurs rapports on fait état d'un massacre qui semble avoir été commis dans le village de Samashki en Tchétchénie occidentale, qui a été pris les 7 et 8 avril 1995. Les indications concernant le nombre des victimes divergent sensiblement, mais les sources officielles russes situent à au moins 120 le nombre des pertes en vies humaines. Les militaires russes font valoir que Samashki était une place forte ennemie et que la plupart des victimes étaient des combattants. Selon les témoignages de certains journalistes, d' ONGs et les déclarations de quelques témoins, la plupart des victimes étaient cependant des civils[13]. Selon ces témoignages, des militaires russe ont jeté des grenades dans des caves dans lesquelles des civils s'étaient cachés, incendié des maisons avec des lance-flammes et abattu sommairement des civils. Selon le témoignage d'un soldat russe qui a participé à l'attaque et auquel nous nous sommes adressés[14], les soldats ont effectivement jeté des grenades à main dans les caves parce qu'ils étaient attaqués par des combattants qui tiraient sur eux à partir de ce dernières (ce qui ferait de cette action un cas limite). Le même soldat a néanmoins admis que les militaires ont exécuté sur le lieu même cinq combattants capturés (sur les plus de 100 qui auraient été détenus), «parce qu'ils étaient des tireurs isolés».

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[10]Le Général Kukikov nie l'existence d'une politique de lancement de bombes et de bombardements intermittents sur les villages. Selon lui, depuis le début du mois de juin (sic!) les bombardements aériens et les tirs d'artellerie à longue portée n'ont été utilisés que contre des bandes armées illégales se trouvant en dehors des villages et villes. Si un obus est tombé sur un village, c'était "exceptionnel et non prévu".

[11]Conformément à l'article 13 du deuxième protocole additionnel aux Conventions de Genève.

[12] Human Rights Watch/Helsinki: Russie - guerre des partisans en Tchétchénie à la veille de la commémoration de la deuxième guerre mondiale, mai 1995, page 9.

[13] L'ONG russe, Memorial, envisage de publier à la fin de ce mois un rapport détaillé sur ce massacre. Cet organisme estime (provisoirement) à 94 le nombre des morts civils.

[14]Le nom de ce militaire est connu de la Sous-commission. Par principe, les noms des témoins ne sont cependant pas indiqués dans le présent rapport, afin d'éviter des représailles. Le présent renvoi en bas de page s'applique aussi aux autres témoins.

33. Le Rapporteur ne souhaite formuler, à ce stade, aucune appréciation quant au massacre qui aurait eu lieu à Samashki, essentiellement parce que les autorités russes n'ont malheureusement pas donné l'occasion à la Sous-commission de se rendre dans ce village et de s'entretenir avec ses habitants. Les terribles rumeurs concernant les événements à Shamashki, transmises à la Sous-commission par des habitants d'autres villes en Tchétchénie et par certains réfugiés, peuvent être exagérées; d'autre part, certaines preuves semblent témoigner d'un recours disproportionné à la violence par les forces fédérales russes. Il convient cependant de surseoir à un jugement définitif sur le présumé massacre, en attendant de disposer d'un complément d'information.

iii. Attaques directes dirigées contre des civils et des objectifs civils

34. L'une des informations les plus inquiétantes parvenues à la Sous-commission a été donnée par un groupe de femmes assez âgées à Shali, qui ont raconté comment elles-mêmes et leurs enfants ont été «chassées comme des lièvres» à partir d'hélicoptères au moment de la prise de la ville. Une autre femme y a indiqué que le bombardement de la ville a commencé un jour de marché et que les victimes - en l'espace de vingt minutes - étaient des civils qui s'étaient rendus au marché. A Shali et à Assinovskaya, plusieurs femmes originaires des villages environnants ont fait valoir qu'il n'y a pas eu de combattants dans leur villages, mais les soldats russe n'en ont pas moins bombardé le village, incendiant toutes les habitations de fond en comble. C'est ainsi que les 90% du village de Serzhen-Yurt en Tchétchénie orientale auraient été détruits seulement quelques jours avant l'arrivée de la Sous-commission.

35. Les rapports du Human Rights Watch/Helsinki contiennent de nombreuses descriptions d'autres attaques directes menées contre des objectifs civils ou des personnes civiles, par exemple l'incendie d'immeubles à Gudermes, le pillage généralisé à Grosny et à Shali, le bombardement intensif à Ishkoi-Yurt voire les tirs contre les réfugiés (notamment ceux qui se trouvaient à l'intérieur des voitures) sur les routes de Tchétchénie. Une femme avec laquelle nous nous sommes entretenus à Shali nous a rapporté comment son mari, âgé de 46 ans - un non combattant -, a été tué lorsqu'un obus a atteint sa voiture. De pareilles attaques menées contre les civils et les objectifs civils ne sauraient se justifier, pas même en tant que faits de guerre. En fait, elles sont expressément prohibées par le deuxième protocole additionnel aux Conventions de Genève.

36. Ce protocole interdit aussi expressément d'affamer des civils en tant que méthode de combat (article 14). La Sous-commission ne dispose pas encore d'un nombre suffisant de témoignages lui permettant d'alléguer l'existence, du côté russe, d'une telle politique, mais une tendance en ce sens semble se manifester. C'est ainsi qu'à Shali un homme d'un certain âge a accusé les forces russes de vouloir délibérément engendrer la famine: il ne pouvait laisser sortir ses vaches parce qu'elles furent déchirées par des mines souterraines. Une femme ajouta qu'elle ne fut pas autorisée à se rendre dans les champs parce que des chars s'y étaient retranchés. Dans d'autres champs, on pouvait encore voir les tranchées creusées dans la terre. Une autre femme s'est plainte que son potager ait été délibérément détruit par les militaires. Toute la population de Shali s'est plainte de la famine.[15]

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[15]A Assinovskaya, plusieurs femmes se sont plaintes d'une sorte de couvre-feu pendant la journée: il leur était interdit de quitter la maison pour travailler dans un kolkhoze local. Une femme a témoigné en ces termes: «Mais si nous sommes censées quitter nos maisons, comment pouvons-nous récolter nos pommes de terre?».

iv. Abus commis durant le désarmement.

37. Consignée pour la première fois dans le rapport de Human Rights Watch/Helsinki et confirmée par un témoignage recueilli par la Sous-commission, il existerait une tendance de la part des forces russes d'abuser de la manière suivante de leurs droits à désarmer les combattants: systématiquement, tout le village (indépendamment de la question de savoir s'il s'y trouve ou non des combattants) est invité à remettre un certains nombre d'armes, sous peine de bombardement et/ou de mise à sac du village. Qui pis est, le nombre arbitrairement fixé d'armes à livrer est souvent trop élevé, de sorte qu'un ancien du village doit acheter des armes pour tenter d'éviter au village l'application d'une sanction collective. Parfois, même lorsque les exigences des forces russes sont satisfaites, comme à Alleroi, Betti-Mokh et Bachi-Yurt[16], il semblerait que les villages n'en soient pas moins bombardés et criblés d'obus.

38. L'application d'une sanction collective à des civils est expressément prohibée par l'article 33 de la quatrième Convention de Genève. Là encore, le Rapporteur ne dispose pas de preuves suffisantes lui permettant d'affirmer que les abus commis lors du désarmement, décrits dans le paragraphe précédent, procèdent d'une politique délibérée appliquée par les forces russes; il peut ne s'agir que d'un accident isolé revêtant un caractère local. Toutefois, de pareils incidents sont totalement inacceptables. En tout état de cause, si les forces russes ont parfaitement le droit de désarmer les villageois, elles ne doivent jamais imposer des sanctions collectives à des civils - ni même les en menacer - lorsque leurs exigences ne sont pas satisfaites (bien entendu, elles ne sauraient pas non plus formuler des exigences arbitraires).

2. Le comportement des unités du ministère de l'Intérieur et des unités OMON

39. L'une des plaintes les plus fréquemment enregistrées par la Sous-commission à Assinovskaya n'était pas dirigée contre les soldats de l'armée russe, mais contre les troupes qui les suivirent pendant «l'occupation» du village, que les villageois ont appelées «mercenaires» ou «professionnels». Après quelques interrogations, la Sous-commission a compris que les villageois désignaient par ce terme des unités spéciales du ministère de l'Intérieur (telles que les unités SpetsNaz ou unités du service pénitentiaire) ou les unités OMON (une force de police spéciale - l'abréviation signifie «détachement de la milice pour mission spéciales »)[17]. Contrairement à la plupart des conscrits de l'armée régulière russe (qui mène les combats actuels), ces soldats sont des militaires professionnels qui servent sous contrat et reçoivent un salaire attrayant par rapport au salaire des premiers. Leur tâche officielle consiste à «nettoyer» un village occupé, à dénicher et à capturer les combattants, à désarmer les villageois et, d'une manière générale, à imposer l'ordre.

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[16]Human Rights Watch/Helsinki: Russie - guerre de partisans en Tchétchénie à la veille de la commémoration de la deuxième guerre mondiale, mai 1995, page 17.

[17]Le rôle des unités SOBR (une sorte de force spéciale de réaction rapide) n'apparaît pas clairement. A Assinovskaya, depuis qu'elles ont «pris en charge» le village le 19 mai 1995, la situation semble s'être améliorée - des hommes n'ont plus été enlevés la nuit de leurs habitations et le nombre des pillages et incendies volontaires a diminué. Dans d'autres localités, nous avons cependant enregistré des plaintes dirigées contre les unités SOBR de même nature que les plaintes dirigées contre les unités SpetsNaz et les unités OMON. La confusion est encore plus difficile à éviter parce que de nombreux témoins peuvent seulement distinguer entre l'armée régulière, les unités du ministère de l'Intérieur et les unités OMON (les trois sortes d'unités portent des uniformes et des insignes plus ou moins distinctifs); certains témoins ne peuvent pas même distinguer entre ces dernières.

40. La plupart de plaintes – malheureusement très fréquentes – concernant le comportement des troupes russes ont visé ces unités spéciales (excepté les quelques plaintes concernant l'armée russe en tant que telle, traitées dans le précédent chapitre intitulé «faits de guerre»). La Sous-commission a recueilli des comptes rendus macabres de la part d'un nombre élevé de témoins et qui ne peuvent être détaillés dans le présent contexte. Ils peuvent cependant être classés en certaines catégories:

– vol à main armée et pillage (en particulier d'objets de valeur et de matériels de télévision et de haute fidélité, mais aussi de vêtements);

– destruction gratuite (souvent les soldats ont volé ce qu'ils convoitaient, puis ont soulevé leur mitrailleuse et détruit le reste[18];

– chantage (nous avons entendu des récits concernant des soldats qui se faisaient payer l'accès à l'eau ou à la nourriture, ou simplement le droit de passage);

– incendie volontaire (les habitations pillées sont régulièrement incendiées; dans certains villages, comme à Assinovskaya, le feu est régulièrement mis aux habitations (non occupées) des réfugiés;

– viols (plus rares, seuls deux viols, commis à Assinovskaya, nous ont été relatés – il n'existe pas de preuves de viols systématiques comme en Bosnie-Herzégovine);

– «disparitions»[19]/prise d'otages (à Assinovskaya, notamment, les soldats auraient enlevé les hommes âgés de 12 à 60 ans, tous non combattants, en pleine nuit, soit pour les emmener vers un centre de filtrage, soit pour demander une rançon; quelques jeunes, tant à Assinovskaya qu'à Shali, ont complètement «disparu» après avoir été détenus par des militaires russes).

La Sous-commission n'a pas recueilli d'allégations concernant des meurtres proprement dits commis de sang froid[20] par les forces d'occupation (sauf en relation avec les centres de filtrage, qui seront traités au chapitre suivant).

41. Il convient de noter que tous ces incidents n'ont pas eu lieu lors des combats (tels que la prise d'un village) ni immédiatement après ces derniers, mais par la suite - parfois même des mois après la première occupation du village (comme dans le cas d'Assinovskaya). Personne n'a jamais appris qu'un militaire a été poursuivi pour avoir commis de pareils actes, ni a fortiori qu'il a été condamné, à l'exception du Général Kulikov, qui affirme que 60 poursuites avaient été engagées, dont 20% environ avaient donné lieu à des condamnations. Selon les soupçons exprimés par de nombreux villageois, ces actes cruels n'étaient pas toujours impulsifs, imputables à quelques soldats minables

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[18]A Assinovskaya, par exemple, la pharmacie locale a d'abord été pillée, puis complètement détruite, de sorte qu'il n'y restait plus aucun médicament.

[19]Deux cas de «disparitions» particulièrement émouvants ont été signalés: le 17 mai 1995, à Assinovskaya, des militaires ont arrêté et enlevé le fils d'une femme âgée de 80 ans, faute d'avoir un permis de séjour local, et même les fonctionnaires locaux n'ont pu découvrir son lieu de séjour. Le deuxième cas concernait trois jeunes gens - non armés, non combattants – originaires de Shali (Sh. Tashukhadjiev, A. Suleimanov et A. Domayev), qui disparurent le 9 mai 1995 avec la voiture de couleur blanche qu'ils conduisirent; leurs parents présument qu'ils ont été arrêtés par des soldats russes et emmenés à un centre de filtrage, mais aucun renseignement officiel ne leur a été fourni.

[20]A Znamenskoye, quelques femmes ont déclaré avoir assisté au meurtre, peu de temps auparavant, d'une mère et d'un enfant tchétchènes dans la rue principe de Znamenskoye. Une colonne de véhicules militaires a traversé la ville en début de soirée, lorsqu'une voiture blindée a subitement changé de direction, heurtant de front la mère et son enfant qui marchaient le long de la rue. Il n'était pas établi qu'il s'agissait d'un accident (provoqué par un conducteur en état d'ébriété) ou, au contraire, d'un acte délibéré.

ou ivres, commis à l'insu et/ou sans l'approbation de leurs supérieures: parfois ces derniers semblent avoir connu et toléré ces violations, voire les avoir ordonnées, appliquant peut-être un politique visant à écraser la résistance (civile) tchétchène et consistant à terroriser la population locale. Qu'elles aient été connues ou approuvées par les commandants ou commises à leur insu, ces violations des droits de l'homme telles que les méfaits sus-énumérés, sont bien entendu totalement inacceptables.

3. Les points de filtrage (PF)

42. L'ONG russe «Memorial» a publié récemment un rapport circonstancié concernant les conditions qui règnent dans ce que l'on appelle les «points de filtrage» (en abrégé PF)[21], en s'appuyant sur les conclusions de missions d'enquête et sur de nombreux témoignages. Dans les paragraphes qui vont suivre, le rapporteur se fondera lui-même sur ce rapport, sur les entretiens qu'a eus la Sous-commission avec des représentants de «Memorial» et avec le militant des droits de l'homme, Sergei Kovalyov, mais surtout sur les témoignages recueillis par la Sous-commission elle-même pendant ses visites aux points de filtrage de Mozdok et Grosny, ainsi que pendant ses entretiens avec d'anciens détenus et leurs proches à Assinovskaya, à Shalim et dans des camps de réfugiés.

43. En général, la politique suivie par les forces fédérales russes semble être la suivante: une fois qu'un village a été pris par l'armée russe, les troupes spéciales du ministère de l'Intérieur et de l'OMON qui entrent dans le village fouillent les maisons de tous les villageois pour chercher des combattants et/ou des armes. Pendant ce temps, presque tous les hommes qui restent dans le village, surtout les jeunes – qui, dans leur grande majorité, ne sont pas des combattants et ne possèdent pas d'armes – sont arrêtés et transportés jusqu'à des «points d'accumulation». En fait, tous les hommes tchétchènes qui se trouvent en territoire tenu par les Russes sont quotidiennement arrêtés, chez eux, à des barrages routiers, ou dans les champs. En règle générale, aucun motif d'arrestation n'est invoqué; si un motif est donné, c'est «individu soupçonné d'être un combattant», «possession d'armes», ou «contrôle d'identité». Le dernier motif est, pour la plupart des gens, le plus odieux, car il y a eu des cas où la personne arrêtée était en possession de tous ses papiers mais où ceux-ci ont été soit dérobés soit détruits par les troupes qui l'ont arrêtée[22].

44. Les points de filtrage ont été mis sur pied par le ministère de l'Intérieur pour «filtrer» les combattants par rapport aux non-combattants. Il n'existe cependant en droit russe aucune base légale pour leur création. Les PF fonctionnent dans un vide juridique complet. Officiellement, ils n'existent même pas réellement, car leur existence n'a pas de base. C'est pourquoi il n'y a pas non plus de lignes directrices concernant le point de savoir qui pourrait ou devrait y être conduit. Les arrestations sont donc complètement arbitraires – les troupes du ministère de l'Intérieur peuvent arrêter et détenir qui elles le souhaitent dans les PF. C'est ainsi que, la plupart du temps, de simples Tchétchènes – des civils, pas des combattants – sont «soupçonnés» et conduits aux PF.

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[21]Centre «Mémorial» de défense des droits de l'homme: ... Moscou 1995.

[22]Un exemple très parlant a été donné à la Sous-commission, à Assinovskaya, par une femme dont l'époux a été arrêté chez lui, à 2 heures du matin, pour «contrôle d'identité». L'homme ayant présenté ses papiers aux troupes spéciales, l'un des soldats les lui a arrachés en disant «vous n'en aurez plus besoin». L'homme a ensuite été conduit à un point d'accumulation et, de là, à un point de filtrage «parce qu'il n'avait pas de papiers».

45. Le nombre extrêmement élevé de témoignages permet d'affirmer que les personnes arrêtées sont généralement battues et maltraitées d'autres façons pendant qu'elles sont conduites aux points de filtrage et après leur arrivée. Les passages à tabac sont fréquents, de même que la privation de sommeil, de nourriture et d'eau, et il y a parfois des actes de torture (qui conduiraient même, dans des cas isolés, à la mort). En général, les enquêteurs posent aux personnes arrêtées des questions simples («Etes-vous un combattant? Avez-vous des armes?» et «Connaissez-vous un combattant? Savez-vous où les combattants se cachent?»), tandis que ceux-ci sont battus de façon intermittente par les gardes pour les pousser aux aveux[23].

46. Au bout de plusieurs jours, la plupart des hommes arrêtés sont tout simplement relâchés. Certains sont accusés de divers crimes et délits et envoyés dans des centres de détention préventive en Russie[24] (en outre, selon certaines allégations, des personnes seraient envoyées dans de tels centres, ou directement dans des camps de prisonniers, sans être accusées du moindre délit). Certains sont récupérés par leur famille en échange d'une rançon versée secrètement; certains sont échangés contre des soldats russes capturés par M. Dudaïev; d'autres sont échangés contre les cadavres de soldats russes. Certains de ceux qui ont été arrêtés reçoivent des certificats attestant qu'ils sont passés par un point de filtrage, pour leur éviter d'être immédiatement arrêtés à nouveau, mais la plupart ne reçoivent pas de tels documents. Selon des chiffres provisoires de «Memorial», il y aurait eu, jusqu'au début du mois de juin 1995, au moins 2 000 hommes tchétchènes arrêtés et détenus à des points de filtrage.

i. Traitement aux points de pré-filtrage («points d'accumulation»)

47. Il semble que la plupart des hommes arrêtés soient d'abord conduits à des «points d'accumulation» avant d'être transférés aux points de filtrage proprement dits, à pied, en voiture, en autobus, en camion ou en hélicoptère. Ces «points d'accumulation» peuvent être n'importe quoi: des champs, des voitures et des camions, des cours, des casernes, ou (le pire de tout) des fosses. Nous avons entendu à Assinovskaya la déclaration faite par la mère d'un jeune homme qui avait été arrêté à la fin du mois de février et emmené dans un champ où l'on rassemblait les hommes. Ceux-ci avaient les yeux bandés (ce qui semble être la procédure habituelle) et les mains liées derrière le dos; ensuite on les a fait courir à travers le champ tandis que les soldats leur donnaient des coups sur les jambes. Enfin, on les a «chargés» dans un hélicoptère (où ils devaient se coucher les uns au-dessus des autres); pendant le vol, les soldats les ont menacés d'en jeter un ou deux par-dessus bord parce que l'hélicoptère était trop chargé. A Assinovskaya encore, un homme âgé, qui avait été lui-même transféré par hélicoptère au PF de Mozdok, a certifié que les soldats battaient les détenus même pendant le vol, mais surtout à l'arrivée.

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[23]Dans au moins un cas dont nous avons entendu parler, l'homme arrêté avait les yeux bandés et on lui avait demandé de signer un papier. Lorsqu'il a refusé, on l'a battu. Il a fini par signer. Il s'est avéré par la suite que le papier en question constituait ses aveux selon lesquels il était l'un des combattants de M. Dudayev.

[24]Certains à proximité, comme à Vladikavkaz (Ossétie du Nord), à Stavropol et à Pyatigorsk, mais d'autres aussi loin qu Chelyabinsk (dans les monts Oural).

48. Le rapport susmentionné de «Memorial» décrit plusieurs autres incidents analogues de mauvais traitements aux «points d'accumulation», y compris la détention des hommes arrêtés dans des fosses (les yeux bandés) où ils étaient roués de coups[25]. Le rapport fait également état de marches forcées jusqu'aux points de filtrage, marches pendant lesquelles les détenus étaient battus et parfois même abattus[26]. Ces témoignages ont été confirmés par le représentant du Comité international de la Croix-Rouge (CICR) que la Sous-commission a rencontré à Moscou: la plupart des passages à tabac et des mauvais traitements subis par les personnes arrêtées avaient lieu, semble-t-il, avant l'arrivée aux points de filtrage.

ii. Le point de filtrage de Mozdok

49. La visite du point de filtrage de Mozdok figurait depuis le tout début au programme de la Sous-commission. Pourtant, lorsque celle-ci est arrivée à Moscou, M. Filatov (Chef du personnel de l'administration présidentielle) lui a appris que le point de filtrage de Mozdok avait été fermé deux jours plus tôt (le 3 juin 1995). Lorsque la Sous-commission est arrivée à Mozdok, le 8 juin 1995, les autorités locales lui ont confirmé que le point de filtrage avait été fermé une semaine plus tôt, et elles lui ont proposé de visiter à la place le point de filtrage de Grosny. La Sous-commission a cependant insisté pour voir malgré tout le PF vide de Mozdok, et elle y a envoyé une petite délégation. On a montré à la délégation où se trouvaient auparavant, à la gare ferroviaire de Lukovskaya, les trois voitures spéciales[27] qui avaient constitué le point de filtrage. La délégation a pu s'entretenir avec certains membres du personnel d'entretien de la gare, parce que les voitures du service d'entretien du train du PF s'y trouvaient encore. Ils ont confirmé que les voitures de chemin de fer avaient été conduites à Rostov-sur-le-Don deux jours plus tôt, le 6 juin 1995[28]. Il y avait eu beaucoup d'allées et venues sur le quai auparavant, mais le personnel de la gare a été incapable de dire s'il y avait encore des détenus dans les wagons lorsqu'ils sont partis pour Rostov.

50. Un jeune réfugié d'Assinovskaya, avec lequel la Sous-commission s'est entretenue à Nazran, avait d'abord été détenu pendant deux jours (fin avril) à Assinovskaya, où il avait été battu tandis que des fils électriques étaient placés en travers de son estomac et de ses épaules, avant d'être conduit au point de filtrage de Mozdok. A Mozdok, il a été détenu pendant dix-huit jours dans un wagon de chemin de fer qui avait des fenêtres à barreaux. Les gardiens exigeaient six millions de roubles (environ 1 200 dollars [USD]) pour sa libération, mais sa famille était incapable de réunir une somme pareille. Au PF de Mozdok, il a été battu violemment (notamment avec la crosse d'une mitraillette) et roué de coups de pieds, ce qui a endommagé son foie et ses reins. Pendant qu'on le battait, le commandant criait régulièrement «Ne touchez pas à l'écran de télévision», ce qui voulait

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[25]Rapport de «Mémorial», pages 12 et 13 (Assinovskaya et Shali).

[26]Ibid, page 17.

[27]Ces voitures, de couleur verte, étaient ce que l'on appelle des wagons «Stolypine». D'un côté, elles n'avaient pas de fenêtres du tout, de l'autre, des fenêtres à barreaux métalliques.

[28]Il est intéressant de noter que, selon le personnel de la gare, les wagons eux-mêmes avaient été «prêtés» par Rostov, et qu'ils avaient été changés plusieurs fois aux cours de l'existence du PF. Les gardiens aussi changeaient toutes les quatre à six semaines – les gardiens (du ministère de l'Intérieur) étaient en «mission» ou en détachement.

dire son visage[29]. Une fois, il a été torturé, avec deux fils électriques placés sous la langue. Il a vu comment des chiens étaient lâchés sur des codétenus. Pendant qu'il était au PF, la Croix-Rouge internationale a visité celui-ci. Les gardiens ont arrêté de battre les détenus la veille et les ont tous prévenus qu'ils n'avaient pas intérêt à se plaindre à la délégation, car «Eux, ils vont et viennent, mais vous, vous restez». Les gardiens avaient aussi menacé de tuer quiconque dirait la vérité. Après la visite de la Croix-Rouge, un détenu russe a été sorti du wagon et enterré vivant – sous les yeux des autres détenus – parce qu'il avait dit quelque chose à la Croix-Rouge. Finalement, l'homme avec lequel nous avons parlé a été échangé à Bamut contre les corps de deux soldats russes par des combattants tchétchènes.

51. Le témoignage de ce jeune homme est corroboré par plusieurs autres témoignages que la Sous-commission a entendus à différents endroits: plus particulièrement, les menaces adressées aux détenus pour qu'ils n'informent pas les délégations internationales de leurs mauvais traitements étaient très fréquentes, et les chiens spécialement dressés ont été mentionnés plus d'une fois. Le rapport de «Memorial» contient aussi des témoignages de torture à l'aide de fils électriques au PF de Mozdok. A la mi-avril 1995, selon des documents officiels, 535 hommes étaient passés par le PF de Mozdok, dont 89 avaient été échangés contre des soldats russes capturés par les combattants de M. Dudaïev. Dans ces conditions, la Sous-commission doit ajouter foi aux allégations largement répandues selon lesquelles les forces fédérales russes détiendraient exprès un aussi grand nombre de civils tchétchènes aux points de filtrage, pour disposer d'un «réservoir» de détenus à échanger contre des soldats russes capturés[30].

iii. Le point de filtrage de Grosny

52. Après quelques négociations avec les autorités russes, la Sous-commission a été autorisée à visiter de manière impromptue le point de filtrage de Grosny, ce dont elle est très reconnaissante. Le PF de Grosny se trouve dans un bâtiment sévèrement gardé (un ancien dépôt d'autobus); son rez-de-chaussée avait été provisoirement reconstruit pour abriter des cellules et des salles d'interrogatoire. Tant les cellules que les salles étaient presque entièrement nues, sans lumière du jour, avec quelques chaises et tables (à moitié cassées) dans les salles d'interrogatoire, et des matelas et tapis sales dans les cellules. Au moment de la visite de la Sous-commission, il y avait 44 détenus dans 7 cellules. Le directeur de l'établissement a expliqué que la plupart des détenus se trouvaient là pour des crimes et délits de droit commun, tels que vols, meurtres ou trafic de stupéfiants; les véritables combattants pouvaient se compter sur les doigts d'une main. Le délai maximum de détention était théoriquement de trente jours, mais les détenus n'étaient gardés là que jusqu'à ce que l'enquêteur ait découvert s'ils avaient ou non un lien avec des bandes armées illégalement. Les détenus étaient ensuite relâchés ou transférés dans des centres de détention préventive. Le directeur nous a appris qu'il n'y avait au PF de Grosny aucun détenu qui aurait été transféré du PF fermé de Mozdok. La présence d'un avocat était obligatoire au début de l'enquête pénale mais, pendant la vérification d'une identité ou pendant les «premières investigations», aucun avocat n'était présent.

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[29]Néanmoins, une petite cicatrice subsistait sur le visage de cet homme, au dessus de l'arcade sourcilière. Le fils d'une femme avec laquelle nous avons parlé à Assinovskaya avait été battu de la même façon; selon sa mère, «lorsqu'il est revenu, il lui manquait un morceau de chair au-dessus de l'arcade sourcilière».

[30]La Sous-commission a entendu des rumeurs selon lesquelles M. Dudayev serait en train de mettre un terme à ces échanges de prisonniers vivants contre des prisonniers vivants parce qu'il estime contraire aux accords le fait qu'il reçoive des simples civils tchétchènes en échange de soldats russes capturés.

53. La première cellule visitée n'était occupée que par des femmes. Elles étaient toutes accusées d'avoir volé ou d'avoir acheté et vendu des marchandises volées. Elles se trouvaient au PF depuis deux mois[31], et elles n'avaient jamais eu accès à un avocat. L'enquêteur leur avait rendu visite pour la première fois ce même jour. Dans la deuxième cellule se trouvaient cinq hommes, deux accusés de meurtre, deux de vol, et un de non-dénonciation – aucun n'était soupçonné d'être un combattant. Deux d'entre eux se trouvaient dans la cellule depuis déjà un mois. Dans la troisième cellule se trouvait un jeune russe habitant en Estonie accusé d'être un mercenaire de M. Dudaïev parce qu'il n'avait pas été en mesure de montrer ses papiers à un barrage routier.

54. Il a été impossible à la sous-commission de s'entretenir librement avec les détenus, mais nous avons appris que le CICR jouissait d'un libre accès et qu'il avait en fait interrogé des détenus à ce point de filtrage quelques jours seulement avant notre arrivée. La sous-commission n'avait pas entendu autant de témoignages de coups et de tortures à propos du PF de Grosny qu'à propos de Mozdok et des autres PF. Elle a été étonnée de voir que le PF de Grosny semblait être à mi-chemin entre un centre normal de détention préventive et un point de filtrage. Si le point de filtrage de Mozdok était vraiment fermé pour de bon (et non pas seulement fermé temporairement ou transféré dans une autre ville) et si le camp de filtrage de Grosny fonctionnait de plus en plus comme un centre normal de détention préventive, cela pouvait être une évolution encourageante. Cependant, le rapporteur en doute, en raison: des «disparitions» continues de jeunes gens tchétchènes, de quelques témoignages d'anciens détenus relâchés seulement à la mi-mai 1995, ainsi que de la durée (extrêmement) illégale de la détention au PF de Grosny. En tout état de cause, il faut demander aux autorités russes de fermer ces points de filtrage et de mettre un terme aux arrestations arbitraires ainsi qu'aux détentions illégales et trop longues qui vont de pair avec elles, car leur existence n'a aucune base légale.

B. Le côté tchétchène

55. Certes, les forces fédérales russes ne sont pas les seules à être coupables de violations des droits de l'homme et du droit humanitaire international; les combattants tchétchènes semblent en avoir commis aussi. Le fait que la sous-commission ait pu apporter la preuve d'un plus grand nombre d'abus du côté russe que du côté tchétchène est dû aussi au fait que la sous-commission a eu accès dans des conditions de relative liberté aux régions sous contrôle russe et aux installations fédérales (telles que les camps de filtrage), alors qu'elle n'a pas pu pénétrer sur le territoire contrôlé par les combattants de M. Dudaïev (par exemple, pour voir dans quelles conditions les soldats russes capturés y étaient détenus).

56. Il est peut-être intéressant de noter que la plupart des plaintes visant le côté tchétchène n'étaient pas liées au conflit armé qui a éclaté en décembre 1994 – les autorités russes surtout, mais aussi les populations locales et réfugiées russes se sont plus plaintes du caractère illégal du régime de M. Dudaïev au cours des trois années précédentes. Le rapporteur ne peut, bien entendu, pas s'appesantir sur ces allégations, car il a pour mandat de rendre compte de la situation actuelle des droits de l'homme en Tchétchénie, mais il va les résumer.

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[31]Une telle durée de détention est illégale en vertu du droit russe. La Constitution prévoit un délai maximum de quarante-huit heures de garde à vue par la police et de détention préventive avant que la personne arrêtée ne soit traduite devant un juge. Le décret (illégal) du Président Eltsine, en date du 14 juin 1994, concernant les «Mesures d'urgence destinées à protéger la population contre le banditisme et les autres manifestations de la criminalité organisée» a porté ce délai à trente jours, mais on ne trouve dans absolument aucun texte un délai de deux mois.

1. Le régime Dudaïev 1991-1994

57. Une plainte qui revient si souvent même parmi la population locale tchétchène qu'elle semble parfaitement crédible réside dans l'absence de respect de la loi et de maintien de l'ordre pendant le régime Dudaïev de 1991 à 1994. Apparemment, lorsque M. Dudaïev est arrivé au pouvoir, il a proclamé l'amnistie des délinquants et criminels de droit commun, ce qui a entraîné une hausse du taux de criminalité et surtout une augmentation particulièrement élevée de la proportion de crimes avec violence (vols à main armée, viols et meurtres). Il semble que les principales victimes de ces crimes aient été les Russes vivant en Tchétchénie. Pour autant que le rapporteur puisse en juger, cela n'a pas été le résultat d'une «politique d'épuration ethnique» de la part de l'administration mais d'une faillite généralisée du respect de la loi et du maintien de l'ordre. Dans cette situation, où les policiers locaux ne pouvaient pas (ou peut-être aussi ne voulaient pas) assurer une protection, le principal moyen de dissuasion des criminels résidait dans la tradition de la vendetta – si un criminel assassinait un Tchétchène, il était pourchassé par sa famille. Les Russes qui vivaient en Tchétchénie n'avaient pas de telles traditions, si bien que les criminels avaient rarement des raisons d'avoir peur de déclencher une vendetta en les attaquant[32]. C'est ainsi que la population locale russe est devenue une cible «facile» pour les criminels. Il semble aussi que le délit d'extorsion ou de chantage ait été particulièrement répandu: les délinquants forçaient les Russes à leur vendre leurs appartements au dixième du prix du marché.

58. Il y a une autre plainte qui revient très souvent dans la population locale tant tchétchène que russe: il s'agit du défaut de paiement des salaires et des pensions, au moins en 1994, probablement même plus tôt. Le rapporteur a du mal à comprendre comment les gens ont réussi à survivre sans percevoir le moindre centime pendant des mois, mais là encore les liens familiaux et les traditions tchétchènes pourraient fournir la réponse: un réfugié tchétchène a expliqué que les voisins aisés (entrepreneurs privés et commerçants) partageaient leurs gains avec leur famille et leurs amis. Cela expliquerait aussi pourquoi, là encore, la population locale russe a été plus durement touchée car elle était dépourvue des liens de clan des Tchétchènes. Le rapporteur est incapable de répondre à la question de savoir si M. Dudaïev et son administration ont retenu délibérément les salaires et les pensions (par exemple, pour acheter des armes, ainsi que le prétendent certaines personnes) ou s'ils étaient incapables de les payer (par exemple, parce que le régime fédéral de retraite avait coupé les vivres à la République tchétchène).

59. Les principaux griefs soulevés par les autorités russes et les nouvelles autorités tchétchènes concernaient la persécution de l'opposition ainsi qu'une prétendue politique de «purification ethnique» à l'encontre de la population locale russe. Alors que les allégations concernant la persécution de l'opposition (aboutissant, dans certains cas, à l'incarcération, à l'exil forcé, voire au meurtre) semblent tout à fait crédibles, le rapporteur est incapable d'apprécier la véracité de la dernière allégation. Il a, pour sa part, des doutes mais il s'abstiendra de juger jusqu'à plus ample informé.

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[32]Nous avons entendu parler de cas dans lesquels les Tchétchènes se lanceraient dans des vendettas également pour leurs voisins russes, leur accordant ainsi une certaine protection.

2. Les violations des droits de l'homme liées à la guerre

60. La violation la plus probable du droit international humanitaire que commettent les combattants de M. Dudaïev est celle qui consiste à utiliser des civils comme boucliers. L'ONG américaine Human Rights Watch/Helsinki a pu établir au moins un tel cas à Grosny, où les combattants tchétchènes ont utilisé un bâtiment civil comme dépôt de munitions et garé un char devant lui, si bien que les immeubles (d'habitation) voisins ont été la cible des tirs des forces russes[33]. On a du mal à savoir si les combattants tchétchènes se sont comportés de la même manière, par exemple à Samashki et à Serzhen-Yurt. Pour ne pas violer le droit international humanitaire, il faudrait que soit les combattants tchétchènes ne s'emparent pas de positions proches d'habitations civiles soit, s'ils ne peuvent vraiment pas faire autrement, qu'ils donnent impérativement aux civils des avertissements sans ambiguïté pour que ces derniers évacuent les lieux avant que les Tchétchènes ne s'emparent de telles positions. A défaut, ils seraient responsables de la transformation de civils et de structures civiles en cibles militaires légitimes, ce qui constituerait une violation flagrante des Conventions de Genève.

61. Il semble qu'une autre violation du droit international humanitaire se soit produite pendant l'assaut lancé sur Grosny, lorsque des combattants tchétchènes ont — sans le faire exprès — tué une civile en tirant sans discernement avec des armes à feu de petit calibre[34]. Conformément aux règles de la guerre, les combattants doivent identifier leur cible avant de tirer: si ce n'est pas possible, ils doivent s'abstenir de tirer. Le rapporteur tient toutefois à souligner qu'il semble s'agir là d'un incident isolé. Au moment où la sous-commission s'y est rendue, Grosny n'avait rien à voir avec Sarajevo, où des civils sont communément tués par des tireurs embusqués et des obus. Les rues de Grosny étaient peuplées de civils ainsi que de soldats russes, mais les civils se déplaçaient librement, sans craindre les tireurs embusqués. Il y a bien à Grosny des tireurs embusqués tchétchènes mais, apparemment, ils ne prennent pas pour cibles les civils, seulement les soldats en uniforme.

62. Les attentats terroristes sont, bien entendu, une tout autre affaire. A Budennovsk (en-dehors de la Tchétchénie), des combattants tchétchènes ayant à leur tête un certain M. Shamil Basayev ont attaqué la ville puis pris des centaines d'otages à l'hôpital, tuant des civils, d'une part, directement pendant l'assaut de la ville et, d'autre part, indirectement en les utilisant comme boucliers humains lorsque des forces spéciales russes ont attaqué l'hôpital[35]. On a également signalé l'exécution sommaire de cinq jeunes hommes russes la première nuit à l'hôpital. L'Assemblée parlementaire du Conseil de l'Europe a toujours condamné le terrorisme sous toutes ses formes. Le rapporteur souligne que les événements de Budennovsk lui font horreur et qu'il les condamne vigoureusement; ils constituent une violation flagrante des droits de l'homme que rien ne saurait justifier.

63. Lorsque la sous-commission se trouvait à Moscou, elle a rencontré deux soldats russes récemment démobilisés qui avaient combattu en Tchétchénie depuis le début des opérations militaires qui s'y déroulent. Selon ces soldats, les combattants tchétchènes auraient castré douze soldats russes capturés, avant de les relâcher. Selon les soldats qui n'avaient, toutefois, rien vu eux-mêmes, seulement deux des soldats castrés auraient réussi à «revenir en rampant». Les rumeurs de ce genre semblent abonder parmi les forces fédérales russes servant en Tchétchénie.

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[33]Human Rights Watch/Helsinki: Russie — La guerre en Tchétchénie: Nouveau rapport concernant la situation sur le terrain, janvier 1995, pages 10-11.

[34]Ibid, p. 11.

[35]Le rapporteur estime que certaines des mesures prises en réaction contre l'attentat étaient disproportionnées et inutiles.

64. Cependant, selon des sources russes officielles citées par M. Kovalyov, pas un seul cas de soldat castré vivant n'a été prouvé, bien qu'une enquête judiciaire ait été lancée relativement à la mutilation de neuf cadavres de soldats russes dont trois ont été décrits comme ayant subi une «castration traumatique». Il est difficile de savoir si cela signifie que la castration a été la conséquence d'une blessure aux organes génitaux subie pendant le combat ou si ces castrations ont été effectuées délibérément. En tout état de cause, des experts médicaux confirment que les mutilations n'ont pas été faites sur des soldats vivants (et n'ont pas provoqué leur mort); elles ont été pratiquées soit pendant l'agonie des soldats soit après leur mort. Cela ne veut pas dire que la mutilation de cadavres soit permise; au contraire, la profanation des morts est, bien entendu, ignoble et elle doit être condamnée très énergiquement. Cependant, le rapporteur n'est pas entièrement convaincu de la véracité des rumeurs de castration.

65. En fait, la sous-commission a reçu des preuves contraires de la part de personnes qui avaient elles-mêmes vu comment les soldats russes capturés par des combattants tchétchènes étaient détenus: apparemment dans des conditions tout à fait humaines[36]. Il y a deux cas connus de soldats russes capturés et blessés qui ont été attaqués dans des hôpitaux par des combattants tchétchènes (également blessés); dans un cas, cela a abouti à la mort du soldat russe. Cela étant, ces incidents semblent être isolés et ne paraissent pas résulter d'une politique délibérée de la part de l'administration tchétchène[37]. Le rapporteur invite les combattants tchétchènes à respecter le droit international humanitaire en ce qui concerne le traitement des soldats ennemis capturés, et à traiter ceux-ci avec humanité.

IV. L'Etat de droit

66. De toute évidence, le rapporteur ne traitera cette question que dans la mesure où elle s'applique à la situation tchétchène (la situation en Tchétchénie elle-même, et la situation des réfugiés). Il ne sera pas question ici de l'Etat de droit dans l'ensemble de la Fédération de Russie.

A. Discipline militaire et sanctions judiciaires

67. Avant les combats qui ont fait rage à Grosny et dans les environs à la fin du mois de décembre 1994, de nombreux soldats n'étaient, paraît-il, pas très motivés pour combattre. Selon des organisations qui militent pour les droits de l'homme, le commandement fédéral avait réagi par une «vague de propagande», essayant de stigmatiser les Tchétchènes comme étant l'ennemi (cruel). Cette politique avait – dans une certaine mesure – échoué car elle avait rendu particulièrement déplaisant l'état d'esprit qui régnait dans l'armée (l'armée russe devenant «les justiciers»), conduisant à des pillages à grande échelle et à d'autres violations des droits de l'homme également contre la population civile tchétchène. Il semblerait que le commandement fédéral cherche

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[36]La mère d'un soldat qui s'était elle-même rendue en janvier, à la recherche de son fils, dans plusieurs endroits où les combattants tchétchènes détenaient des soldats russes capturés, a certifié que les tchétchènes allaient jusqu'à servir aux soldats la même nourriture qu'aux combattants et que les relations entre les combattants et les prisonniers semblaient tout à fait bonnes (compte tenu des circonstances). M. Kovalyov lui-même, et le CICR avaient visité des lieux analogues et confirmé ces observations (par exemple, il n'y avait aucune allégation de recours systématique aux coups ou à la torture).

[37]M. Kovalyov a souligné qu'au contraire l'administration tchétchène a par la suite pris des mesures pour protéger dans ses hôpitaux les soldats russes blessés afin d'éviter de nouvelles attaques.

maintenant à faire amende honorable en «renforçant la discipline dans l'armée» selon les termes du général Koulikov. Cela doit se faire, par exemple, à l'aide de directives et de recommandations adressées aux officiers pour qu'ils expliquent à leurs soldats les règles du droit international.

68. Ainsi qu'on a pu le voir au chapitre précédent, cette politique ne semble pas avoir produit des résultats très tangibles. Il semble que la discipline dans les forces fédérales russes, surtout au sein des troupes spéciales du ministère de l'Intérieur et dans les troupes de l'OMON, reste très relâchée. Par exemple, le préfet local de la région d'Assinovskaya, avec lequel nous nous sommes entretenus et qui ne s'est pas plaint en général des forces russes, a certifié que pas un seul cas de violation (établie) des droits de l'homme aux points de filtrage n'avait fait l'objet d'une enquête, ni *a fortiori* de poursuites. La Commission mixte d'inspection, dont nous avons rencontré le chef à Grosny et qui a pour mission officielle d'enquêter sur les violations des droits de l'homme en Tchétchénie, a reconnu qu'elle n'enquêtait sur aucune plainte déposée pour violation des droits de l'homme aux PF. Une femme qui travaillait au parquet local de Znamenskoye a certifié que, même lorsque le procureur arrêtait un soldat russe pour meurtre, il était tenu de le conduire devant l'officier responsable de la garnison, lequel libérait immédiatement le soldat. Le parquet militaire commençait à procéder à des enquêtes, selon le général Koulikov, mais le rapporteur en doute.

69. On peut donc résumer la situation en disant qu'en principe les violations des droits de l'homme commises par les forces fédérales russes à l'encontre de la population tchétchène ne semblent faire l'objet d'aucune enquête ni d'aucune poursuite, que ce soit en application de la discipline militaire ou par le biais du système judiciaire de droit commun. Il s'agit là d'une situation inadmissible[38]. Il faut renforcer la discipline militaire de façon à soit tout simplement empêcher soit dûment poursuivre après coup les arrestations arbitraires, les pillages, les extorsions et toute la liste des abus et méfaits mentionnés au chapitre 3.A.2 du présent rapport.

B. La question des réfugiés

70. Il y a une question qui est liée à la situation en Tchétchénie, tant avant qu'après le déclenchement du conflit militaire en décembre 1994, c'est celle des réfugiés, ou plutôt, pour être plus exact, des personnes déplacées à l'intérieur (les réfugiés franchissent des frontières internationalement reconnues). On estime au total à 450 000 le nombre de personnes qui ont franchi la frontière de la Tchétchénie pour se rendre dans les républiques (Ingouchie, Daghestan, Ossétie du Nord, Kabardino-Balkarie) et régions voisines qui font partie de la Fédération de Russie. L'Ingouchie a absorbé à elle seule

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[38]D'autant plus que le parquet militaire semble travailler plus efficacement lorsqu'il s'agit d'exercer des poursuites pour «reddition volontaire en temps de guerre» (article 264 du Code pénal russe). Selon des informations communiquées par plusieurs organisations qui militent pour les droits de l'homme, le lieutenant M. Yashenko et son collègue A. Bulkin ont été arrêtés le 14 avril 1995 sous ce chef d'accusation. Je me demande comment une telle accusation peut être portée («en temps de guerre») alors que l'état d'urgence — ni *a fortiori* la guerre — n'a même pas été déclaré en Tchétchénie.

160 000 réfugiés de Tchétchénie[39]. La plupart des réfugiés sont logés par leur famille et leurs amis; on estime à 15 % seulement ceux qui vivent véritablement dans des camps de réfugiés. Ces camps se trouvent généralement dans un état lamentable en raison du manque de moyens financiers[40].

71. C'est là qu'intervient l'absence d'Etat de droit: bien que le Service fédéral des migrations soit censé fournir son aide, souvent celle-ci n'arrive pas sur le terrain ou est bien trop clairsemée. Par exemple, le vice-président du Gouvernement ingouche, responsable de la question des réfugiés, a appris à la sous-commission que l'Ingouchie n'avait reçu que trois milliards de roubles d'aide de l'Etat, sur les 337 milliards de roubles qu'elle avait eus à dépenser. Nous avons aussi entendu de la part d'autres sources que, souvent, l'Etat ne payait que 5 000 roubles (un dollar des Etats-Unis) par jour, même pour les réfugiés les plus démunis, ce qui n'était même pas suffisant pour payer un seul repas à la cantine. En principe, les réfugiés étaient censés recevoir un salaire minimum dès leur arrivée, des médicaments gratuits et jusqu'à 10 fois le salaire minimum pour frais d'enterrement. Néanmoins, le plus souvent, la seule aide parvenant véritablement aux réfugiés provenait du ministère fédéral pour les situations d'urgence (nourriture en conserve), des organismes d'aide humanitaire comme le CICR ou le HCR (nourriture, couvertures, nécessaires de cuisine et de toilette, etc.) et de quelques ONG.

72. L'un des principaux problèmes auquel aient à faire face les réfugiés réside dans le manque d'emplois et de places dans les écoles et les jardins d'enfants. Bien que les autorités locales et les représentants régionaux du Service fédéral des migrations fassent souvent de leur mieux, ils sont souvent submergés rien que par le nombre de réfugiés qui ont besoin d'aide. En ce qui concerne le gouvernement fédéral, il est nécessaire d'augmenter l'aide aux républiques et régions qui accueillent les personnes déplacées à l'intérieur mais, avant tout, il faut mieux l'organiser et la réglementer de façon plus précise, afin qu'elle parvienne à destination.

V. Conclusions et recommandations

73. En conclusion, on peut dire que des violations des droits de l'homme et du droit international humanitaire ont été commises par les belligérants des deux côtés, ainsi que le montre le chapitre 3 du présent rapport. Du côté des autorités fédérales russes, les tirs inconsidérés, les violations des droits de l'homme commises par les troupes spéciales du ministère de l'Intérieur et de l'OMON (y compris les vols à main armée, les pillages, les extorsions/le chantage, les incendies criminels et les «disparitions») et le traitement subi jusqu'aux points de filtrage et après l'arrivée, tout cela doit être particulièrement condamné. Les problèmes qui se posent du côté russe sont aggravés par l'absence de discipline militaire et de sanctions judiciaires, et d'Etat de droit en général. Ce qui est particulièrement déplorable du côté des combattants tchétchènes, c'est l'attentat terroriste commis récemment à Budennovsk.

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[39]Cela s'ajoute aux plus de 50 000 réfugiés ingouches qui ont fui en 1992 le conflit — toujours non résolu — en Ossétie du Nord, et qui attendent encore des garanties pour leur sécurité afin de pouvoir rentrer chez eux.

[40]C'est seulement à Nalchik (Kabardino-Balkarie) que nous avons vu des conditions acceptables dans un camp de réfugiés situé dans un ancien sanatorium et où sont actuellement logées soixante-dix-huit personnes. A Nazran, où les réfugiés sont bien plus nombreux, ils doivent loger dans des wagons de chemin de fer ou dans une ancienne ferme d'élevage.

74. Conformément à la Résolution n° 1055 (1995) qui a suspendu la procédure concernant l'avis statutaire de l'Assemblée sur la demande d'adhésion de la Russie, le rapporteur ne se prononcera pas sur cette question.

75. Cependant, la Sous-commission, sur proposition du rapporteur, adresse aux belligérants les recommandations suivantes:

A. Recommandations aux belligérants des deux camps:

– instaurer et respecter un cessez-le-feu et, en aucun cas, reprendre les combats, et trouver pour le conflit en Tchétchénie une solution négociée qui soit à la fois pacifique et politique, qui devrait comprendre des accords concernant le retour à leur domicile des réfugiés et de toutes les personnes déplacées à l'intérieur du pays.

B. Recommandations aux autorités fédérales russes:

– mettre un terme à la politique de bombardements aériens et de tirs d'artillerie lourde sur les zones civiles/résidentielles, et aux tirs inconsidérés de manière générale, car il s'agit d'un recours disproportionné à la violence, contraire à la Convention de Genève et à ses protocoles;

– abandonner la politique d'attaques directes contre des civils et des cibles civiles, surtout les punitions collectives de villageois lors du désarmement;

– renforcer la discipline militaire et instaurer dans les forces armées le principe de la responsabilité (surtout pour les troupes du ministère de l'Intérieur et de l'OMON), pour mettre un terme aux pratiques répandues des vols à main armée, des pillages, des destructions gratuites, des extorsions/du chantage, des passages à tabac et des incendies criminels, ainsi qu'aux cas isolés de torture, de viols et de massacres;

– fermer les points de filtrage (et supprimer les «points d'accumulation») et revenir au système judiciaire et pénitentiaire de droit commun régi par la Constitution et les autres lois fédérales russes, et mettre un terme aux arrestations arbitraires, aux passages à tabac, à la torture et aux détentions à la fois illégales et trop longues liées aux points de filtrage;

– poursuivre individuellement, dans le cadre du système judiciaire, les actes criminels commis au cours des six derniers mois (tels que ceux mentionnés aux quatre points ci-dessus);

– traiter conformément au droit international humanitaire les combattants capturés (mettre un terme aux exécutions sommaires, par exemple de tireurs embusqués [«snipers»] lorsqu'ils sont capturés).

C. Recommandations aux combattants tchétchènes:

– cesser d'utiliser les civils comme «boucliers humains»;

– arrêter complètement de commettre des attentats terroristes comme celui de Budennovsk;

– traiter conformément au droit international humanitaire les soldats russes capturés (cesser, par exemple, de mutiler les cadavres des soldats russes).

75. La souffrance extrême de la population locale, la situation terrible dans laquelle se trouvent les réfugiés et la très importante déstruction des villes et villages affectés par la guerre, que la Sous-commission a elle-même constaté en Tchétchénie, a, une fois de plus, confirmé que les actions militaires ne peuvent jamais résoudre un tel conflit.

76. La conclusion de la Sous-commission, sur proposition du rapporteur, est que, jusqu'à ce que ces recommandations aient été mises en œuvre par les belligérants des deux camps, la situation des droits de l'homme en Tchétchénie ne sera ni satisfaisante ni acceptable.

ANNEXE I

PROGRAMME

de la visite de la Sous-commission des droits de l'homme à Moscou et en Tchétchénie (5-11 juin 1995)

Dimanche 4 juin 1995

Arrivée à Moscou

Nuitée à Moscou

Lundi 5 juin 1995

10 h	Réunion avec M. Mityukov, Premier Vice-président de la Douma d'état de la Fédération de Russie
11 h 30	Réunions avec des membres de la délégation russe des invités spéciaux auprès de l'Assemblée parlementaire du Conseil de l'Europe (MM Lukin, Dzasokhov et Aoulov)
13 h	Déjeuner (Douma d'état)
14 h 30	Réunion avec des membres du Conseil de la Fédération de l'Assemblée fédérale de la Fédération de Russie (MM Podoprigora et Tarasenko)
18 h	Réunion à l'Administration présidentielle avec M. Filatov, Chef du Bureau du Président
19 h 30	Manifestations protocolaires à l'Hôtel President

Mardi 6 juin 1995

10 h	Réunion avec des représentants de l'UNHCR, MM Carpenter et Jolles
11 h 30	Réunion avec le représentant à Moscou du CICR, M. Meyrat
13 h	Réunion avec un des représentants à Moscou de l'IOM, M. Sanikidze
14 h 15	Déjeuner (Conseil de la Fédération)
16 h	Réunion avec des représentants du Centre de recherche sur les droits de l'homme de Moscou
17 h 30	Réunion avec des représentants de Memorial et de Human Rights Watch

Mercredi 7 juin 1995

7 h 30	Vol pour Vladikavkaz
11 h 30	Arrivée à Vladikavkaz
12 h	Réunion avec M. Galazov, Président de la République d'Ossétie du Nord, et avec des représentants des autorités locales
13 h 30	Déjeuner à l'Hôtel
15 h	Vol pour Assinovskaya (en hélicoptère)
16 h 30	Réunion avec des habitants locaux, courte visite du village
18 h 30	Vol pour Vladikavkaz (en hélicoptère)
20 h	Réception offerte par le Président de la République d'Ossétie du Nord

Jeudi 8 juin 1995

8 h	Vol pour Mozdok (Ossétie du Nord)
9 h	Réunion avec les autorités locales
10 h	Réunion avec des réfugiés de Tchétchénie (non prévue)
11 h 30	Réunion avec un régiment opérationnel du Ministère de l'Intérieur
12 h	Déjeuner / Visite de l'ancien point de filtration "Gare ferroviaire de Lukovskaya"
14 h 30	Vol pour Nazran (Ingushie)
15 h 30	Visite de deux camps de réfugiés
17 h 15	Réunion avec des représentants de CICR, UNHCR, Médecins du Monde et merlin
18 h	Réunion avec M. Aushev, Président de la République d'Ingushie, et avec des représentants des autorités locales
19 h 30	Départ pour Vladikavkaz
20 h 15	Visite du Centre fédéral des services de migration à Vladikavkaz
21 h	Dîner à l'Hôtel

Vendredi 9 juin 1995

8 h	Vol pour Grosny (en hélicoptère)
9 h 45	Réunion avec des représentants des forces fédérales (y compris Col.-Général Kulikov, Lt.-Général Nagorniy et Général Shumov), et avec des représentants des autorités locales (y compris MM Khadzhiyev, Avturkhanov, Surin et Federov)
11 h	Réunion avec la mission de l'OSCE
11 h 30	Visite du camp de filtration de Grosny
12 h 30	Déjeuner
13 h 15	Vol de Grosny à Shali (en hélicoptère)
14 h	Réunions avec les habitants locaux
16 h 30	Vol de Shali à Znamenskoye (en hélicoptère)
17 h 15	Réunion avec les habitants locaux
19 h 15	Vol pour Vladikavkaz
20 h 30	Dîner à l'Hôtel

Samedi 10 juin 1995

7 h 45	Réunion avec M. Coussidis, représentant de l'UNHCR à Vladikavkaz
9 h	Vol de Vladikavkaz à Nalchik
10 h 30	Arrivée à Nalchik (Kabardino-Balkaria)
11 h	Visite d'un camp de réfugiés à Nalchik
12 h	Réunion avec M. Kokov, Président de la République de Kabardino-Balkaria, et avec des représentants des autorités locales
14 h	Déjeuner
15 h	Programme culturel
18 h	Dîner à Nalchik
20 h	Départ pour Moscou
22 h 30	Arrivée à Moscou
23 h 30	Arrivée à l'Hôtel Metropol à Moscou

Dimanche 11 juin 1995

10 h	Réunion avec M. Kovalyov, Président de la Commission des droits de l'homme du Président
12 h	Départ pour les capitales nationales

ANNEXE II

Extrait de:

L'Avis de la Commission des questions juridiques et des droits de l'homme

sur l'adhésion de la Russie à la lumière de la situation en Tchétchénie[41]

(Rapporteur: M. BINDIG Allemagne, Groupe socialiste)

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1. Introduction

a. *Historique*

Les Tchétchènes sont un peuple caucasien autochtone étroitement apparentés aux Ingouches. La Tchétchénie n'est passée totalement sous le contrôle de la Russie tsariste qu'en 1876, après une série de guerres et de soulèvements sanglantes qui a duré pendant près d'un siècle. Les Tchétchènes étaient à l'époque réputés pour leurs qualités de guerriers; on rapporte qu'un officier tsariste à qui l'on avait demandé ce dont il avait besoin pour remporter une victoire dans le Caucase aurait répondu: «un Tchétchène».

Après révolution russe, en 1918, une fédération des Musulmans du Caucase du Nord comprenant les Tchétchènes tenta de gagner son indépendance. La résistance à la domination soviétique se poursuivit jusqu'en 1821, année ou fut créée la République autonome socialiste soviétique (ASSR) des Montagnes ("gorskaïa"). La partie tchétchène de cette République fut dotée un an plus tard d'un statut autonome. En 1934, la région autonome tchétchène fut réunie à la région ingouche pour former la République autonome socialiste soviétique tchétchéno-ingouche (ASSR) en 1936. Toutefois en 1944, Staline abolit la République et déporta en Asie centrale tous les Tchétchènes et les Ingouches sous prétexte de collaboration (avec l'envahisseur allemand), ce qui provoqua de grandes souffrances et la perte d'un nombre considérable de vies humaines.

Ce n'est qu'en 1957 que les deux peuples furent réhabilités et autorisés à rentrer et que l'ASSR tchétchéno-ingouche fut rétablie bien qu'avec un territoire plus petit. Cette région devint un important producteur de pétrole et fut fortement industrialisée sous le régime soviétique.

b. *Evénements à l'origine de la situation actuelle*

En octobre 1991, la partie tchétchène de l'ASSR tchétchéno-ingouche se déclara indépendante de la Fédération de Russie sous la direction d'un ancien général de l'armée de l'air, Djokar Doudaïev. Le gouvernement russe refusa de reconnaître l'indépendance tchétchène. Doudaïev remporta les premières élections présidentielles de la Tchétchénie, que le gouvernement russe ne reconnut pas. Une tentative des troupes du ministère de l'Intérieur russe pour «rétablir l'ordre» en Tchétchénie échoua en novembre 1991. Dans l'été 1992, le Président Doudaïev ferma la Parlement tchétchène.

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[41]Voir Doc 7230.

Au printemps de 1994, des représentants russes et tchétchènes se seraient mis d'accord sur des négociations en vue de résoudre les divergences tchétchéno-russes. Toutefois dans l'été de 1994, après une série de détournements d'avions sanglants, impliquant la mafia tchétchène, le gouvernement russe dénonça Doudaïev et commença à appuyer l'opposition tchétchène anti-Doudaïev. Celui-ci l'emporta à l'automne dans une âpre lutte entre l'opposition et le gouvernement. La Russie intervint ouvertement le 11 décembre 1994 en lançant des attaques aériennes sur la capitale Grozny et en engageant ses forces terrestres trois semaines plus tard.

2. Sort de la population civile

Un mois plus tard, les combats continuent à faire rage et il est difficile de voir qui l'emporte (selon les nouvelles transmise par les journalistes, les Russes ont conquis les quartiers nord de la capitale, mais les Tchétchènes tiennent les quartiers sud). On voit clairement par contre qui sont les perdants: la population civile de Tchétchénie. Bien qu'au début du conflit, certains officiers russes aient — selon ce qui est rapporté — défié les ordres de viser les civils, il semble que l'aviation russe a dès le début bombardé des zones civiles sans discrimination.

Selon les rapports des journalistes et ceux des organisations de droits de l'homme, les forces russes ont détruit au moins deux hôpitaux en Tchétchénie et partiellement détruit un troisième, ainsi qu'un orphelinat et plusieurs marchés. Les quartiers d'habitation ont fait l'objet de bombardement aériens, un wagon de chemin de fer transportant des civils a été attaqué par des forces terrestres russes, et des civils — ainsi que des journalistes — ont été tués par des balles perdues en provenance des deux côtés. Les civils blessés qui sont parvenus à franchir la frontière du Daghestan disent avoir été attaqués en route par l'armée russe, particulièrement par des avions de combat volant à basse altitude. Des centaines de civils sont morts, les blessés sont plus nombreux encore. Le nombre de réfugiés est évalué à plusieurs centaines de milliers.

COUNCIL OF EUROPE

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Assemblée parlementaire

Strasbourg, le 31 août 1995
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COMMISSION DES QUESTIONS POLITIQUES

ÉVOLUTION DANS LA FÉDÉRATION DE RUSSIE AU REGARD DE LA SITUATION EN TCHÉTCHÉNIE[1]

[Rapporteur: M. MUEHLEMANN, Suisse, LDR]

Projet de rapport[2]

Ière partie : Avant-projet de résolution

Adopté par la Commission Politique le 4.9.95.

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1 Le présent rapport a été établi conformément à la Résolution 1055 (1995) et à la Directive n° 506 (1995).

2 L'avant-projet de résolution a été rédigé en accord avec les rapporteurs (pour avis) de la commission des questions juridiques et des droits de l'homme (M. Bindig, Allemagne, SOC) et de la commission des relations avec les pays européens non membres (M. Atkinson, Royaume-Uni, GDE). L'exposé des motifs consiste en notes sur certains paragraphes du projet de résolution. Un compte rendu de la visite du rapporteur à Moscou et Grozny, du 21 au 24 août 1995, auquel sont jointes les conclusions du rapporteur, fait l'objet du document AS/Pol (1995) 41.

I. Avant-projet de résolution

1. La procédure concernant l'avis de l'Assemblée sur la demande d'adhésion de la Russie a été interrompue le 2 février 1995, au motif que les autorités fédérales avaient recouru à la force en Tchétchénie, de la manière et dans les circonstances qu'indique la Résolution 1055.

2. Conformément à ladite résolution et à la Directive n° 506 (1995), qui chargeait les commissions concernées «de suivre l'évolution des événements... et de faire rapport dès qu'elles le jugeront utile»:

- la sous-commission des droits de l'homme (commission des questions juridiques et des droits de l'homme) s'est rendue à Moscou, en Tchétchénie et dans les républiques voisines du 5 au 11 juin 1995;

- les présidents de la commission des questions politiques et de la commission des relations avec les pays européens non membres ont eu des entretiens à Moscou à l'occasion de la conférence marquant le 20e anniversaire de l'OSCE (ex-CSCE), les 17 et 18 juillet 1995;

- les rapporteurs des trois commissions ont tenu d'autres réunions à Moscou et Grozny du 21 au 24 août 1995, avec l'entière coopération des autorités russes et de la mission de l'OSCE: ils ont donc pu poser des questions aux responsables des deux parties sur la mise en œuvre de l'accord de paix du 30 juillet en Tchétchénie.

3. L'Assemblée avait pour objectif, au moyen de ce programme de visites et de rencontres:

- d'apprécier la situation en Tchétchénie en termes de droits de l'homme;

- d'évaluer les perspectives d'amélioration de cette situation, eu égard à l'évolution dans la Fédération de Russie tout entière;

- de déterminer si la procédure relative à la demande d'adhésion de la Russie pouvait reprendre et, dans l'affirmative, à quelle date.

4. La Russie recherche maintenant une solution politique du conflit en Tchétchénie. A la fin de 1994, et au début de cette année, les difficultés et les incidences d'une solution impliquant le recours à la force ont été sous-estimées, de même que les répercussions internationales. L'accord de paix du 30 juillet est le résultat d'un net changement de politique, dans le sens des préoccupations qu'exprime la Résolution 1055. L'accord est fragile. Il se peut que des violations continuent à être commises . Toutefois, un processus, si imparfait soit-il, de désarmement, de retrait et de préparatifs en vue d'élections et de l'adoption d'une nouvelle constitution a été engagé. Les autorités ont apporté l'assurance que les allégations concernant des atteintes aux droits de l'homme qui avaient été signalées à la sous-commission des droits de l'homme faisaient l'objet d'enquêtes et qu'elles répondraient au rapport dans son ensemble.

5. Le processus démocratique continue en Russie. Les élections à la Douma se tiendront le 17 décembre 1995. La nouvelle loi stipule des modalités de recours et de contrôle. Des

observateurs internationaux seront invités. Des élections présidentielles sont prévues pour juin 1996. Les dispositions constitutionnelles sont donc observées.

6. La Russie a exprimé à plusieurs reprises le souhait de s'intégrer aux structures internationales et européennes. Fait sans précédent dans son histoire, elle a accepté qu'une organisation internationale, l'OSCE, joue un rôle de médiateur dans le conflit tchétchène. Elle a signé un accord commercial intérimaire avec l'Union européenne. Elle a présenté une demande d'adhésion à l'Organisation mondiale du commerce.

7. Les membres de la délégation «d'invités spéciaux» de la Russie ont poursuivi un dialogue constructif avec l'Assemblée et ses commissions. Une communication spéciale mettra à jour les réponses aux questions des rapporteurs, dans une annexe au Message, en date du 18 janvier 1995, du Président, du Premier ministre, du Président du Conseil de la Fédération et du président du Parlement de la Fédération de Russie. La Russie exprimera ainsi, à partir des derniers éléments, sa perception d'un progrès vers la prééminence du droit et la protection des droits de l'homme, en tant que préalable d'une société ouverte, d'une démocratie pluraliste et d'une économie de marché.

8. La Russie se trouve en état de transition radicale. Le calendrier s'échelonnera sur des périodes quinquennales, voire sur des décennies. Le rythme de cette transition pourra varier. La politique des pouvoirs publics subira des fluctuations en raison d'énormes difficultés sociales et économiques, notamment la lutte contre le crime organisé. De tragiques erreurs commises dans le traitement du conflit tchétchène ont été reconnues. En conséquence, l'Assemblée ne souhaite pas mettre en doute l'orientation à long terme de cette transition: vers la démocratie, la prééminence du droit, les droits de la personne (y compris les droits sociaux) et les libertés. Ceux qui ont fondé la transition sur ces valeurs ont pris de grands risques personnels, avec le soutien (qui doit être maintenu) des institutions internationales et européennes. Les institutions financières internationales devraient revoir régulièrement leur politique pour assurer des progrès équilibrés.

9. On peut noter des signes positifs d'amélioration quant à la base constitutionnelle et législative de la protection des droits de la personne. L'état réel de cette protection dans l'ensemble du pays dépend d'une large sensibilisation à la prééminence du droit et de son respect. Une telle «culture» doit être développée dans tous ses aspects, politiques, juridiques et administratives, et à tous les niveaux, national, régional et local. Les progrès mesurables par rapport aux normes européennes les plus élevées ne seront pas constants et demanderont de nombreuses années. Pourtant, malgré la tragique expérience de la Tchétchénie (telle que la décrit le rapport de la sous-commission des droits de l'homme), l'Assemblée reconnaît la dynamique et la direction de nombreuses évolutions positives dans toute la Fédération de Russie, évolutions soutenues par les programmes de coopération avec le Conseil de l'Europe et avec l'Union européenne.

10. Pour ces raisons, l'Assemblée décide de reprendre la procédure relative à un avis sur la demande d'adhésion de la Russie, et charge sa commission des questions politiques de prendre des dispositions nécessaires, en coopération avec les autres commissions concernées.

PARLIAMENTARY ASSEMBLY
OF THE
COUNCIL OF EUROPE

1995 SESSION

RESOLUTION 1055 (1995)[1]

on Russia's request for membership in the light of the situation in Chechnya

1. The Assembly considers that although the political conflict between Chechnya and the central authorities of the Russian Federation is an internal matter, the means employed by these authorities violate Russia's international obligations.

2. The Assembly thus unreservedly condemns the indiscriminate and disproportionate use of force by the Russian military, in particular against the civilian population, which is in violation of the 1949 Geneva Conventions and their 1977 Second Protocol as well as of the OSCE Code of Conduct on Politico-Military Aspects of Security, accepted by Russia as recently as December 1994.

3. These actions also constitute a grave violation of the Council of Europe's most elementary human rights principles, which Russia, by requesting membership of the Organisation, pledged to uphold.

4. The absence of parliamentary control over the decisions of the Russian Security Council and the apparent non-implementation by the military of Presidential orders is contrary to our Organisation's standards on democracy and the rule of law. Current legal uncertainties, especially in the Constitution, should be clarified. For this reason, the Assembly supports the efforts of the State Duma to modify the relevant legal provisions.

5. The Assembly calls upon the Federation Council and the State Duma of the Russian Federation to use all legal means to exert their combined pressure on the executive authorities of the Federation to stop without

1. *Assembly debate* on 2 February 1995 (7th Sitting) (see Doc. 7230, report of the political Affairs Committee, rapporteur: Mr Muehlemann; and Doc. 7231, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig).

Text adopted by the Assembly on 2 February 1995 (7th Sitting).

ASSEMBLÉE PARLEMENTAIRE
DU
CONSEIL DE L'EUROPE

SESSION DE 1995

RÉSOLUTION 1055 (1995)[1]

relative à l'adhésion de la Russie à la lumière de la situation en Tchétchénie

1. L'Assemblée considère que, bien que le conflit politique entre la Tchétchénie et les autorités centrales de la Fédération de Russie soit un problème intérieur, les moyens employés par ces autorités constituent une violation des obligations internationales de la Russie.

2. L'Assemblée condamne donc sans réserve l'emploi de la force par l'armée russe, sans discrimination et de façon disproportionnée, notamment contre la population civile, en violation des conventions de Genève de 1949 et de leur deuxième protocole de 1977, ainsi que du Code de conduite de l'OSCE relatif aux aspects politico-militaires de la sécurité, accepté par la Russie tout récemment, en décembre 1994.

3. Ces actions constituent également une grave violation des principes des droits de l'homme les plus élémentaires du Conseil de l'Europe, que la Russie, en demandant à adhérer à l'Organisation, s'est engagée à défendre.

4. L'absence de contrôle parlementaire des décisions du Conseil de sécurité russe et le non-respect apparent par les forces armées des ordres présidentiels sont contraires aux normes de démocratie et d'Etat de droit défendues par notre Organisation. Les incertitudes juridiques existantes, en particulier dans la Constitution, devraient être clarifiées. Pour ce motif, l'Assemblée soutient les efforts de la Douma d'Etat de modifier les dispositions juridiques en question.

5. L'Assemblée appelle le Conseil de la Fédération et la Douma d'Etat de la Fédération de Russie à recourir à tous les moyens juridiques dont ils disposent pour exercer une pression conjointe sur les

1. *Discussion par l'Assemblée* le 2 février 1995 (7e séance) (voir Doc. 7230, rapport de la commission des questions politiques, rapporteur: M. Muehlemann; et Doc. 7231, avis de la commission des questions juridiques et des droits de l'homme, rapporteur: M. Bindig).

Texte adopté par l'Assemblée le 2 février 1995 (7e séance).

delay military action in Chechnya and to resolve the conflict peacefully through negotiations.

6. The Assembly lends its full support to those in Russia who, together with the international community, call for an immediate end to military operations and the opening of a political dialogue to solve the conflict peacefully.

7. It favours continued dialogue with Russia, through its special guest delegation, through contacts and visits by rapporteurs, and would equally welcome the continuation of the Council of Europe's intergovernmental assistance programme aimed at strengthening democracy and human rights.

8. It also encourages the efforts of the OSCE to find a peaceful solution and of UNHCR, the ICRC and the other organisations present on the spot to bring humanitarian assistance to the region.

9. The Assembly calls on member states to give a favourable response to the appeals for funds issued by the humanitarian organisations in order to finance their action to help persons displaced or affected by the fighting in Chechnya. It also appeals to the Russian Government to give its assistance to enable these organisations to carry their activities through to a successful conclusion.

10. The Assembly takes note of the resolution of 19 January 1995 of the European Parliament and supports the Parliament's position that the European Union should, under the present circumstances, not ratify a "partnership agreement" with Russia.

11. The Assembly decides to suspend the procedure concerning its statutory opinion on Russia's request for membership. The Assembly, in plenary session, will decide at a later date when to resume its examination of this request for membership.

organes exécutifs de la Fédération afin qu'ils mettent sans délai un terme aux opérations militaires en Tchétchénie et engagent des négociations en vue d'un règlement pacifique du conflit.

6. L'Assemblée accorde son plein appui à ceux qui, en Russie, avec la communauté internationale, réclament l'arrêt immédiat des opérations militaires et l'ouverture d'un dialogue politique pour résoudre le conflit par des voies pacifiques.

7. Elle est favorable à la poursuite du dialogue avec la Russie par l'intermédiaire de sa délégation d'invités spéciaux, par des contacts et des visites de rapporteurs, et accueillerait également avec satisfaction la poursuite du programme d'assistance intergouvernemental du Conseil de l'Europe visant à renforcer la démocratie et les droits de l'homme.

8. Elle encourage aussi les efforts déployés par l'OSCE pour trouver une solution pacifique, ainsi que par le HCR des Nations Unies, le CICR et les autres organisations présentes sur place pour apporter une aide humanitaire à la région.

9. L'Assemblée incite les Etats membres à donner une suite favorable aux appels de fonds lancés par les organisations humanitaires afin de financer leur action en faveur des personnes déplacées ou affectées par les combats en Tchétchénie. Elle demande également au Gouvernement russe d'apporter son concours afin que ces organisations puissent mener à bien leurs activités.

10. L'Assemblée prend note de la résolution du 19 janvier 1995 du Parlement européen et appuie la position du Parlement qui estime que, dans les circonstances présentes, l'Union européenne ne devrait pas ratifier un «accord de partenariat» avec la Russie.

11. L'Assemblée décide de suspendre la procédure concernant son avis statutaire sur la demande d'adhésion de la Russie. Elle se prononcera ultérieurement, en session plénière, sur la reprise de l'examen de cette demande d'adhésion

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

1995 SESSION

ORDER No. 506 (1995)[1]

on Russia's request for membership in light of the situation in Chechnya

1. The Assembly, further to its Resolution 1055 (1995), instructs the committees concerned to follow developments in the Russian Federation and to report at the first appropriate opportunity.

2. The Assembly also instructs the Sub-Committee on Human Rights (of the Committee on Legal Affairs and Human Rights) to visit Chechnya, once the hostilities have ceased, to verify that human rights are observed.

1. *Assembly debate* on 2 February 1995 (7th Sitting) (see Doc. 7230, report of the political Affairs Committee, rapporteur: Mr Muehlemann; and Doc. 7231, opinion of the Comittee on Legal Affairs and Human Rights, rapporteur: Mr Bindig).

Text adopted by the Assembly on 2 February 1995 (7th Sitting).

ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

SESSION DE 1995

DIRECTIVE N° 506 (1995)[1]

relative à l'adhésion de la Russie à la lumière de la situation en Tchétchénie

1. L'Assemblée, à la suite de sa Résolution 1055 (1995), charge les commissions concernées de suivre l'évolution des événements dans la Fédération de Russie et de faire rapport dès qu'elles le jugeront utile.

2. L'Assemblée charge également la sous-commission des droits de l'homme (de la commission des questions juridiques et des droits de l'homme) de se rendre en Tchétchénie, lorsque les hostilités auront cessé, afin de vérifier que les droits de l'homme sont respectés.

1. *Discussion par l'Assemblée* le 2 février 1995 (7e séance) (voir Doc. 7230, rapport de la commission des questions politiques, rapporteur: M. Muehlemann; et Doc. 7231, avis de la commission des questions juridiques et des droits de l'homme, rapporteur: M. Bindig).

Texte adopté par l'Assemblée le 2 février 1995 (7e séance).

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N/Ref. IA23/

S/Ref.

NOTA INFORMATIVA

ASUNTO: **CEI: RUSIA. ACTUALIZACION DEL CONFLICTO CHECHENO.**

0. ULTIMOS ACONTECIMIENTOS EN EL AMBITO MILITAR

Desde la toma del Palacio Presidencial de GROZNI por parte de las tropas federales el pasado 19 de enero, el interés mostrado por la comunidad internacional en el conflicto checheno ha disminuido de forma drástica. Este hecho, sin embargo, no ha sido el reflejo real de la situación que se ha vivido sobre el terreno, caracterizada por un mantenimiento de los combates en las zonas que se encontraban en poder de las fuerzas de DUDAEV.

Los principales acontecimientos vividos desde entonces en el ámbito de las operaciones militares se pueden resumir en los siguientes:

- 19 de enero.

  Toma del Palacio Presidencial de GROZNI.

- 24 de enero.

  Relevo en el mando y responsabilidad de las operaciones sobre el terreno, desde el Ministerio de Defensa al Ministerio del Interior.

- Mediados de febrero.

  Conclusión de las operaciones destinadas a tomar los últimos barrios de GROZNI en poder de los rebeldes. Desde este momento las tropas del Ministerio del Interior se encargan de las labores de "limpieza" de los últimos focos de resistencia de la capital.

- 16 de febrero.

  Inicio del alto el fuego de 48 horas acordado entre los comandantes de las tropas desplegadas en CHECHENIA. Este acuerdo fue prorrogado otras 48 horas y definitivamente roto el día 19 de febrero.

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- Segunda mitad de febrero.

  Inicio del relevo de las Unidades de las Fuerzas Armadas desplegadas en la zona por otras de refresco llegadas a CHECHENIA con una cierta antelación. Este proceso se ha desarrollado hasta comienzos del mes de marzo, fecha en que se reinicia la ofensiva contra los principales focos de resistencia.

- Primera mitad de marzo.

  Comienzo de los preparativos para llevar a cabo una ofensiva contra las poblaciones de ARGUN, GUDERMES y SHALI.

- 16 de marzo.

  Inicio de la ofensiva sobre ARGUN.

- 23 de marzo.

  Toma de ARGUN por parte de las tropas de la FEDERACION después de una semana de violentos combates. El mismo día, las fuerzas leales a DUDAEV abandonan SHALI sin que las Unidades rusas desplegadas con la misión de ocupar la ciudad lleguen a realizar un asalto formal a la misma. Pese a esto, las afueras de la ciudad son sometidas a constantes bombardeos por parte de las fuerzas enviadas por MOSCU.

- 31 de marzo.

  Las fuerzas independentistas abandonan GUDERMES sin que se lleguen a producir combates de importancia.

Desde que el 24 de enero el Ministerio del Interior sustituyera al Ministerio de Defensa, siquiera formalmente, en el control de las operaciones en CHECHENIA, se ha producido un claro reparto de las tareas a realizar por ambas fuerzas. Así, mientras las últimas han continuado llevando el peso de las acciones destinadas a la toma de los centros de población y a la realización de ofensivas a gran escala, las primeras se han dedicado a eliminar las pequeñas bolsas de resistencia que iban quedando tras el avance de las Unidades de las Fuerzas Armadas.

Asimismo, se ha producido un cambio en la estrategia que, durante su avance, han venido realizando las fuerzas rusas. A partir de la toma de GROZNI, se ha intentado conseguir que los combatientes chechenos abandonaran las ciudades en las que se habían hecho fuertes mediante la presión que los habitantes de las mismas hicieran sobre ellos.

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Semejante actitud era conseguida a través de las promesas realizadas por los mandos militares rusos de evitar los bombardeos sobre las posiciones de los combatientes chechenos en el interior de las poblaciones, en el caso de que los rebeldes evacuaran la ciudad. El precedente inmediato de la toma de ARGUN y la destrucción de una buena parte de GROZNI han actuado sobre la población civil de dos ciudades importantes, como GUDERMES y SHALI, como un potente catalizador.

Esta táctica ha ido acompañada por el hostigamiento, mediante bombardeos de la aviación y artillería rusas, de las fuerzas chechenas que se replegaban de dichas ciudades. Estas acciones tienen como objetivo dificultar su reagrupamiento y organización posteriores y evitar así que puedan llegar a la zona montañosa del sur, donde podrían continuar con su resistencia armada.

Por su parte, las fuerzas leales a DUDAEV han incrementado las acciones de guerra de guerrillas en el territorio controlado por las tropas rusas. Simultáneamente, intentan agruparse en las zonas de montaña en espera de que se den las condiciones más favorables para incrementar la presión sobre las zonas controladas por las fuerzas enviadas por MOSCU.

En este sentido hay que destacar que se han vuelto a registrar incidentes con francotiradores en la capital, después de casi un mes en el que esta clase de actuaciones no se había puesto de relieve.

1. ACTUACIONES A NIVEL POLITICO

Básicamente, la actividad política de las últimas jornadas en relación con el conflicto checheno se ha centrado, por un lado, en propiciar alguna vía de diálogo y, por otro, en las iniciativas para preparar el terreno para la "normalización" política de la República.

En este contexto, hay que hacer referencia, en primer lugar, al encuentro mantenido, a comienzos del mes de marzo, entre el Jefe de la Dirección Territorial de los Organos Federales del Poder Ejecutivo de CHECHENIA, NIKOLAI SEMENOV, y el líder espiritual checheno, el Mufti MUJAMAD-JUSEIN ASLAMBEKOV, en un claro intento, por parte del KREMLIN, de encontrar algún interlocutor válido capaz de sustituir a DUDAEV.

En dicha reunión se firmó un acuerdo en el que se recogía la intención de que los Comandantes Militares de uno y otro bando reiniciaran las negociaciones. Con dicho objetivo se emitió una declaración conjunta en la que se solicitaba a los Jefes de las Unidades chechenas la entrega de las armas, propuesta que, evidentemente, no fue aceptada.

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Posteriormente, SEMENOV se reunió con el Presidente de la Dirección Espiritual Musulmana de la Región Centro-europea de RUSIA, RAVIL GAINUTDIN. También en esta ocasión se intentó conseguir la reapertura de las negociaciones entre los Jefes militares chechenos y rusos, en este caso proponiendo la creación de un "corredor de paz", para dar seguridad a los posibles participantes en las negociaciones. La iniciativa no tuvo éxito y los encuentros no llegaron a producirse.

Independientemente de estos infructuosos acercamientos a los líderes religiosos, y en cuanto a iniciativas de paz se refiere, lo más destacable en este ámbito ha sido la celebración en MOSCU del 13 al 15 de marzo de la Conferencia "Iniciativa de Paz para el CAUCASO", promovida por diputados de las dos Cámaras que componen el Parlamento ruso, DUMA y Consejo de la Federación, y por una serie de organizaciones de carácter social.

En la Conferencia participaron representantes del Gobierno; de la Administración Presidencial; de la Asamblea Federal (Parlamento); de Organismos Regionales de poder; de organizaciones religiosas; personalidades del mundo de la ciencia y de la cultura; miembros de la diáspora chechena en MOSCU y delegados de diferentes partidos políticos de la República de CHECHENIA.

Hay que señalar que durante la intervención del Jefe de la Administración Presidencial, S. FILATOV, quien descartó el contacto directo entre MOSCU y DUDAEV, los representantes del líder secesionista presentes en la sala abandonaron sus asientos en señal de protesta.

Otro momento importante de la reunión lo constituyó la intervención del Viceprimer Ministro, S. SAJHRAI, quien aludió al denominado "Plan de CHERNOMYRDIN" sobre medidas para resolver la crisis chechena. Este plan incluye la realización de negociaciones en zonas desmilitarizadas para tal efecto. En estas áreas el armamento estaría almacenado bajo la vigilancia de una comisión intermediadora y se suspenderían todas las operaciones militares. Según SAJHRAI, ya se están llevando a cabo este tipo de negociaciones en algún punto de la República chechena.

El plan también alude a la intención de crear los mecanismos necesarios para hacer llegar ayuda humanitaria a la zona de conflicto, garantizar los derechos humanos y favorecer las operaciones para el restablecimiento de los órganos de poder local, aunque descarta la celebración de un referéndum en la República para definir su "status", y se inclina por que los derechos específicos de la República se regulen mediante un acuerdo similar al firmado con la República de TATARSTAN.

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Al término de las sesiones de trabajo se aprobó una declaración en la que se proponía la creación de la comisión intermediadora, que estaría formada por personalidades políticas y líderes religiosos, y la organización de una "Mesa Redonda" con la participación de partidos y movimientos políticos chechenos con el fin de elaborar un plan de paz.

Por último, y en esta línea de "normalización" de la vida política de la República, hay que hacer referencia al Decreto emitido por el Presidente ELTSIN "sobre los Organos de Poder Provisional en la República de CHECHENIA", documento que viene a apoyar la decisión adoptada por el Consejo Provisional (máximo órgano de oposición a DUDAEV, liderado por UMAR AVTURJANOV) de establecer un Comité de Concordia Nacional.

Este Comité, según el Decreto presidencial, será el encargado de buscar las vías necesarias para lograr un armisticio, confeccionar un proyecto de Constitución para la República, y elaborar un cuerpo normativo que regule la celebración de unas elecciones libres en CHECHENIA, así como organizar en el futuro estos comicios con el apoyo de la Comisión Electoral Central de RUSIA.

Dicho organismo estará integrado por 45 miembros, ex-diputados del disuelto Sóviet Supremo de la República de CHECHENIA-INGUSHETIA y líderes representativos de los distintos movimientos políticos y sociales de la República. Como Presidente del Comité ha sido nombrado el dirigente del Consejo Provisional UMAR AVTURJANOV.

En otro apartado del Decreto, se estipula que el Poder Ejecutivo de CHECHENIA, en tanto no sea aprobada la Constitución de la República, será ejercido por el Gobierno de Renacimiento Nacional liderado por SALAMBEK JADZHIEV, en consonancia con lo acordado por el Consejo Provisional.

2. VALORACION Y PERSPECTIVAS

Tras el fracaso de la operación destinada a tomar GROZNI realizada el pasado 31 de diciembre, las fuerzas rusas desplegadas en CHECHENIA han conseguido incrementar, de forma muy significativa, el rendimiento de sus actuaciones en la zona.

De entre las causas que han propiciado dicho cambio destaca el hecho de la ausencia de presiones políticas sobre las Autoridades Militares para acabar con la crisis chechena cuanto antes. Así, se ha permitido que los mandos de las Unidades sobre el terreno atiendan a la resolución del problema técnico de la dirección de los combates sin que medien plazos de tiempo difíciles o imposibles de cumplir.

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Esta situación ha permitido llevar a cabo la táctica recogida en los manuales rusos sobre la forma de realizar este tipo de operaciones y que se basa en el empleo masivo de los órganos de apoyo por el fuego, artillería y aviación principalmente.

Dicha actuación ha traído como consecuencia inmediata la reducción del número de bajas entre las tropas rusas, por una parte, y, por otra, una creciente presión de la población civil sobre las fuerzas leales a DUDAEV para que abandonen los centros urbanos en los que se han hecho fuertes, conscientes de que un combate en los mismos tiene consecuencias catastróficas para todos aquellos que habitan estas ciudades.

Asimismo, se está produciendo un cierto cansancio en una parte de las fuerzas leales a DUDAEV. La prolongación del conflicto en el tiempo, el desgaste sufrido como consecuencia de la actuación de las tropas federales y la ausencia de un respaldo internacional a su causa están produciendo una relativa desilusión en las filas de los independentistas. En este sentido, ya empiezan a verse indicios de que, conscientes de la previsible evolución de la situación, una parte de las fuerzas leales a DUDAEV que todavía tiene algo que perder está abandonando la lucha armada.

Por otro lado, se ha incrementado el entrenamiento específico de las Unidades rusas que están interviniendo en las operaciones. Ahora, antes de ser enviadas a la zona de combate, todas ellas reciben una serie de sesiones de instrucción en la base de MOZDOK en INGUSHETIA, que abarcan tanto aspectos técnicos y tácticos, como de motivación y de moral. El resultado son unas fuerzas con un grado de eficacia mucho mayor que el de las que intervinieron en la primera fase de las operaciones.

De cara al futuro, se puede establecer que las autoridades de MOSCU están cada día más próximas a dar por resuelta la intervención de las Fuerzas Armadas en CHECHENIA, coincidiendo con el cese de las operaciones a gran escala en la República. Se abrirá entonces un período de letargo del conflicto en el que muy probablemente se sucederán las conversaciones entre ambas partes para alcanzar una solución estable para la región.

Las Unidades regulares de las Fuerzas Armadas rusas no abandonarán por completo la zona, sino que de los 35.000 miembros de este colectivo que se encuentran en la actualidad en CHECHENIA, el número total quedará reducido a unos 12.000, lo que supondrá un contingente aproximado a los efectivos y medios de una Brigada de Infantería Mecanizada. La misión de esta Unidad estaría centrada en proporcionar apoyo a las Fuerzas del Ministerio del Interior, que pasarían a encargarse del control de la situación en todo el territorio de la República en poder de las tropas federales.

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No parece probable que se dé comienzo ahora a una amplia operación de hostigamiento de los rebeldes chechenos que se hayan desplazado a las montañas, habida cuenta de la inferioridad que en este terreno presentan las Unidades regulares.

Sin embargo, en el caso de que se incremente la actividad de los grupos destinados a realizar acciones de guerrilla, no se puede descartar que se inicie un proceso de acoso a las bases de los independentistas mediante bombardeos aéreos y mediante la actuación de Unidades especializadas del Ministerio del interior.

Independientemente de la situación militar en la República, el Gobierno de MOSCU entiende que el conflicto, con la toma de las dos últimas ciudades importantes de CHECHENIA, ha entrado en su recta final y todas sus actuaciones van encaminadas a la preparación de los planes de restablecimiento de la normalidad política y económica de la República.

Por el contrario, los hechos vienen a demostrar que este proceso está encontrando muchos inconvenientes para su realización. Así, la existencia de hostilidades dificulta en gran medida la reconstrucción de las infraestructuras e impide la implantación de los órganos de poder local, aunque éstos ya están estableciéndose en algunos territorios del norte de CHECHENIA.

Para MOSCU, tanto la celebración de unas elecciones en la República, como la aprobación de la nueva Constitución son dos objetivos prioritarios a alcanzar en el menor plazo posible. Pero el ritmo de este proceso dependerá en gran medida de la aceptación popular del Comité de Concordia Nacional y del Gobierno Provisional, algo todavía por demostrar.

En cualquier caso, y lo que es más importante, las previsiones de desestabilización interna, como resultado de las operaciones en CHECHENIA, no se han materializado. Por el contrario, el Presidente ELTSIN ha salido reforzado en su papel de líder indiscutible, neutralizando a aquéllos que se han opuesto a su política respecto al conflicto checheno, alejándolos de su entorno y del proceso de toma de decisión.

Quizás una de las consecuencias más claras de la crisis chechena ha sido precisamente el cambio del círculo de allegados al Presidente. Si en un momento determinado ELTSIN parecía dejarse aconsejar por las personalidades de los demócratas, como el propio GAIDAR, en la actualidad estaría asesorado por el núcleo del denominado "Partido de la Guerra": LOVOB, GRACHEV, EGOROV y STEPASHIN y, por supuesto, por el Jefe de su Servicio de Seguridad, el General KHORZAKOV, cada día más influyente.

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Parece muy significativo que en sus últimas actuaciones, E. GAIDAR haya modificado su postura inicial de ataque frontal al Presidente y haya moderado su discurso, consciente quizás, de que dada la proximidad de las elecciones legislativas su alejamiento de los círculos de poder más influyentes puede serle muy perjudicial a su partido "Opción Rusia", lo que viene a demostrar, una vez más, que quien tenga aspiraciones políticas en la RUSIA actual debe contar con el beneplácito y el apoyo del Presidente.

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ASUNTO: **CEI: REPERCUSIONES DEL INTENTO DE GOLPE DE ESTADO EN AZERBAIYAN.**

0. INTRODUCCION

Tras el intento de golpe de Estado registrado durante la tercera semana de marzo en la capital azerí, BAKU, y en otras poblaciones de la República de AZERBAIYAN, provocado por la sublevación de unidades de la Policía especial (OPON) dirigidas por el ex-Viceministro de Interior, ROVSHAN CAVADOV que perdió la vida en los enfrentamientos armados con las fuerzas gubernamentales, la situación parece haber sido controlada por el Gobierno encabezado por el Presidente ALIEV, que ha aprovechado las circunstancias para "depurar" a algunas personalidades de la oposición política y a organizaciones de carácter extremista.

A pesar de que el estado de excepción sigue vigente en BAKU y las medidas de control policial son muy estrictas, la crisis ha sido superada, dando paso a una etapa de represión política contra los acusados de haber participado, directa o indirectamente, en la revuelta.

Según el propio Presidente ALIEV, fuerzas diametralmente opuestas habrían apoyado a CAVADOV, incluyendo a partidarios del ex-Presidente MUTALIBOV y del ex-Primer Ministro GUSEINOV, ambos refugiados en MOSCU, y activistas del partido nacionalista pro-turco Frente Popular, que fue derrocado del poder tras el golpe de Estado de junio de 1993, que concluyó con el nombramiento de ALIEV como Jefe del Estado.

Como medidas inmediatas tras la crisis, el Gobierno azerí acordó, en primer lugar, aumentar la presión sobre la oposición política, en especial sobre el Frente Popular, controlando sus actividades; incrementar el control policial en todo el país y, por último, posponer las elecciones legislativas, previstas para septiembre de 1995, aunque esta decisión aún no ha sido confirmada.

El Presidente ALIEV ordenó arrestar al ex-Ministro del Interior, ISKANDER GAMIDOV y al líder del partido BOZGURD, también denominado "Lobos Grises", acusándolos de estar implicados en la revuelta.

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Asimismo, otros ocho altos cargos de la Policía han sido cesados. Uno de los cabecillas de la rebelión, MAKHIR CAVADOV, hermano del fallecido ex-Viceministro del Interior, consiguió huir a pesar del cerco de las fuerzas gubernamentales.

El ex-Ministro de Asuntos Exteriores, TOFIK GASYMOV, que en la actualidad es una importante personalidad de la oposición política a ALIEV, también fue detenido, interrogado violentamente y, posteriormente, puesto en libertad.

2. SITUACION INTERNA ACTUAL

Tras el éxito militar de las fuerzas leales a ALIEV contra los rebeldes de la Policía especial, el Presidente azerí ha demostrado, una vez más, su capacidad para controlar la situación interna en AZERBAIYAN, que, tras la desaparición de la URSS, se ha visto con frecuencia envuelto en rebeliones militares y golpes de Estado. ALIEV, como en anteriores ocasiones, ha tratado de capitalizar esta última situación para conseguir eliminar a algunos de sus más directos enemigos políticos.

Estas luchas internas son fruto principalmente de las disputas de los respectivos "clanes" o grupos de poder regionales, que desean controlar los recursos económicos de los que dispone esta rica República caucásica.

La grave situación interna en AZERBAIYAN podría ser solucionada mediante la consecución de un gran consenso político nacional, que garantizara la celebración de elecciones libres y la "limpieza" en la gestión de los recursos económicos del país.

Sin embargo, en la actualidad el liderazgo del Presidente ALIEV, que representa los intereses del denominado "Clan de NAJICHEVAN", se encuentra fuertemente afianzado, y no es previsible un cambio político que dé lugar a un acuerdo a nivel nacional, sino más bien todo lo contrario: una fuerte y persistente represión política que elimine cualquier resquicio de oposición que pueda poner en peligro la estabilidad del régimen.

A pesar de lo anterior, no es descartable que ALIEV tenga que enfrentarse en los próximos meses a más intentos de desestabilización, debido principalmente a las fuertes presiones que AZERBAIYAN está recibiendo del exterior, como consecuencia de las negociaciones para el desarrollo del proyecto de explotación de los yacimientos petrolíferos del Mar CASPIO, en el que se entrecruzan importantes intereses económicos y estratégicos de países como la FEDERACION RUSA, EE.UU., TURQUIA, IRAN y ARMENIA.

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2. PRESIONES EXTERIORES

En la reciente historia de crisis políticas en AZERBAIYAN se puede encontrar un denominador común que se refiere a la evolución de las negociaciones para la explotación conjunta de los yacimientos de petróleo del Mar CASPIO. Así, y tras la firma el pasado mes de septiembre en BAKU del contrato del petróleo entre AZERBAIYAN y un consorcio de compañías occidentales por valor de 7.400 millones de dólares, en el cual RUSIA obtuvo una pequeña participación, dos de los más próximos consejeros de ALIEV -el Vicepresidente del Parlamento, AFIYED-DIN JELILEV, y el Jefe de la Inteligencia presidencial, SHEMSI RAHIMEV- fueron asesinados en las calles de la capital azerí. Estos atentados dieron lugar a la primera intentona golpista provocada por el fallecido Jefe de la Policía especial, ROVHSAN CAVADOV, y por el ex-Primer Ministro, S. GUSEINOV, en octubre de 1994.

Asimismo, la reciente rebelión de marzo se produjo tras el anuncio realizado por el Presidente ALIEV en la Televisión estatal de que a la Compañía turca TPAO le había sido asignada una participación en el consorcio creado para la explotación del petróleo del 6,75%, en lugar del 1,75% inicial y que el oleoducto que transportará el crudo pasará definitivamente por TURQUIA y no por RUSIA, como desde el KREMLIN se trataba de conseguir.

Por todo lo anterior, no se pude descartar que RUSIA esté detrás de los intentos de desestabilización, apoyando desde MOSCU al ex-Presidente MUTALIBOV y al ex-Primer Ministro GUSEINOV, ambos refugiados en la capital rusa, y a otras fuerzas de la oposición azerí con capacidades para derrocar al régimen encabezado por ALIEV, con la finalidad de no perder el control sobre los recursos energéticos de la región.

Por su parte EE.UU., otro de los grandes socios en el contrato del petróleo, exige a AZERBAIYAN la supresión de la cuota que le fue asignada a IRAN y el transporte del crudo a través de un oleoducto que atravesaría ARMENIA y TURQUIA. Para ello, la Administración norteamericana desea que las relaciones bilaterales entre TURQUIA y ARMENIA se normalicen y evitar de esta forma el control por parte de RUSIA de unos recursos petrolíferos que considera de interés estratégico.

Como problema añadido a los anteriormente citados cabe señalar el proceso de negociaciones sobre el conflicto de NAGORNO-KARABAJ, en el cual RUSIA mantiene una postura alejada de las propuestas internacionales, en lo referente al envío de una fuerza de pacificación a la zona, la cual, según el KREMLIN, debería estar formada principalmente por efectivos rusos. El proceso de negociación se encuentra en la actualidad prácticamente paralizado, desde que en mayo de 1994 se firmara un

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alto el fuego que, con esporádicas violaciones, ha sido cumplido por las partes.

Si no se alcanza urgentemente alguna solución política que corrobore la disposición de los contendientes a continuar las negociaciones por la vía pacífica, no sería descartable que durante esta primavera se reanudaran los enfrentamientos con mayor virulencia que en anteriores fases, ya que el mencionado alto el fuego ha sido utilizado por ambas partes para reabastercer y restructurar a sus respectivas Fuerzas Armadas.

3. CONCLUSIONES Y VALORACION

Por todo lo anterior, se pueden señalar las siguientes consecuencias de la última crisis política en AZERBAIYAN:

- RUSIA seguirá presionando para conseguir, en primer lugar, el control de los recursos petrolíferos del Mar CASPIO y, posteriormente, un mayor acercamiento político y militar del Gobierno azerí a la política rusa hacia el CAUCASO.

- TURQUIA e IRAN, las otras dos potencias regionales, apoyan a ALIEV como único dirigente político con experiencia y preparación suficiente para desarrollar las reformas y estabilizar el país, al margen de la FEDERACION RUSA. La alternativa del ex-Presidente MUTALIBOV, apoyada por MOSCU, no es aceptada por estos países, ya que sus tendencias son excesivamente prorrusas. Esta postura es, asimismo, apoyada por EE.UU., aunque con la salvedad del veto impuesto a la participación de IRAN en los negocios petrolíferos.

- El reforzamiento del Presidente ALIEV en el poder no eliminará la lucha de clanes, que es la principal causa de las constantes revueltas que se desarrollan en AZERBAIYAN.

- Con independencia de las presiones exteriores, AZERBAIYAN seguirá inmerso en una profunda inestabilidad política, provocada por la grave crisis económica, el desempleo, la falta de instituciones democráticas y la ausencia de perspectivas de consolidación política, que deberán ser resueltas mediante la convocatoria de elecciones parlamentarias libres antes de finales de 1995.

En definitiva, la situación actual en AZERBAIYAN indica que se podrán producir nuevos intentos de golpe de Estado, provocados, como en anteriores ocasiones, por la fuerte inestabilidad interna en todos los ámbitos y por las injerencias de terceros países, especialmente RUSIA, que ha encontrado en esta República caucásica una de las más "díscolas" de la antigua

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UNION SOVIETICA a la hora de aplicar su nueva política exterior hacia el denominado "extranjero próximo"

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NOTA INFORMATIVA

ASUNTO: CEI: SITUACION Y REFORMA ECONOMICA EN UZBEKISTAN.

0. INTRODUCCION

La República de UZBEKISTAN comprende una extensión de 447.000 Km^2 y cuenta con una población de 20,4 millones de habitantes, de los que la mayor parte vive en áreas rurales. Su estructura económica está dominada por las producciones agrícolas y por las industriales relacionadas con la agricultura, siendo el algodón el principal recurso del país.

Su situación económica viene caracterizada por la existencia de una crisis económica de menor profundidad a la existente en otras Repúblicas ex-soviéticas, lo que se debe a la política económica aplicada por el Presidente, ISLAM KARIMOV, basada en la realización de una reforma de mercado a baja velocidad y con un importante componente social, en la que la estabilidad política de la nación ha desempeñado un papel fundamental.

Las perspectivas de evolución son algo más optimistas que en otras Repúblicas ex-soviéticas, sin embargo, aún quedan muchos obstáculos que superar, lo que hace conveniente mantener una postura de cierta cautela, por lo menos, en una perspectiva a medio plazo.

1. SITUACION ECONOMICA DURANTE 1994

La **actividad productiva** en UZBEKISTAN durante 1994 arrojó uno de los índices de caída más bajos de toda la CEI ya que, en comparación a los resultados de 1993 y según los datos facilitados por el Comité Estatal de Estadísticas de la República, el Producto Interior Bruto únicamente disminuyó un 7%, mientras que la producción industrial lo hizo en un 3,1%, pudiendo existir, incluso, un crecimiento productivo en aquellas ramas declaradas prioritarias. No obstante, estos datos deben tomarse con alguna reserva, dado que las autoridades uzbekas todavía mantienen ciertas reticencias a la libre circulación de la información de carácter económico.

En lo que respecta a la agricultura, la cosecha de algodón en rama alcanzó los 3,9 millones de toneladas, algo menos que en 1993, cuando se recolectaron 4,3 millones de Tm. Entre las

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causas de este descenso se encuentran, fundamentalmente, la escasez de piezas de repuesto y el desgaste de la maquinaria agrícola, aunque también es necesario tener en cuenta que el precio del algodón recogido a mano es superior al recolectado a máquina, por lo que los agricultores se inclinan por el primer método, disminuyendo de esta forma la cosecha.

Dentro de la **esfera de la circulación monetario-financiera**, el hecho más destacable es el descenso del ritmo de inflación, que, según fuentes oficiales, fue del 425% para todo 1994, habiendo disminuido desde el 20-30% mensual a principios de año hasta el 5-10% a finales, aunque posteriormente volvió a aumentar. Esa disminución de la inflación fue posible gracias a la política monetaria moderadamente rígida y a la introducción el 1 de julio de la moneda nacional, el som, que ha permitido a las autoridades del país tener un mayor control sobre su economía que, además, ha sufrido en menor medida las fluctuaciones existentes en otras Repúblicas de la CEI.

Una consecuencia negativa derivada de esa política monetaria moderadamente rígida fue la aparición de una crisis de impagos cuya cuantía el Viceprimer Ministro y Ministro de Finanzas, BAKHTYOR HAMIDOV, la cifra en 16.000 millones de somes, constituyéndose, como en otras Repúblicas de la CEI, en unos de los problemas económicos más graves.

No obstante, la inflación ha continuado siendo alta, lo que se ha debido al proceso de gradual liberalización de los precios de la energía, del transporte y de los alimentos y al aumento de la cantidad de dinero en circulación que se produjo a finales de año como consecuencia del Decreto del 31 de octubre por el que se aumentaban las prestaciones compensatorias a la población. De hecho, otras estimaciones indican que la inflación a lo largo del pasado año superó los 1.400%.

Los tipos de interés, por su parte, manifestaron una tendencia alcista, de tal forma que aumentaron desde el 50% a principios de año, hasta el 250% en octubre, lo que supuso que los tipos de interés reales (en relación al nivel de precios) llegaran a ser positivos. En este sentido, el Gobierno ha establecido que a partir de marzo del presente año la revisión del nivel de los tipos de interés se realice mensualmente.

En cuanto al tipo de cambio, desde su introducción el 1 de julio, el som ha sufrido un proceso de constante depreciación frente al dólar, no habiéndose producido intervenciones significativas de las autoridades monetarias en las subastas de divisas, como lo prueba el hecho de que el tipo de cambio comercial se ha equiparado al curso bursátil. De esta forma, en octubre un dólar se cambiaba por 22 somes, mientras que en diciembre dicha cifra ascendió sólo a 25, aunque en el mercado negro alcanzara los 37-38 somes. No obstante, a principios del

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presente año se ha observado una tendencia a la recuperación de la moneda uzbeka, que debe atribuirse a la escasez de efectivo.

La bolsa cambiaria uzbeka, a pesar de haber aumentado su volumen de negocio de una forma significativa durante el año pasado, continúa siendo muy pequeña, dejándose sentir una aguda escasez de divisas en efectivo, lo que obliga a las autoridades a limitar la cantidad vendida a las personas físicas.

Por otra parte, en lo que se refiere al **comercio exterior**, según HAMIDOV, se habría obtenido un saldo positivo en los intercambios con la CEI de 280 millones de dólares durante el año pasado. Los datos de enero a agosto indican que el conjunto de las exportaciones aumentaron un 31,1%, mientras que las importaciones decrecieron un 9,6%, llegando a obtenerse un superávit comercial. En general, la estructura de la exportación continúa invariable, estando centrada de manera especial en el algodón, a la vez que las importaciones siguen estando dominadas por los víveres y los productos de consumo.

Como factores que contribuyen a frenar el desarrollo del sector exterior de la economía uzbeka es necesario mencionar la ruptura de los lazos económicos interrepublicanos, el crecimiento de los impagos empresariales, el aumento de los precios de la energía y de las materias primas, los problemas relacionados con el transporte de mercancías y la falta de experiencia en la realización de las prácticas del comercio mundial.

En sus relaciones económicas con otros países, es ciertamente destacable el aumento de la importancia que está teniendo CHINA. UZBEKISTAN no sólo se muestra interesado en los intercambios comerciales, sino también en aprender de la experiencia china en organizar zonas económicas libres y en la realización de las reformas en el campo. Como principal obstáculo a esta cooperación cabría señalar la falta de una vía de comunicación segura entre ambos países.

Por último, respecto a la formación de **empresas mixtas**, si bien hasta ahora su cuantía ha sido muy limitada, expertos del Fondo Monetario Internacional consideran que en esta República existe un clima favorable al flujo de inversiones, en lo que influye de manera decisiva el proceso de liberalización de las actividades económicas con el exterior que se está llevando a la práctica. De hecho, el Gobierno pretende que a lo largo del presente año los capitales extranjeros que entren en el país alcancen un volumen entre 1.300 y 1.500 millones de dólares.

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2. PRINCIPALES LINEAS DE LA POLITICA DE REFORMA ECONOMICA

El proceso de reforma económica en UZBEKISTAN tiene su principal fundamento en el Decreto sobre "medidas orientadas a la profundización de las reformas económicas, a la protección de la propiedad privada y al desarrollo de la producción" firmado por el Presidente KARIMOV el 21 de enero del pasado año.

Transcurrido ya un año desde la entrada en vigor de dicho Decreto, puede afirmarse que en esta República está teniendo lugar una transición hacia la economía de mercado, cuyo espíritu queda recogido en la afirmación del Presidente: "no mediante la aplicación de cataclismos revolucionarios, sino por etapas, con una vía evolutiva, asegurando la debida protección de los intereses de los trabajadores". De esta forma, la elección de este modelo ha permitido mantener la estabilidad de la República y evitar mayores caídas de la producción.

En esta transición hacia la economía de mercado se han establecido cuatro campos de acción:

2.1. Proceso de privatización. A lo largo del pasado año, según cifras oficiales, el número de empresas que pasaron a manos privadas alcanzó las 28.000, lo que supone más de un tercio del total de las organizaciones económicas estatales, habiéndose duplicado el número de sociedades anónimas, que pasaron de mil a más de dos mil.

Por su parte, el sector privado estaría aportando cerca del 50% del total de la producción, aunque sólo emplea a una parte mínima de la fuerza laboral, en torno al 5%, lo que se debe, fundamentalmente, a que el proceso afecta principalmente a las pequeñas y medianas empresas de los sectores servicios y comercio.

Todos estos datos permiten afirmar que se han sentado las bases de una estructura de una economía de mercado, aunque, sin embargo, ocultan los problemas y carencias del proceso de privatización en esta República. De este modo, es necesario hacer referencia a un obstáculo común al resto de Repúblicas de ASIA Central consistente en la gran oposición a la privatización del aparato burocrático y de las autoridades locales, quienes temen perder los privilegios de los que tradicionalmente han gozado. Igualmente común en el resto de la CEI es el fenómeno de la participación en el proceso de diversos grupos criminales, quienes no buscan obtener la propiedad de las empresas para reorganizar su producción, sino únicamente para especular con su valor inmobiliario.

Además, el proceso sufre diversos defectos técnicos, tales como los retrasos en la formalización de documentos, el bajo

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nivel de cualificación de los especialistas y de los administradores de las empresas, el subdesarrollo del mercado de valores y de inmuebles, el bajo índice de participación de la población en el proceso (no se han repartido cheques de privatización) o el mantenimiento de un alto índice de monopolismo.

Para 1995, las autoridades uzbekas prevén que el sector privado alcance el 60% del total de la producción, a la vez que sus tareas prioritarias serán el apoyo a las nuevas empresas, la atracción de inversores extranjeros al proceso, la formación de un mercado de valores, promover la desmonopolización de la economía y potenciar la transformación de las grandes empresas industriales, de manera especial, las algodoneras y las químicas.

2.2. <u>Creación de un nuevo sistema financiero</u>. Su finalidad sería la de favorecer el desarrollo y la actividad del sector privado. El nuevo sistema financiero debía basarse en el equilibrio presupuestario y en la consecución de la estabilidad y de la convertibilidad interna de la nueva moneda nacional.

Respecto al equilibrio presupuestario, el Gobierno logró alcanzar parte de sus objetivos, ya que gracias a la disminución de la cuantía de las subvenciones, a la reforma parcial del sistema tributario y al perfeccionamiento de la actividad de las autoridades fiscales se pudo controlar el déficit del presupuesto. Sin embargo, a pesar de que se redujeron las asignaciones generales en forma de precios fijos, las subvenciones a empresas no rentables continuaron, por lo que no parece creíble, como apuntan las autoridades republicanas, que el déficit únicamente alcanzara el 3,5% del PIB.

Esta reducción parcial de los gastos presupuestarios fue acompañada por la aplicación de una política monetaria moderadamente rígida, que, sin embargo, se suavizó a finales de año. No obstante, todavía es demasiado pronto para afirmar que han aparecido los primeros indicios de estabilidad financiera, pues existe una importante crisis de impagos, la inflación ha repuntado a principios del presente año y los tipos de interés de los depósitos bancarios, si bien a finales del pasado año fueron positivos, en 1995 han vuelto a ser negativos.

En lo que se refiere al ámbito cambiario, el Gobierno introdujo la moneda nacional, el som, a principios de julio, prohibiendo posteriormente (el 15 de octubre) el pago de las operaciones comerciales y de las prestaciones de servicios con monedas extranjeras. Además, a los bancos comerciales se les permite la compra-venta de divisas, pudiendo establecer sus propios tipos de cambio, práctica que favorece la competencia.

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Para el presente año, el Gobierno todavía no ha presentado un programa de acción concreto en este ámbito, sin embargo, ya ha declarado que, junto a la privatización, el fortalecimiento del tipo de cambio y la estabilización de la inflación en torno al 4-5% mensual a mediados de año y al 2% a finales, son sus máximas prioridades.

2.3. <u>Programa de atracción de inversiones</u>. Paralelamente al proceso de privatización, el Gobierno uzbeko trata de crear un clima favorable para la atracción de inversores extranjeros. Para ello, se elaboró un programa inversionista en el que se determinan los sectores prioritarios desde el punto de vista del capital extranjero, entre los que se han incluido a los bienes de amplio consumo fabricados con tecnologías avanzadas, a los productos agrícolas, a las industrias minera, farmacéutica y radioeléctrica, a la protección del medio ambiente, a las telecomunicaciones y al turismo.

De hecho, a lo largo del pasado año se emitieron diversos decretos y disposiciones con la finalidad de crear el marco legal necesario para la actividad efectiva de las empresas extranjeras, concediendo a éstas amplios derechos y privilegios.

Lo anterior, unido a la estabilidad política del país, a su gran cantidad de recursos naturales, a su fuerte potencial productivo y a las diversas medidas liberalizadoras en las esferas de la actividad económica exterior y del comercio interior, convierten a esta República en una de las más atractivas de la antigua URSS, habiéndose instalado ya en su territorio compañías occidentales de primera fila.

No obstante, es necesario mencionar un conjunto de problemas que aún están pendientes de resolver y que frenan el flujo de capitales exteriores. Entre ellos, se encuentran la inestabilidad financiera y las todavía altas tasas de inflación, el exceso de burocratización en el registro de empresas, los problemas relacionados con la inexistencia de una plena propiedad privada de la tierra o el carácter restringido y limitado de la información económica proporcionada por el Gobierno a los empresarios extranjeros.

Para el presente año, KARIMOV pretende realizar una activa política inversionista para reestructurar la economía, para lo cual el pasado 5 de enero emitió el Decreto sobre "la iniciación e incentivación de la libre empresa", cuyas líneas maestras podrían sintetizarse de la siguiente manera: alcanzar la igualdad real entre las empresas privadas y las públicas, aumentar el apoyo financiero a los negocios privados mediante el Fondo de ayuda a las PYMES y desarrollar los mercados, en especial los mayoristas.

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2.4. Programa de reforma agraria. A lo largo del pasado año, continuó el proceso de desestatalización y de privatización en el campo. De esta forma, en la República funcionan actualmente más de 9.000 explotaciones agrícolas privadas y 629 pequeñas empresas especializadas en la transformación de productos agrarios, lo que ha llevado a que, según cifras oficiales, el porcentaje correspondiente al sector público en la producción agrícola se redujese del 40% al 10%, habiendo aumentado el de las haciendas privadas (del 25% pasó al 36%) y el de las cooperativas (del 35% al 54%).

Paralelamente, existe un proceso de formación de los mercados agrícolas gracias a la disminución de los pedidos estatales de cereales y de trigo, lo que permite a los campesinos disponer libremente del resto de sus cosechas.

Sin embargo, la situación de las explotaciones agrícolas continúa siendo bastante difícil, pues falta maquinaria, repuestos, fertilizantes y pesticidas, a la vez que el Gobierno ha reducido las subvenciones al sector. Además, el desarrollo de su actividad se ve perjudicado por la presión que sobre ellas ejercen los clanes más poderosos, por el estado embrionario en que se encuentran los mercados y por el mantenimiento del monopolio estatal en la transformación, transporte y almacenamiento de los productos agrarios.

No obstante, el principal obstáculo es la negativa de las autoridades a introducir la plena propiedad privada de la tierra, dada la limitada extensión de los terrenos agrarios y la escasez de recursos hidráulicos. De esta forma, únicamente se permite adquirir terreno en un usufructo de por vida y con derecho a herencia.

3. VALORACION Y PERSPECTIVAS

La República de UZBEKISTAN ha optado por un modelo de reforma económica de carácter evolutivo y con un férreo control estatal, lo que ha permitido mantener una relativa calma social y sufrir la crisis económica en un menor grado que el resto de Repúblicas de la CEI. Lo anterior, unido a los importantes recursos naturales con que cuenta en su territorio, permite afirmar que UZBEKISTAN es la primera potencia económica del ASIA Central ex-soviética.

Para el presente año, el Gobierno prevé acelerar el ritmo de las transformaciones y, así, el pasado 16 de diciembre el Presidente KARIMOV anunció su Programa de Acción para 1995, cuyos objetivos son la finalización de los programas de desestatalización y de privatización, el fortalecimiento de la moneda nacional, logrando su plena convertibilidad interna, y la consecución de la estabilidad financiera y de la reestructuración de la economía.

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Dicho Programa, que ha sido elaborado en colaboración con expertos del Fondo Monetario Internacional, ofrece buenas perspectivas de evolución económica, teniendo previsto las autoridades republicanas que en 1996 la producción empiece a crecer.

Sin embargo, es necesario mantener una posición de cierta cautela al respecto, ya que la superación de la crisis pasa, a corto plazo, por cómo se solucionen los problemas de los impagos interempresariales, de las quiebras a ellos asociados y los problemas sociales que pudieran derivarse. Además, a largo plazo, UZBEKISTAN debería disminuir su todavía excesiva dependencia de RUSIA, fundamentalmente, de recursos energéticos, aspecto éste en el que si bien se están realizando importantes esfuerzos, es difícil de alcanzar, puesto que RUSIA no parece dispuesta a perder capacidad de influencia en su principal proveedor de algodón.

Por último, un problema adicional de esta República es el grave deterioro medioambiental que ha sufrido a consecuencia, fundamentalmente, de la desecación del Mar ARAL y que tiene importantes consecuencias negativas para uno de los principales sectores de su economía, la agricultura.

En definitiva, las perspectivas de evolución económica en UZBEKISTAN se presentan más esperanzadoras que para el resto de la CEI, siendo conveniente, no obstante, mantener todavía ciertas cautelas, debido a los graves problemas que todavía las autoridades republicanas tienen que solucionar. En este sentido, el referéndum celebrado el pasado 26.03.95, en el que la mayoría de la población apoyó ampliar el mandato de KARIMOV hasta el año 2000, puede ayudar a mantener la línea de política económica hasta ahora desarrollada proporcionando una mayor estabilidad.

Fecha de redacción: 04.04.95

CONFIDENCIAL

CHECHNYA EMERGENCY OPERATION

The United Nations Consolidated Appeal for Persons Displaced as a Result of the Emergency Situation in Chechnya, covering a six-month period from 1 January to 30 June 1995, was launched in Geneva on 23 March.

The present Consolidated Appeal calls for donor funding of US$ 22.9 million:

UNHCR - US$ 10,385,000 for multi-sectoral assistance (distribution of domestic items, food, shelter, water, sanitation) and protection;
WFP - US$ 4,315,660 for food distribution and logistics;
UNICEF - US$ 5 million for health, distribution of domestic items and special assistance to Children in Especially Difficult Circumstances;
WHO - US$ 695,000 for immunization, epidemiological surveillance, medical supplies and training;
DHA - US$ 178,000 for coordination.
IOM - US$ 2,000,000

The Appeal is also a reflection of the concern of the UN Secretary-General over the humanitarian situation in the Chechen Republic of the Russian Federation. This Appeal aims at rendering assistance to 220,000 internally displaced persons (IDPs) who have sought refuge in the neighbouring republics of Ingushetia, Dagestan and North Ossetia as a result of the fighting in Chechnya and other earlier conflicts in the region.

The situation of internally displaced persons (IDPs) from Chechnya, principally in Ingushetia and Daghestan, remains very serious. The vast majority of IDPs are women and children. In Daghestan, for example, over half the registered persons are children under 18. In collective centres women and children live in conditions where food, clothing and medical care are scarce. Host families shelter over 90% of IDPs. They increasingly cannot cope. At present there are no permanent solutions in sight for the affected people. Warm weather which exacerbates the continuing strain on resources by threats of disease and epidemics affects the population. Most displaced children to not attend school. Some overcrowded collective facilities such as the railway cars and the sports hall in Nazran will become disease traps if the people are not moved. The danger of diphtheria, hepatitis, tuberculosis and plague is already said to be threatening Grozny, with ominous implications for neighbouring republics.

UNHCR is carrying out the following activities:

1. Shelter (supported by water and sanitation) is the priority sector for UNHCR. In this area of activity where few other agencies are involved the needs are particularly great. Collective centre facilities in Ingushetia and Daghestan have reached their limit. Renovation of 50 collective facilities is part of the UNHCR shelter programme for Daghestan.

2. Provision of domestic needs is UNHCR's second priority. Here UNHCR will focus on Ingushetia, as through inter-agency agreement UNICEF will provide similar items for Daghestan. Unhcr is concentrating on the provision of hygienic kits, bedding and clothing which are all essential for the daily existence of displaced persons.

3. In food and health UNHCR is complementing the efforts of WFP, UNICEF, and WHO. Recent reports from Ingushetia indicate deterioration of the food situation at village level and in collective centres. Local food supplies and funds of host families are scarce. The need to keep food in the pipeline is fundamental, and the WFP plan to supply bulk is becoming more urgent on a daily basis.

Implementing arrangements are established with:

Agency	Areal Sector of Activity
- Medecins Sans Frontieres Belgium	water and sanitation
- Relief International	domestic needs, water and sanitation
- Equilibre	community services
- Danish Refugee Council	telecommunications
- Ingushetia Department of Capital Construction	shelter, water and sanitation
- Ingushetia Migration Service	shelter
- EMERCOM	logistic and overall coordination

In addition, UNHCR is in cooperation with:

- Children's Fund	community services
- Ingushetia Commission for Refugees	community services and overall coordination
- Daghestan Construction Unit of the Department of Irrigation and Water Supply	water
- Daghestan Migration Service	registration
- Federal Migration Service	registration

UNHCR RO Moscow organizes biweekly meetings in Moscow, attended also by IOM and ICRC. These meeting are important occasions for briefing diplomatic missions and NGOs on the status of the emergency response. Weekly meetings have also been introduced at field level in Nazran and Makhachkala. Press briefings are held and press release are issued regularly.

The overall role and impact of the Department of Humanitarian Affair, with its representative in Moscow, have facilitated all aspects of coordination, and helped achieve progress in the operation.

The status of relief distribution by UN agencies since the beginning of the operation is as follows:

DISTRIBUTION REPORT

ORGANIZA-TION	ITEM	UNIT	INGU-SHETIA	NORTH OSSETIA	DAGHESTAN	TOTAL
UNHCR	BLANKETS	pcs	29,540	4,550	2,461	36,551
	KITCHEN SETS	sets	891	262	0	1,153
	PLASTIC SHEETING	pcs	2,465	0	14	2,479
	SOAP	kg	5,063	1,705	9,476	16,244
	STOVES	pcs	126	16	0	142
	WHEAT FLOUR	kg	8,605	0	36,700	45,305
	HYGIENE KITS	kits	7,461	100	3,489	11,050
	PLASTIC CANS	pcs	1,890	150	0	2,040
	MATTRESS	pcs	1,498	0	9,214	10,712
	CLOTHES	pcs	40,802	0	0	40,802
	TOWELS	pcs	600	0	19,039	19,639
	SUGAR	kg	0	0	7,175	7,175
	VEGETABLE OIL	ltr	0	0	4,120	4,120
	U.PANTS	pcs	0	0	5,000	5,000
	SHORTS	pcs	0	0	2,575	2,575
	J.CANS	pcs	0	0	2,057	2,057
	HDR's	rat.	81,200	17,000	171,270	269,470
	PASTA	kg	58,767	0	59,399	118,166
WFP	WHEAT FLOUR	MT	0	0	207,000	207,000
UNICEF	BLANKETS	pcs	0	0	6,840	6,840
	BEDS	pcs	0	0	495	495
	SWEATSH	box/40	0	0	122	122
	TROUSERS	box/40	0	0	158	158
	W.JACKETS	box/40	0	0	61	61
	BABY PUREE	Pks/6	0	0	5,865	5,865
	BP5	CTN	0	0	1,149	1,149
	W.SOYA B.	sacks	0	0	314	314
	S.JACKETS	box/20	0	0	179	179
	J.CANS	pcs	0	0	980	980
	SOAP	box/20	0	0	2,549	2,549

Through 27 May (HCR)
24 May (UNHCR)

UNITED NATIONS CONSOLIDATED INTER-AGENCY APPEAL FOR PERSONS DISPLACED AS A RESULT OF THE EMERGENCY SITUATION IN CHECHNYA

1 January - 30 June 1995

March 1995

EXECUTIVE SUMMARY

The humanitarian situation in the three republics neighbouring Chechnya, i.e., Daghestan, Ingushetia and North Ossetia, remains of serious concern to the United Nations. Since the outbreak of fighting at the end of 1994, hundreds of thousands of persons have been displaced from Chechnya into these republics, while a number of other persons displaced into these republics from earlier conflicts in North Ossetia and Georgia also remain in need of humanitarian assistance. Food and other resource reserves of local families, which host more than ninety percent of the displaced persons, are reported to be nearing exhaustion. With warmer weather approaching, the possibility of outbreaks of disease is highly likely unless urgent preventive measures are taken.

UN Agencies began assistance efforts in January 1995 in response to a request from the Government of the Russian Federation for aid to displaced persons from Chechnya. The United Nations Inter-Agency Consolidated Appeal presented herein is based on the results of an assessment conducted in February 1995 by UNHCR, UNICEF, WFP, WHO and IOM of the humanitarian needs of the region's displaced populations. DHA has coordinated the preparation of inputs among these Agencies. The present Appeal subsumes, extends and builds upon the United Nations "Flash Appeal" issued in February 1995. It seeks to aid a total of 220,000 most needy displaced persons (this includes 200,000 displaced from Chechnya and among the smaller groups displaced previously from North Ossetia and Georgia and includes a contingency figure of some 20,000 persons for possible further displacements). The Appeal covers the period 1 January - 30 June 1995, with the exception of assistance proposed by WFP (which covers an additional two months, up to the end of August 1995) and IOM (which did not participate in the "Flash Appeal" and therefore is seeking its relevant requirements from 1 March - 30 June 1995). A total of US$ 25.1 million is being appealed for, out of which US$ 5.2 million has been received against the "Flash Appeal" as of 14 March 1995.

Programmes of individual agencies will focus on several priority sectors, including shelter, water and sanitation, food assistance, domestic needs, health, community services, children in especially difficult circumstances and protection. A high degree of inter-agency cooperation and coordination has already been achieved and will be further strengthened as activities are intensified. The appealing organizations will take advantage of common logistics arrangements and pool resources regarding storage, transportation, and distribution of relief materials whenever possible (this is already taking place in numerous instances). The activities of the appealing agencies will be closely coordinated with those of ICRC, as well as with NGOs present in the region.

DHA will continue to provide overall coordination within the context of activities proposed in the Consolidated Appeal through the DHA Coordinator in Moscow, supported by a Senior Humanitarian Affairs Officer from DHA. Weekly inter-agency meetings, with participation by NGOs and donor representatives, will continue in Moscow. Inter-Agency coordination meetings in Daghestan and Ingushetia, which until now have been held on an ad-hoc and informal basis, will be formalised and regularised to ensure timely exchanges of information among all humanitarian organisations operating in the region.

Within the context of activities proposed in this Appeal, maximum use will be made of national and local capacities, personnel and organisations in the provision of humanitarian assistance. In particular, the structures of the Russian Ministry for Emergency (EMERCOM), the Federal Migration Services (FMS), the Ministry of Health (MOH), the Ministry of Social Protection, and local authorities will be engaged as partners in the humanitarian response. The creation of structures parallel to those of the government will be avoided. This approach will be pursued while duly ensuring the supervision and monitoring of the relief operation by implementing organisations.

While all attempts will be made to ensure that the assistance proposed in the Appeal is delivered within the time-frame of the Appeal, implementation will depend on the timely receipt of contributions from donors. The response to date has been such that, unless contributions increase, some ongoing operations may come to a halt. Also, field level assessments will continue to be made to assess whether there will be a need to continue relief efforts beyond this period, and the extent and scope of possible continued assistance. Agencies will therefore attempt to be as flexible as possible in response to the needs within the general framework of the Appeal.

Table I: Total Funding Requirements for the 1995 UN Consolidated Inter-Agency Appeal for Persons Displaced as a result of the Emergency Situation in Chechnya
January - June 1995

AGENCY	Requirements (US$)	Contributions (US$)	Shortfall (US$)
UNHCR	10,385,000	1,918,662	8,466,338
(MTs) WFP (US$)	*7,062* 6,795,660	*658* 2,480,000	*6,404* 4,315,660
UNICEF	5,000,000	750,000	4,250,000
WHO	695,000	0	695,000
IOM *	2,000,000	0	2,000,000
DHA	178,000	50,000	128,000
TOTAL	**25,053,660**	**5,198,662**	**19,854,998**

* The IOM Appeal covers the period 1 April - 30 June 1995 and refers to activities outside Chechnya. IOM activities inside Chechnya are included in the IOM 19 January 1995 Appeal.


Russian Federation
Stavropol Kray
Kizlyar
Caspian Sea
UN offices
Prigorodny district
Babayurt
Chechnya
Khasavyurt
Novolak
Minvody
Gudermes
Makhachkala
Mozdok
Grozny
Sleptsovskaya
Kabardino-
Shali
Nazran
Beslan
Nalchik
Vladikavkaz
Ingushetia
Daghestan
Balkaria
North Ossetia
Georgia
Georgia
South Ossetia
Tskhinvali
Azerbaijan

THE WALL STREET JOURNAL

31 MAYO 1995

Chechnya Is Not Partnership

U.S. and West European officials are doing a lot of fancy footwork trying to avoid talking about Russia's continuing military assault on Chechnya. Russian misbehavior there messes up their visions of grand cooperation. So don't expect to hear any high-level officials talk about alleged Russian atrocities, the fact that one-third of the population of Chechnya has been made refugees by the war (according to Russian statistics), or Russian units firing on a convoy of observers sent by the Organization for Cooperation and Security in Europe (OCSE) earlier this month. The list goes on.

Hardly a word about the Caucasus campaign can be found among the posturings of the various officials gathered in Noordwijk, the Netherlands, for NATO talks yesterday and today.

In the North Atlantic Council's ministerial session there yesterday, the fiasco in Bosnia figured prominently. The situation there is so bad, it makes Chechnya look like a small problem by comparison.

Indeed, at the Noordwijk meeting today, Chechnya will not even rank as number three on the ministers' lists of worries. Instead, they are concerned about whether Russian Foreign Minister Andrei Kozyrev, now coincidentally on an official bilateral visit to the Netherlands, will show up to finalize Russia's Partnership for Peace package.

Ever since Mr. Kozyrev canceled this event at the last minute in December—to protest talk of NATO enlargement into Eastern Europe—Alliance diplomats have been buzzing about whether or not Russia would relent and sign up for PFP. This buzz has now reached a fever pitch as Mr. Kozyrev, with his flair for the dramatic, keeps everyone guessing about his real intentions.

Russia's foot-dragging on Partnership for Peace has been a useful instrument. Moscow will certainly miss it when and if the Kremlin finally does take the plunge. (In addition to the reaction to Mr. Kozyrev's December no-show, recall all the coddling Russia received from the West when it paused last spring to think over whether it would become involved in Partnership for Peace at all.) Given Moscow's resourcefulness, Russia may well find other opportunities to make the West—more eager than ever to get Russia on board—dance a jig on other issues related to cooperation on Western security issues.

If there is any doubt about this, witness the importance Western states have come to attach to Russia's participation in the NATO program. Recently, a senior Clinton administration official hailed Russia's decision to go ahead with Partnership for Peace as "a major step forward." Russia's operation in Chechnya will not have an impact on Russia's participation: "Since PFP deals with the central security issue in Europe, we don't believe that any other issues can or should be allowed to interfere with forward progress on that. . . . It's just too important at this point for our basic national security interests."

As it turns out, Russia's campaign in Chechnya won't affect the U.S. aid program to Russia either. "We believe the economic assistance that we are giving to Russia as well as the assistance for denuclearization are important to our central interests there and therefore should not be affected by disagreements on other issues," said the same official.

Where will the U.S. make its displeasure with Chechnya felt? The official offered the following less than hope-inspiring explanation: In the long term, "If this kind of action continues, I think it will have an effect on how the West views the full integration of Russia" into institutions like the Council of Europe and participation in the affairs of the G7 and the European Union. Thank goodness for the long term. But it's probably best not to ask what "long term" means.

Partnership for Peace has come to represent all the accumulated and unfulfilled hopes that Russia can become a reliable player and can be brought into some sort of meaningful security cooperation with the West. Partnership for Peace is expected to do what all other attempts at real cooperation (on Bosnia, nonproliferation, arms control and environmental issues) have failed to do.

All that anyone can agree on, it seems, is that problems in the relationship with Russia should be played down. Too bad for Chechnya.

LE FIGARO
premier quotidien national français

30 MAYO 1995

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Profil bas à Washington

Le fiasco des frappes aériennes de l'Otan met Bill Clinton dans l'embarras.

WASHINGTON :
Stéphane MARCHAND

Après avoir salué avec enthousiasme les frappes aériennes de la semaine dernière, Bill Clinton adopte un profil très bas. Loin de faire plier les Serbes de Bosnie, les opérations de l'Otan ont provoqué des représailles contre les soldats de l'ONU et contre les Musulmans de la ville de Tuzla. Au vu des prises d'otages de soldats de l'ONU, un responsable américain concédait même : *« Les Serbes ont franchi la frontière qui sépare la guerre du terrorisme. »*

Critiques des républicains

L'administration voulait croire que des bombardements un peu plus sévères que dans le passé suffiraient à rehausser la crédibilité de l'ONU et celle de l'Otan. Dimanche, la déconvenue était manifeste. Le président américain n'a même pas assisté à la réunion que ses principaux conseillers militaires et diplomatiques avaient organisée pour étudier la crise en Bosnie.

En revanche, Bill Clinton a téléphoné à John Major et à Jacques Chirac pour savoir si la Grande-Bretagne et la France comptent maintenir leurs Casques bleus en Bosnie. Rassuré sur ce point, le président a exprimé son soutien au projet français de redéployer les soldats de l'ONU sur des positions plus facilement défendables, tout en durcissant leurs règles d'engagement.

Pour les Etats-Unis, un tel redéploiement présenterait deux avantages. Il écarterait le spectre d'un retrait des forces de l'ONU et repousserait la perspective d'avoir à dépêcher 25 000 soldats américains pour évacuer les Casques bleus. Il ouvrirait aussi des opportunités tactiques. Un responsable américain confiait au *New York Times* : *« Nous souhaitons cette réorganisation afin que la force aérienne redevienne une véritable option. »* Warren Zimmerman, le dernier ambassadeur américain dans l'ex-Yougoslavie, insistait dans le *Washington Post* : *« Nous n'avons pas encore démontré notre volonté de conduire une véritable campagne aérienne, parceque nous ne sommes pas prêts à subir des pertes. »* Un expert gouvernemental critiquait ensuite l'Otan, qui, selon lui, a mal planifié les bombardements et insuffisamment étudié les cibles.

Richard Holbrooke, le sous-secrétaire d'Etat chargé des Affaires européennes, résumait le sentiment de l'administration en déclarant, hier, à Budapest : *« Pour les pays occidentaux, la Bosnie représente le pire désastre depuis les années 30. »* Aux Etats-Unis, le fiasco sur lequel ont débouché les raids de l'Otan risquent de placer le président Clinton dans une situation politique désagréable.

Juste après les frappes aériennes, Bob Dole, le chef de la majorité au Sénat et le favori républicain dans la course à l'investiture présidentielle, avait accueilli avec dédain les commentaires satisfaits de l'administration. *« Il faudrait beaucoup plus pour me convaincre que les Etats-Unis ont retrouvé leur autorité. »*

« Il faut armer les Bosniaques »

Bob Dole tient là l'occasion de faire passer le président Clinton pour un naïf. Il est peu probable qu'il la laissera passer. Le sénateur du Kansas pourra remuer ensuite le fer dans la plaie en réclamant une levée de l'embargo sur les armes à destination du gouvernement bosniaque. M. Dole a également demandé le rapatriement des 500 GI stationnés en Macédoine.

Les républicains ne sont pas les seuls à réclamer ces mesures. Bill Bradley, sénateur démocrate du New Jersey, affirmait dimanche sur la chaine ABC : *« Il faut armer les Bosniaques et retirer les Casques bleûs. Ce n'est pas la peine de faire usage de la force si celle-ci ne s'inscrit pas dans une stratégie globale. »*

St. M.

Le Monde

31 MAYO 1995

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Le fiasco des frappes aériennes embarrasse Washington

WASHINGTON
de notre correspondant

L'évolution de la situation en Bosnie rend l'administration américaine mal à l'aise. Peu désireuse de braver la forte impopularité que provoquerait, aux Etats-Unis, une participation américaine directe aux opérations des Nations unies, Washington a usé de son influence pour que les Serbes soient « punis » par des frappes aériennes. Or cette décision, comme le souligne le *Washington Post*, s'est traduite par *« un fiasco en matière de relations publiques, ainsi que sur les plans militaire et diplomatique »*.

Si, officiellement, on parle d'erreurs de *« mise en œuvre »*, voire de *« précautions insuffisantes »* prises par le commandement de l'ONU pour protéger les « casques bleus », plusieurs responsables américains ont reconnu implicitement que la stratégie consistant à utiliser les avions de l'OTAN comme outils d'une pression politique sur les Serbes de Bosnie n'était pas forcément la meilleure.

Depuis que les « casques bleus » ont été pris en otages, le président Bill Clinton a d'ailleurs adopté un profil bas, évitant même, lundi, d'assister à une réunion de ses principaux conseillers sur la Bosnie, qui se tenait à la Maison Blanche. Cette réserve officielle n'a pas empêché Richard Holbrooke, secrétaire d'Etat adjoint pour les affaires européennes, de qualifier la situation dans l'ex-Yougoslavie de *« plus grand échec des Occidentaux depuis 1930 »*. Les Américains ont, cependant, démontré leur solidarité en dépêchant en mer Adriatique le porte-avions *Theodore-Roosevelt*, ainsi que plusieurs navires de guerre, qui transportent 2 000 marines.

« DROIT MORAL »

Anthony Lake, le conseiller de M. Clinton pour la sécurité nationale, a précisé qu'il s'agissait d'une *« mesure de précaution »*, mais les Etats-Unis sont cependant prêts à *« fournir de l'équipement et peut-être une assistance logistique pour muscler la Forpronu »*, voire, s'il le fallait, à participer à des actions de commando pour libérer des « casques bleus », comme l'a indiqué un haut responsable de l'administration. Dans l'immédiat, cependant, les Etats-Unis ont conscience que leur refus de participer aux opérations internationales en Bosnie leur retire le *« droit moral »*, comme le souligne un diplomate occidental, de dicter telle ou telle stratégie à leurs alliés.

Ils se contentent donc d'apporter leur appui aux solutions qui permettent d'éviter un retrait total de la Forpronu – dont ils ne veulent pas –, tout en insistant pour que les négociations avec le gouvernement de Belgrade soient poursuivies. Washington est ainsi prêt à soutenir la proposition française d'un *« redéploiement »* des « casques bleus » et d'une *« reconfiguration »* de leur mission. Pour les Américains, il s'agit de répondre au souci légitime des Européens de mettre leurs troupes le plus possible à l'abri des représailles serbes, tout en conservant l'*« option »* de nouvelles frappes aériennes – cette fois plus « musclées » – contre les Serbes bosniaques de Radovan Karadzic. Sur ce point, Washington est bien déterminé à résister aux Russes, qui souhaitent manifestement échanger leur rôle d'intermédiaire auprès des Serbes contre une levée des sanctions imposées au gouvernement de Slobodan Milosevic, voire un engagement à renoncer aux frappes aériennes.

Laurent Zecchini

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SERVER:KOSTOMAROV_ANDE T352

1	TUBORG 0.3l	7,00
1	CAESAR	12,00
1	SPAGHETTE	14,00
	TOTAL	33,00

ADD ORD#:3526316 COV:1 06/06/95 21:09

1	TUBORG 0.3l	7,00
	TOTAL	40,00

ADD ORD#:3526316 COV:1 06/06/95 21:17

1	ICE CREAM	11,00
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4	6/06/95	INTERNATIONAL & CIS 5527 6060004005 13:56 03413906619	30.00
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Cover: Georgians flee port city of Sukhumi during fighting with Abkhaz forces in October 1992.
PHOTO: © K. REISINGER / BLACK STAR

FOCUS

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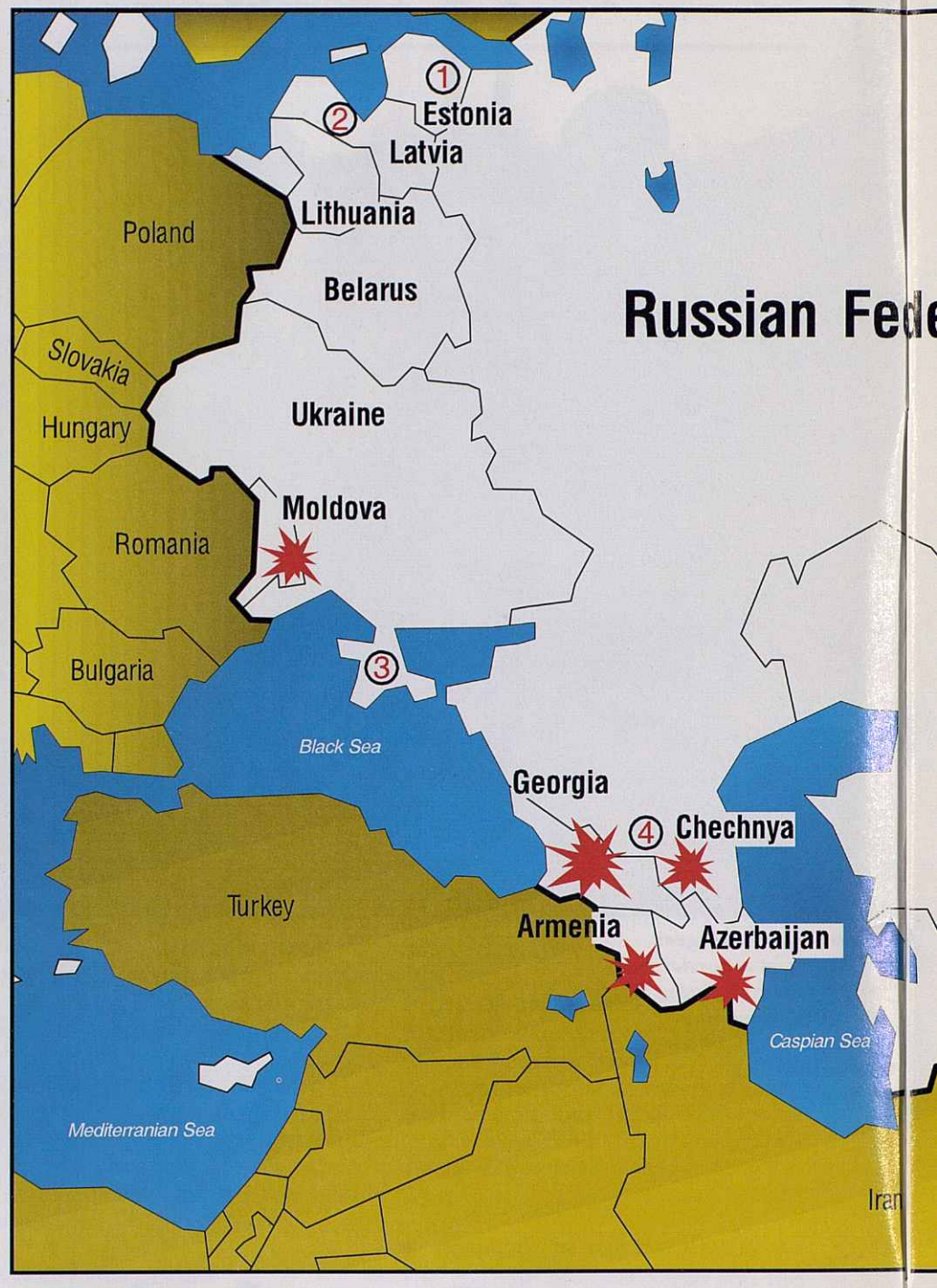
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Azerbaijani refugees arriving at a border post after fleeing fighting between Armenian and Azerbaijani forces in early 1992.

Population displacement in the former Soviet Union

The collapse of the Soviet system was one of the most momentous events of the 20th century. It has not only altered the political geography of the world, but also created a host of new opportunities and challenges, both for the independent states and autonomous formations which have emerged, or re-emerged, from the Soviet empire, and also for the international community generally.

The post-Soviet landscape has yet to settle after this immense political earthquake, and there is still a great deal of tectonic movement. As the newly independent states seek to overcome the immense difficulties connected with state building, decolonization, economic dislocation and the transition to new political and economic systems, numerous ethnic conflicts and instances of extensive population displacement in various parts of this huge region at- ▶



▶ test to the continuing instability and dangerous potential for further upheaval and even greater crises.

Ethnic tensions and massive population movements are, however, not new to this part of the world. Indeed, more often than not, the roots of today's problems are to be found in the Soviet, and even tsarist, periods. Although the widespread misconception about the former Soviet Union as being synonymous with Russia tended to obscure the USSR's ethnic heterogeneity and the vitality of its non-Russian peoples, it was in fact the world's largest multinational state. Moreover, behind the facade of unity and the pretense that it was a harmonious new model society based on "free and equal partnership," the Soviet Union was also the last of the great empires and, for most of its history, a totalitarian one at that.

Territorially largely coterminous with the former Russian Empire, from which it was reconstituted by force, the Soviet empire spanned 11 time zones and stretched over 5,600 miles from the Baltic and Black Seas in the west to the Pacific Ocean in the east. The USSR also inherited a complex "nationalities problem" from the Tsarist Empire which existed on two planes: the vertical, involving the relationship between the majority, and politically and culturally dominant, Russian nation and the non-Russians, many of whom had attempted to establish their own independent states; and the horizontal, that is, the tensions and disputes between some of the non-Russian peoples living next to one another, which were frequently aggravated by Moscow's divide-and-rule policies.

Lenin and the Bolsheviks knew that force alone would not suffice to weld together the fragmented former Russian "prison of nations," and they initially offered some concessions to national feeling designed to win over the loyalties of the non-Russians. The USSR was organized territorially along ethnic lines right down to the regional and local levels. In Central Asia, new ethnic republics were created to break up the unity of Turkestan (as most of Muslim Central Asia was known after its conquest in the 19th century by Russia). Here, and in the Caucasus, internal borders were frequently arbitrarily imposed.

In the highly centralized, supposedly federal, Soviet Union, which was run by the ruling unitary Communist Party, 15 of the major nationalities had their own nominally sovereign Union republics. But there were dozens of other ethnic groups in this multi-ethnic patchwork, both large and very small, which had their own autonomous state formations.

But what really distinguished the USSR from other empires, was that, from Lenin until Gorbachev, Soviet rulers sought to reforge individuals, peoples and society in accordance with their all-embracing chiliastic ideology. Their policies, involving massive economic transformation and social and cultural "engineering," brought economic and social progress. But, because they were achieved through terror and coercion, the policies also resulted in immense



suffering, the loss of untold millions of lives, and the forced displacement of people on a scale that is hard to imagine. Peasants were driven into collective farms, the better-off ones being deported with their families to remote regions; forced labor was used to meet the increasing demands for manpower from the industrialization and regional development programs, and an enormous complex of forced labor camps – the infamous GULAG – was established; entire ethnic groups were deported to Siberia and Central Asia.

During World War II there was further massive loss of life, destruction and population displacement. After the war, large-scale deportation was used to facilitate the Sovietization of the newly acquired territories in the Baltic region, Western Ukraine and Moldova, and Russians were encouraged to settle in these areas. After Stalin's death in 1953, the use of political terror and forced labor was drastically reduced, and many, but by no means all, of the peoples and individuals who had been repressed and forcibly displaced were gradually allowed to return home.

Through its control of the political and economic levers, the Soviet imperial center, however, continued to find ways of inducing mass population flows, usually of Russians (and Russified Ukrainians and Belarusians), to non-Russian republics, for the purposes of promoting regional development, as it saw fit, and strengthening central control. In 1954, for example, Khrushchev ignored the protests of Kazakh Communist officials and launched his "Virgin Lands Scheme" in which hundreds of thousands of "volunteers" were sent to settle and cultivate the supposedly "idle" areas of Kazakhstan, where in fact the Kazakhs had traditionally bred livestock. Consequently, by 1959, the Kazakh share of the population in their own republic had fallen to under a third.

The Kazakhs were not the only ones to fear about their future. The migration of Russians and other Slavs continued into the Central Asian, Caucasian and Baltic republics, especially into the cities. The relatively small Latvian and Estonian nations eventually became especially anxious about their survival. The heavy flow of Russians into Ukraine also did not abate and by 1989 there were over 11.3 million of them in this republic, constituting 22 percent of the total population.

The Soviet government's stimulation of migration flows in the name of economic and political exigencies reinforced ethnic tensions in the republics. As it was, the leading role of the Russians and of their language and culture had been officially promoted from the Stalin period onwards, and the main thrust of Soviet nationalities policy in the post-Stalin period was to forge a "Soviet people" with a Russian cultural core. In this sense, the Russians, who themselves suffered considerably during the Soviet period, were a privileged people. While the non-Russians were pressured to learn and use Russian, very few of the Russian, or Russian-speaking migrants, bothered to learn ▶

▶ the languages of non-Russian nationalities, even if they lived among them.

When, in the Brezhnev period, the Soviet command economy began to show increasing signs of stagnation, changes in demographic trends also added to the Soviet leadership's sense of impending crisis. The birthrate of the Russians and other Slavs was declining, while that of the unassimilable Central Asian peoples remained high, giving rise to psychological and political fears, and complicating matters for Soviet central planners and the generals. Furthermore, as the traditionally Muslim Central Asia peoples began to reap the benefits of modernization policies and of affirmative action programs, they grew more assertive, and Russian and other migrants began to leave. In 1979, Soviet concern about the "Muslim" demographic time bomb, the possible spread of Islamic fundamentalism and the security of the USSR's southern borders, were factors behind the decision to invade Afghanistan.

During the next decade, there was a complete reversal of the North-South migration pattern – that is of Slavic migrants moving to the Central Asian republics and the Caucasus – and hundreds of thousands of persons left Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan and other southern republics.

The scale and acuteness of the "nationalities question," which had long been officially proclaimed as "solved," became apparent almost as soon as Gorbachev embarked on his course of *glasnost* and *perestroika*. Designed to revamp and not dismantle the Soviet system, these policies nevertheless led away from totalitarianism and empire. With the relaxation of controls, problems which had been suppressed or concealed suddenly came to the fore.

The first major tremor was felt in December 1986 when Kazakhs rioted after Moscow appointed a Russian as the new Party boss in Kazakhstan. During the early phase of *glasnost,* however, the only major displacement of population was caused in April 1986 by the world's worst nuclear accident at the Chernobyl atomic power station north of the Ukrainian capital, Kiev. But within two years, the ethnic conflicts that were accumulating as a result of the Soviet leadership's continuing reluctance to address the nationalities problem began producing hemorrhaging of refugees and displaced persons.

In early 1988, the long smoldering problem of Nagorno-Karabakh, (the predominantly Armenian enclave which Moscow had placed under Azerbaijan's jurisdiction in the 1920s) suddenly flared up. As a result of the ethnic strife an estimated 500,000 Armenians and Azerbaijanis fled in opposite directions, from Azerbaijan to Armenia, and vice versa. The following summer, communal violence erupted in the Fergana Valley in Central Asia and over 60,000 Meskhetian Turks – one of the deported peoples – were driven out of Uzbekistan and Kyrgyzstan.

Far from eradicating national consciousness, Soviet policies had the opposite effect. National feeling and assertiveness were on the rise.

As the center began to lose control, the daunting scale of the difficulties facing the Soviet leadership in trying to hold its crumbling empire together was also revealed in the last Soviet census, which was carried out in 1989. It emerged that the Russians now barely accounted for 50 percent of the population of 285 million. Far from eradicating national consciousness, Soviet policies had in fact had the opposite effect: the entire trend continued to be in the direction of the concentration of most nationalities in their own areas and their greater assertiveness. National feeling and assertiveness were on the rise throughout the USSR, and the non-Russians from Moldova and the Baltic republics to Central Asia were beginning to pass laws aimed at upgrading and bolstering the status of their native languages – in other words, counteracting the effects of Russification.

The census also exposed the extent of the displacement and intermixing of peoples that had taken place and how huge was the number of people who now risked being considered aliens, or even colonizers, in others' homelands. About one-fifth of the Soviet population – between 54 million and 65 million people, depending on what definition of a homeland was used – lived outside their national units. Of these, 25.3 million were Russians, who were also the only group to enjoy cultural facilities in their own language outside their own republic and who could, until then, at least, feel at home in any part of the Soviet Union.

Impatient with the Kremlin, the non-Russians raised the standards of national self-determination and sovereignty and sought to build, or renew, their own independent states. The Russians themselves were gradually affected by the virus of largely democratic nationalism. With Boris Yeltsin and other reformist leaders taking up the cause of affirming Russia's sovereignty, the imperial center split and lost its resolve. After a botched attempted putsch in August 1991 by Communist Party diehards who wanted to preserve the old order, the compromise solution of a loose non-state voluntary association, the Commonwealth of Independent States (CIS), to replace the USSR, was finally forced on Gorbachev and the reluctant center in December 1991 by the joint action of the leaders of Russia, Ukraine and Belarus.

Because the collapse of the Soviet Union took the form – on the whole – of a remarkably peaceful and orderly process of dissolution, and was generally greeted with hope in the newly independent states, including Russia, as the beginning of a new age, there was no flood of refugees to the outside world.

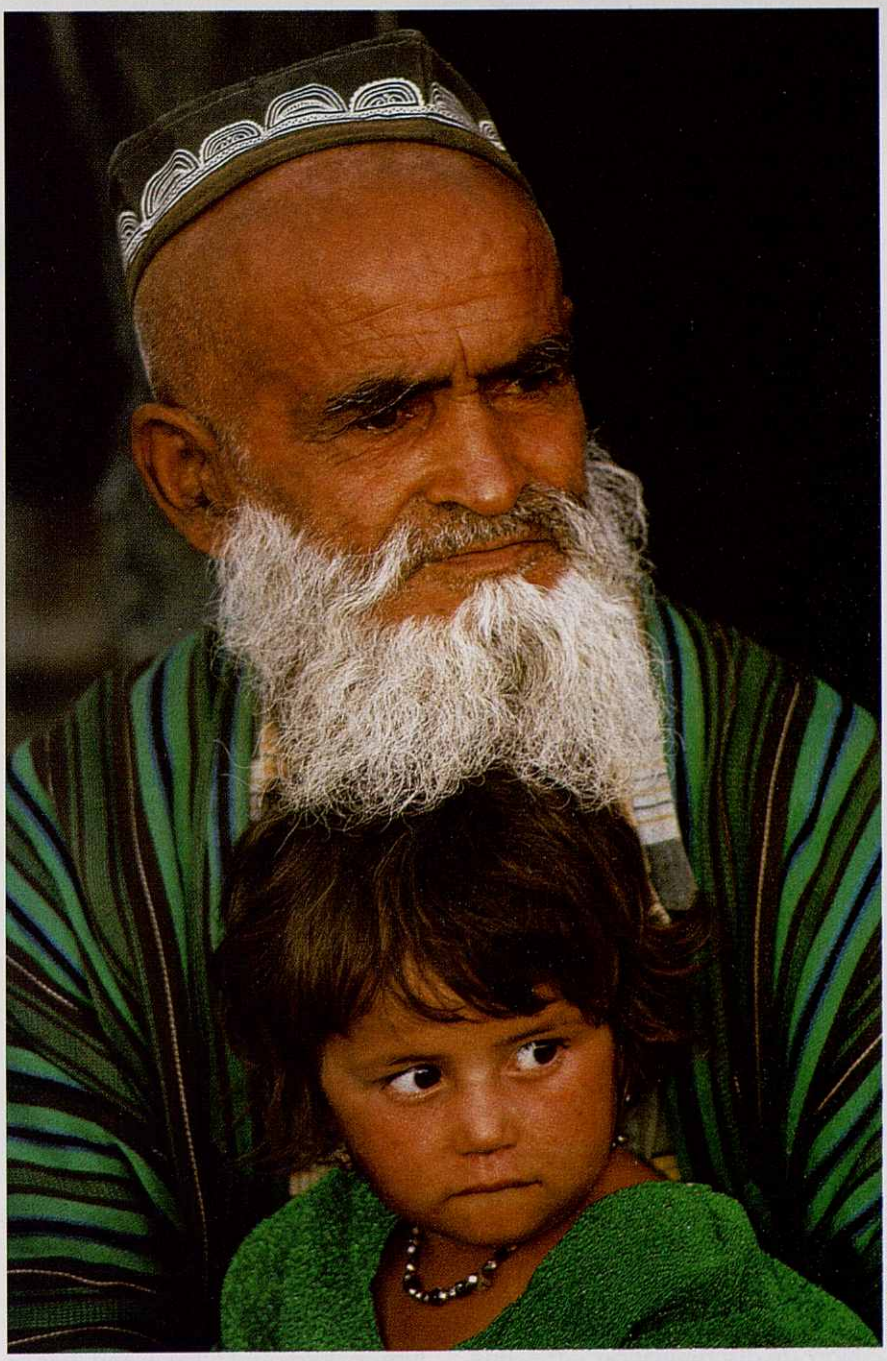
All too soon, though, it became apparent how difficult it was to over-

come the legacy of 70 years of Soviet rule and that democratic and economic transformation was going to be a highly complex and painful process that could not be rushed. The newly independent states also began to act as sovereign entities, seeking to reaffirm the national identity of the titular nation, to safeguard their territorial integrity and, in some cases, to change existing borders.

Because many of the borders had been arbitrarily demarcated in the past and populations had been intermixed, this has frequently spelled trouble. Apart from the obvious case of Armenia's unresolved dispute with Azerbaijan over Nagorno-Karabakh, which soon developed into open war between the two states, there are other examples of friction and conflict. In fact, the first outbreak of ethnic violence on the territory of the Russian Federation itself occurred in late October 1992 in the North Caucasus when tens of thousands of Ingush were driven out of the disputed Prigorodny district in North Ossetia by Ossetians. Prior to their deportation in 1944, the area had belonged to the Ingush.

Elsewhere, relations between Russia and Ukraine have been strained by, among other issues, the future of the Crimean peninsula and the former Soviet Black Sea Fleet based there. The Crimean Tatars had been deported from Crimea in 1944, and Russian settlers had moved in; yet, in 1954 the peninsula, with its Ukrainian minority, was transferred from the Russian Federation to Ukraine by Khrushchev. Among other examples of border disputes are those between Estonia and Russia, Lithuania and Belarus, Russia and Azerbaijan, Kyrgyzstan and Tajikistan, Kyrgyzstan and Kazakhstan, Kyrgyzstan and Uzbekistan, and Uzbekistan and Tajikistan.

All of the independent countries which emerged as a result of the disintegration of the USSR, including Russia, are to a greater or lesser extent themselves multi-ethnic states and now have to deal with integrating national minorities and reducing centrifugal tendencies.



UNHCR / P. Lissenden

Tajik returnees from Afghanistan.

In Estonia and Latvia, citizenship and other laws have been passed which are implicitly aimed at halting immigration into these states and encouraging the "repatriation" of Russians. Because the laws in effect temporarily disenfranchise much of the non-indigenous population, they have been condemned as discriminatory by the Slavic minorities and Russia, which has assumed the role of a vocal protector of the rights of Russians and Russian-speakers now suddenly living "abroad." In Ukraine, however, where the bulk of the Russians living outside of Russia are settled, analogous laws have been carefully crafted to integrate, and not alienate, the national minorities. Kiev is asking for similar treatment for several million Ukrainians living in Russia and other newly independent states.

In Georgia and in Moldova, problems over the rights of national minorities have led to armed conflicts and large-scale population displacement. In 1991, fighting broke out between the Georgians and the Ossetian minority, and the following year, between the Georgians and the Abkhaz. In Moldova, armed conflict erupted in 1992 after the Russian-dominated Transdniester enclave (whose leaders had been opposed to the dissolution of the USSR) sought to break away. ▶

One of the most serious conflicts since the collapse of the Soviet Union has been in Tajikistan, where in 1992 a civil war broke out. Hundreds of thousands of Tajik refugees fled to Afghanistan, Kazakhstan and Kyrgyzstan. Because of the intermixture of ethnic groups (for instance, neighboring Uzbekistan, the most populous of the Central Asian states, has 950,000 Tajiks and 850,000 Kazakhs, while about 2.5 million Uzbeks live outside of Uzbekistan, half of them in Tajikistan), Tajikistan's porous border with Afghanistan, and the fear of the spread of Islamic fundamentalism, the conflict in Tajikistan has major implications for the entire sub-region.

Hardly surprisingly, since the collapse of the USSR, the spontaneous outflow of Russians and Russian-speakers to Russia from the former Soviet republics which have now become "foreign countries," has greatly intensified. It is estimated that since 1989 over 2 million people have moved to Russia for a variety of reasons: to escape conflict, because they perceive themselves as victims of actual or potential persecution or discrimination – the Russian authorities have designated these two categories of displaced Russian-speakers as "forced migrants" – or for economic motives.

Roughly a quarter of the people who have moved to Russia since 1989 have been recognized as either refugees or forced migrants, the largest percentage coming from Tajikistan (over 25 percent), Georgia (19 percent), Azerbaijan (16 percent) and other Central Asian states, with a relatively low percentage of about 1.5 percent coming from Latvia and Estonia. The North Caucasian republic of Chechnya, which has attempted to break away from Russia, and the conflict between the Ingush and Ossetians have also produced tens of thousands of internally displaced and "forced migrants."

This, in addition to the problems of accommodating the tens of thousands of former Soviet military personnel withdrawn from Central and Eastern Europe and the newly independent states, as well as the movement of internal economic migrants away from remote former secret military production sites and artificial cities located in inhospitable regions in the North, Siberia and the Far East, has placed an enormous strain on the Russian Federation and is exacerbating social tensions.

The exodus of the Russian-speaking population from Central Asia is also hurting local economies and social services because it is depriving the sub-region of skilled personnel with badly needed professional and industrial skills, such as doctors, teachers and engineers. In several of the Central Asian states, the problem has become so serious that efforts have been made by the authorities to reassure the Slavic population in order to stem the outflow.

All of the newly independent states have been faced with the acute and growing problems of asylum-seekers.

All of the newly independent states have also been faced with the acute and growing problems of asylum-seekers and illegal and transit migrants from outside the former Soviet region. None of them have the resources and institutional capacity to deal effectively with the problems associated with population movements, and some Russian authorities have even begun arguing that the Russian Federation is unable to fulfil the obligations it undertook when, in 1992, it acceded to the 1951 Convention on refugees.

In 1994, UNHCR knew of over 60,000 people in Russia from outside the CIS and Baltic states who were claiming to be refugees. Almost half of them came from Afghanistan, the other large groups being from Somalia, Iraq, Sri Lanka, Angola, China, Ethiopia and Zaire. The number of illegal migrants, many of them in transit westward, is believed to be considerably higher, perhaps as much as half a million. An estimated 150,000 Chinese alone are believed to have entered Russia illegally.

The complex refugee and displacement problems on the territory of the former Soviet Union have led UNHCR and other U.N. agencies and international humanitarian organizations to become involved in a part of the world where until recently they had been absent. Since 1991, UNHCR has established a presence in Moscow and several other countries of the CIS and has been active in addressing refugee-related problems. In Armenia, Azerbaijan, Georgia and Tajikistan it has provided humanitarian assistance and protection to tens of thousands of the displaced and endeavored to promote repatriation under conditions of security and safety. Through advice, training and technical assistance, UNHCR has also helped the newly independent countries in the region begin building an institutional capacity to deal with refugees and migrants.

Clearly, this is only a start and much more needs to be done in a more imaginative, concerted and comprehensive manner to deal effectively with existing and potential problems associated with the large-scale displacement of people. Today, the entire post-Soviet set-up is still latently unstable. There is no shortage of existing conflicts and flashpoints. Much will depend on Russia – the major regional power, whose forces are already playing a role in Tajikistan and Georgia – and on the direction in which it will develop. But much could also depend on whether the international community and the United Nations system recognize the challenges, dangers and opportunities which this volatile region presents and take timely, broad-ranging preventive action to help stabilize conditions, manage conflict, and thereby reduce the risks of future extensive internal and external displacement.

Bohdan Nahaylo
UNHCR senior adviser on the CIS & Baltic states.

Meeting the challenge

Following are excerpts from an October 4 address by Russian Deputy Foreign Minister S. Krylov at UNHCR's Executive Committee meeting in Geneva:

In every region of the world, the deep-rooted causes of humanitarian catastrophes are identical: social and economic instability; a rise in aggressive nationalism and xenophobia; ethnic, clan and religious intolerance; and disregard for basic human rights. For Russia and other countries within the post-Soviet space these are not abstract notions but the day-to-day reality of societies painfully parting with a totalitarian past.

The peculiarity of Russia's situation is that humanitarian problems remain unabated despite democratic reforms. The magnitude and novelty of the problems we face overshadow the means at our disposal. Several zones of instability and regional conflicts – primarily in the Caucasus and Central Asia – are Russia's immediate neighbors. Flows of refugees and forced migrants from these regions into Russia are growing. Today, they account for nearly 2 million persons.

The ever-growing number of ethnic Russians who wish to settle in Russia is of special concern. From relatively safe Uzbekistan alone, the number of such persons grew eightfold between January and August 1994.

Russia also faces a constantly growing flow of refugees from Asia and Africa. It is no revelation that the majority of these persons regard Russia as only temporary shelter on the way to Western Europe and America. But unsettled nationality issues, porous borders and tougher entry requirements in traditional asylum countries means there is a growing danger that they will settle down in Russia – creating a kind of "reservation" for illegal immigrants.

We are firmly convinced that all these problems should be solved primarily by ourselves. This is not only our moral duty, but an obligation under a variety of international instruments to which Russia is a party.

We have achieved some progress in meeting the requirements of the 1951 Convention on the status of refugees. A federal migration program has recently been approved, for example, and a number of regulations adopted on migration control, status determination and other refugee- and migrant-related issues. The Federal Migration Service of Russia, established in 1992, is expanding its activities, with offices in many regions of the country working to international standards.

There has also been progress in relations with our partners in the Commonwealth of Independent States. An agreement on assistance to refugees and forced migrants has been signed and a draft convention on the rights of ethnic minorities has been developed. Russia is doing a great deal to stabilize the economic and political situation in CIS countries. This is probably the most effective way to reduce outflows of refugees and migrants.

We know we have made some mistakes in this new endeavor. Some of them are caused by inexperience; others, unfortunately, by the unwillingness of some officials to act in accordance with rules of law and human morals. Despite such problems we will continue to strive to fulfill our obligations.

We appreciate the moral and material support we receive from international organizations, prime among them UNHCR. Experience of joint work – such as the implementation of the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons to Abkhazia – has been very valuable. We will draw on the lessons learned in our next task: preparing adequate conditions for the return of refugees from North Ossetia and Tajikistan.

Russia should never be allowed to become a source of instability – a country producing uncontrollable flows of aggressively minded refugees. To prevent that, we need broader cooperation with UNHCR and other international organizations such as UNDP. The regions of Russia that accept refugees should be priority recipients of technical and other assistance provided by the UNHCR and other international organizations. Russian experts who work with refugees should receive broader training.

We in Russia have been working to prepare an international conference on refugees. We have also prepared a draft national report and have established a legal basis for defining refugee status. We have improved coordination between agencies dealing with refugee problems. Our consultations with numerous states have confirmed their interest in the above-mentioned conference. This is an encouraging sign demonstrating that the international community does not intend to distance itself from the problems in the post-Soviet space.

Despite its many complex problems Russia also participates in the UNHCR-organized operation in Yugoslavia and has already provided $500,000 in aid to Rwanda. We are ready to take part in UNHCR operations in several countries of the former USSR, particularly in the Caucasus and Central Asia.

High Commissioner Sadako Ogata has said that "by protecting individuals, we reduce tensions in society and enhance global human security". We agree. The protection of individuals is the only way to lay down a solid basis for the sustained and progressive development of mankind. In the next century, meeting the real rights and needs of persons will be a genuine criterion of the progress of our civilization. ■



UNHCR / A. Hollmann

Meal time at the Tchekova accommodation center outside Moscow.

Chilly reception for refugees in Russia

Russia is a country unused to refugees. For most of its history, Russia's borders have been closed both to people trying to get in and to people trying to get out. But the collapse of the Soviet Union changed that and opened Russia to the outside world – and the outside world came to Russia.

In the past, the Soviet Union accepted very few refugees, mostly revolutionaries and communists fleeing persecution. But now more than a million refugees and migrants have flooded into Russia from the republics of the former Soviet Union. Tens of thousands more have come from places as far-flung as Afghanistan, Sri Lanka and Somalia, hoping for asylum and using Russia as a stepping stone to Western Europe.

According to the Federal Migration Service (FMS), the arm of the Russian government dealing with migrants, there are about 500,000 officially registered migrants and refugees from the former USSR in Russia, and as many as 2 million who have not been registered. In comparison, UNHCR has registered more than 60,000 foreigners from outside the former Soviet Union.

The problem could get much worse. There are about 25 million ethnic Russians living outside Russia. The FMS estimates that 2-3 million of them will return in the next two years.

Russia, caught unprepared for the huge flows of people across its borders, rushed to establish laws and institutions to deal with them. Following adoption by the Russian Parliament, the 1951 U.N. Convention on refugees and the 1967 Protocol entered into force in early 1993. With it, Moscow hoped that Russia would get help for the huge masses of returning Russians.

"We signed so that the international community would actively help with refugees – but international help has been very weak," said Vyacheslav Bakhmin, head of the Foreign Ministry's Directorate of International Humanitarian and Cultural Cooperation and a supporter of the signing of the Convention. "Our position is that the Russian refugees in Russia are refugees in the international sense, and we want the same kind of help that other states get."

"The Convention does not answer Russia's needs and the Foreign Ministry miscalculated when they

signed it," said Yuri Arkhipov, the outspoken head of the external migration department of the FMS and a fierce opponent of the Convention and of Russia accepting refugees. Arkhipov has blamed the Convention for turning Russia into a "holding pen" for refugees from around the world who enter Russia illegally, "spread disease" and who hope in vain to get to the West.

Juan Amunategui, UNHCR's Regional Representative in Moscow, refuted criticism that UNHCR focuses almost exclusively on refugees from outside the Baltics and the Commonwealth of Independent States (CIS). He said a large part of the problem was that Russia still had no system of refugee determination to regularize the status of genuine refugees. Once a system is in place, UNHCR plans to make an international appeal for $27.5 million to assist non-CIS refugees, CIS refugees and returning Russians. But even with the appeal, UNHCR will be hard-pressed to help. UNHCR Moscow is spending $6 million in 1994 to help only 7,000 people.

"It is unfair to say that we are assisting only non-CIS asylum-seekers," said Amunategui, who is also the U.N.'s Regional Representative. He said UNHCR is running a joint program with the FMS to help forced migrants in the southern Russian region of Krasnodar. He also noted that it was very difficult to get accurate information on the numbers and needs of these people from the Russian authorities.

Russia's lack of money and experience in dealing with refugees has caused huge problems for all types of migrants arriving in the country. But the experiences of CIS and non-CIS refugees are wildly different, reflecting Russia's traditional suspicion of foreigners.

"Some officials in the FMS would like the problem to disappear and to deport all the foreign refugees. It is a reflection of the old isolationist viewpoint," said Bakhmin.

The Russian diaspora has received attention from Russian politicians ranging from President Boris Yeltsin to Vladimir Zhirinovsky. Many of the Russians come from areas devastated by wars and where the local population is often resentful of ethnic Russians. People leaving areas like war-torn Tajikistan often abandon apartments and possessions and arrive in Russia with nothing. In places that are a little calmer, the head of the family often goes to Russia to try to find a place to live and work before importing the family to Russia.

"It is very difficult in Russia," said Vassily Yevtakinov, the head of a committee of Russians from Armenia. "Everybody has to make do on their own because the FMS does not really have the resources to help. People have to rely on their friends and family."

According to Yevtakinov, many regions are unwilling to accept returning Russians because they are a burden on local budgets and because they compete for already scarce jobs.

Afghan and Iraqi refugee children in a kindergarten at the Zelenogradsky accommodation center outside Moscow.



UNHCR / A. Hollmann

But whatever their material problems, returning Russians speak the language, look the same as everybody else and are citizens of the country. For asylum-seekers from outside the CIS, the difficulties are much more severe.

Many of them came to Russia illegally or with tourist visas from Russian consulates abroad, hoping to get ferried to Western Europe by criminal gangs who make a handsome profit smuggling people across borders. But once in Moscow, they are stranded with no hope of moving on to Europe and have no desire or possibility of returning home.

Despite signing the 1951 Convention and passing its own laws on refugees, Russia has done almost nothing to process the claims of asylum- ▶

seekers. People have been unable to claim refugee status and so are considered illegal aliens by the Russian authorities. Without official papers, they have no right to housing, their children are unable to go to school, they cannot work or get medical care. UNHCR has stepped into the breach and is issuing identity cards to asylum-seekers, but the Russian police refuse to recognize UNHCR's authority to issue such papers.

A new law on dealing with asylum-seekers was published in September. It promises to issue temporary residence permits to asylum-seekers and to decide their cases within three months. But by late October, nobody had been processed.

"People wanted to see if it was possible to live in Russia," said Abu Asil, the Iraqi community representative on a UNHCR-supported refugee committee. "But after people saw how difficult and dangerous it is here, they all want to go to Europe."

Stuck in Russia with no recognized papers and no work, refugees have become targets for the police, who frequently arrest, harass and extort money from them. According to figures from the UNHCR reception center in Moscow, 400 incidents of police harassment were reported in the first six months of 1994. More than half of them were against Somalis and Angolans, despite the fact that they make up only 13 percent of non-CIS refugees in Russia. The darker the skin color and the more the person stands out, the more police attention they receive. Afghan and Iraqi refugees are also targeted because they resemble the black-haired peoples of the Caucasus, whom the police accuse of bringing crime to Russia.

"As soon as the police see your black hair, they think you are a bandit or a drug dealer," said Sharif, a 32-year-old refugee from Afghanistan.

In an example of what can happen with no legal protection, 21 Afghan refugees were forcibly deported back to Afghanistan from the Krasnodar region of southern Russia in early August. The FMS said that the deportations were legal because the Afghans had not applied for refugee status. But UNHCR workers who travelled to Krasnodar were told that the regional government refuses to accept applications for refugee status.

> The experiences of CIS and non-CIS refugees are wildly different, reflecting Russia's traditional suspicion of foreigners.

The deportation brought a strong protest from UNHCR headquarters in Geneva, which complained to the Russian government that the deportations were contrary to the 1951 Convention. The protest note added that UNHCR "sees this incident in the wider context of the generally deteriorating protection situation of asylum-seekers and refugees in the territory of the Russian Federation."

"Those Afghans were in Russia illegally," said Arkhipov of the FMS. "Besides, we don't have a communist government here anymore, so why should we accept these refugees who supported communism in their own country?"

The number of refugees coming to Russia from outside the former USSR has dropped as word has spread about the unfriendly reception and poor living conditions. Those who remain are only a small fraction of Russia's overall refugee problem. But after waiting in limbo, often for years, they need a solution that will allow them to get on with their lives. And that still leaves the almost insurmountable problem of dealing with the ex-Soviet migrants.

"It is a strategic mistake on the part of international organizations to deal only with non-CIS refugees," warned Bakhmin of the Foreign Ministry. "If the Russian refugee problem is not dealt with, it could act as a detonator for an explosion in Russian politics."

JAN CIENSKI

International conference to examine regional refugee issues

UNHCR is working on plans for a proposed international conference next year focusing on refugees and forced displacement in the Commonwealth of Independent States (CIS) and the Baltic states.

The conference idea is part of an initiative aimed at developing a comprehensive approach toward the region's present and future refugee and migratory problems.

John Horekens, director of UNHCR's Regional Bureau for Europe, says the international community is beginning to recognize the need for preventive action as well as for solutions to the existing problems of displacement throughout the region. "An international conference is part of such a process, which focuses on the regional dimensions of the problems," he said.

"The international community and international agencies such as UNHCR are faced with the dual pressure of dealing with the situation once a crisis has occurred while at the same time engaging in preventive actions aimed at avoiding large-scale disruption," said a recent UNHCR report on the former Soviet Union. "Prevention holds the greatest long-term dividends, although the short-term investment in both time and resources may be high."

A majority of governments, international and non-governmental organizations and other U.N. agencies contacted so far by UNHCR have expressed support for the regional conference concept focusing on the CIS and Baltic states.

UNHCR expects to work closely with the International Organization for Migration on plans for the proposed conference, which could be held in late 1995. A preparatory conference is being considered for early 1995, to be followed by a series of sub-regional and technical meetings.

Russians outside Russia:

Hostages of the empire

The presence of important Russian communities in the Commonwealth of Independent States and Baltic countries constitutes perhaps the most complex legacy of the Soviet era. Several factors make this issue the linchpin of the post-Soviet landscape, including:

- the sheer size of these communities (around 25 million people, or 17.4 percent of all Russians in 1989);
- the significant role they play in the social and economic life of these states;
- the geopolitical importance of the so-called "near abroad" for Russia;
- the geopolitical importance of Russia for the states of the region.

In the aftermath of the Soviet break-up, the "Russian minority question" has come to play a central role in the process of redefinition by the CIS and Baltic states of their respective roles and interests in the region.

They have been called "hostages of the empire" – people whose destiny happened to cross that of a huge multinational state in disintegration. Indeed, whether these Russian communities will remain in or leave their current homes, and whether they will stay on as an integrated ethnic group or as an alienated minority, will depend less on their own behavior than on that of the major actors – Russia and the republics.

Conversely, the attitudes of these states towards the Russian communities living outside of Russia will constitute a valuable indicator of where these states want to go, and what they want to become. Will Russia become an aggressive regional power with neo-imperial ambitions, or a democratic one, keen on dialogue with its neighbors? Will the CIS and Baltic states become self-centered, mono-ethnic entities, or democratic, pluralist and tolerant societies? The answers to such crucial questions will be found in these states' policies concerning the Russian minority.

Between 1930 and 1970, millions of Slavs – and particularly Russians – settled in what were then the Soviet republics in search of better pay, decent housing and rewarding jobs. As a result of these unprecedented migratory flows, by the late 1980s Russians constituted the largest ethnic minority in almost all of the republics. In 1989, their share of the total population of the republics oscillated between 1.6 percent in Armenia and 37.8 percent in Kazakhstan.

A highly transient population, the Russian migrants were a typical product of the Soviet regime. Living in Tallinn or Tashkent did not make any difference to them, for they considered all of the republics as an integral part of the same country, the USSR. In moving, they might sacrifice stability for higher social status. After a while, they would move again, responding to the government's or the *Komsomol's* appeal to toil the virgin lands of Central Asia. And they would retire in the Baltic region, where life was almost as good as in Europe. They truly were the new Soviet people.

For these migrants, the break-up of the Soviet Union constituted a profound trauma. Suddenly, they found themselves living in a foreign land: *"okazalis' v emigratsii"* ("We found ourselves in the emigration"). What was their own homeland, then? Certainly not the village in Central Russia they had left years ago. Home was the USSR, which unfortunately for them no longer existed. As one of them put it: "Overnight, we became refugees. We didn't leave our country; it was our country that abandoned us."

Only by looking at the Russian immigrants as "true Soviet nomads," rather than as ethnic Russians, can one understand their behavior in the aftermath of the dissolution of the Soviet Union. Most striking after the unsuccessful atttempted coup by communist hardliners and the disintegration of the USSR in 1991 is their passivity, coupled with a kind of stupor. The Russians had great difficulty in accepting the disappearance of their homeland and in adapting to the new realities. This should not come as a surprise, given the great extent to which the indigenous populations themselves were disoriented by these events. Still today, many millions of Russians living in the CIS and Baltic states are unable to face the epochal changes that have taken place around them, much less reckon with the consequences of such changes.

> "We didn't leave our country; our country abandoned us."

The first major, direct effect on Russians living in the republics has been the steady and rapid loss of their privileged position in local society. Says a Moscow sociologist: "The tragedy of the Russians in the republics is that, having got used to a comfortable status, they are now in a state of political apathy; they reject the new reality, do not fight for power and boycott elections." ▶

Editor's note: The views expressed in this article are the author's and do not necessarily reflect those of the IOM. For the sake of simplicity, the countries of the CIS – except for Russia – and the Baltic states are referred to as "the republics."

The worsening of the Russians' once privileged social position is most bitterly felt, and indeed resented, in the Central Asian republics, where the difference in social level between the indigenous population and the Slavs was greatest. Although the prospect of a privileged social position was one of the attractions that drew Russians to the republics in the first place, the loss of this status does not necessarily mean that they will now leave *en masse*. Loss of status is a necessary condition for their departure, but not a sufficient one.

The second consequence of the 1991 events is that the Russians living in the republics are alone. Moscow no longer has the means to protect them, as it could during the Soviet era. Even worse, Moscow's interests and priorities do not always seem to coincide with those of the Russians living in the republics. This has particularly angered the latter, who have felt both betrayed and manipulated.

The Russians' growing solitude has gone through several stages. Immediately after the August 1991 attempted coup, Russia wilfully initiated a policy of disengagement from the political struggles of the independent republics, thus conveying the impression of abandoning the local Russians to their fate. At that time, the general feeling within Moscow's democratic circles, which had enthusiastically supported the independence movements in the republics, was that the Russians living in the republics were mostly hard-line communists who did not deserve their support.

In spring 1992, however, the Russian minority question began to play an increasingly important role both on Russia's domestic political scene and in its relationship with the "near abroad." The spark was the re-enactment of the Estonian citizenship law, which did not grant automatic citizenship to Russians permanently living in Estonia.

Since then, the Russian minority question has become a handy political tool for both ends of the political spectrum. On the one hand, the political debate has been successfully manipulated by chauvinist movements, which have accused the democratic government in Moscow of being excessively complacent with the republican authorities. The nationalists were and still are exploiting the issue to goad Russia into a greater involvement in the internal affairs of the republics.

On the other hand, the Russian democrats have felt betrayed by the authorities in the republics, particularly the Baltic states, whom they saw as turning against the local Russian population in order to consolidate their newly acquired power.

The Russian minority question has become the linchpin of Russia's foreign policy in the "near abroad." The debate was initially dominated by the contrasting approaches of then Vice President Rutskoi, who favored the use of force in defense of Russian minorities, and Foreign Minister Kozyrev, partisan of a moderate approach. Very soon, however, the radicalization of the political atmosphere in Russia, spearheaded by the Supreme Soviet, led Kozyrev to adopt a more aggressive stance.

In early 1993, Kozyrev's and the Parliament's foreign policy positions began drawing closer. At the same time, the Ministry of Defense came to the forefront, calling for a more confrontational approach. Today, the differences between the Ministry of Foreign Affairs and the Ministry of Defense are skillfully played out to maximum advantage in what can be described as a "good guy/bad guy" strategy.

For the past two years, Russia has repeatedly accused the Baltic states of "gross violations of human rights," and some Central Asian ones of "Islamic fundamentalism." The predictable outcome of such an approach – a net increase in tensions between Russia and the republics – was clearly a liability for the Russians living in the republics. In fact, many of them have repeatedly expressed the wish that Russia conduct a less confrontational diplomacy on their behalf.

Moscow's aggressive foreign policy on the Russian minority question has led some observers to argue that Russia's priority appears to be less that of defending the rights and well-being of Russians in the republics, than that of pursuing other, more important foreign policy objectives.

The third major consequence of the 1991 events is that, in some republics, Russians no longer feel at home. While this growing feeling of alienation may be due to governmental policy, a more or less spontaneous popular mood, or exaggerated fears, there is no denying that Russians in the republics are feeling increasingly insecure and uncertain about their future. In Estonia and Latvia, this feeling has been reinforced by a clearly identifiable governmental line aimed at delaying or even hindering the acquisition by Russians of some form of legal status, with the not-so-hidden purpose of encouraging their departure from the country. This policy has indeed produced a feeling of insecurity in the Russian-speaking population and has reinforced their mistrust of local authorities. Despite this, it is clear that most Slavs have no intention of leaving the Baltic states, at least in the near future. In the final analysis, it appears that the policies of the Estonian and Latvian leaderships have created a climate of mistrust that is more detrimental to their own countries than to the Russian population itself.

What is the future of the Russian communities living in the republics?

The Russian minority question has become the linchpin of Russia's foreign policy in the "near abroad."



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Ethnic Russians line up at a border crossing as they return to Estonia after visiting Russia.

What options are available to them? The most discussed one is out-migration. This is called "repatriation" by Baltic officials – who stress the ethnic link between the immigrants and Russia – and "forced migration" by Russian authorities, who underscore the involuntary and even forcible nature of the outflow. Out-migration is favored by the Baltic governments and by some groups of Russians, while the Central Asian governments, having realized its disruptive impact on the local economy, are actively looking for ways to keep the Russians in the region.

The Russian government, faced with a difficult social and economic situation, is *de facto* dissuading the Russians from coming back. While there is little doubt that an influx of even a few million would place great strain on Russian resources, some observers have concluded that Moscow's hidden agenda is to retain a Russian presence in the republic as a fifth column. As a Russian from Tajikistan angrily stated: "It's not just that Russia can't take us in, it doesn't want to. It's not just a matter of economic difficulties. Above all, it's a political problem. It's advantageous for Russia to keep us in the republics in the role of hostages."

Still, it is a fact that only a small percentage of the Russian population of the republics wants to leave. Most of the Russians have been living in the republics for more than 10 years, have married and are raising their children there. If the best interests of the Russian communities are to be taken into account, those who want to leave must be allowed and helped to do so. At the same time, those who want to stay must be encouraged and assisted in the process of integration. To be successful, this will require a change in attitude as well as policy by both Russia and the republics.

Claire Messina
Coordinator, CIS & Baltic states
International Organization for Migration



Crimean Tatar at Churkurcha, on the outskirts of Simferopol.

© A. Hilton

Crimea:

Bitter legacy of banishment

They are a young family, although the mother and father look older than their years. Their young son, Ismail, plays fitfully with his rusty bike, but never smiles. Their home for the past several months has been a metal cargo container in a field in Churkurcha in the outskirts of Simferopol, the leading city in Crimea. They are a family of Crimean Tatars who returned three years ago from Uzbekistan to their ancestral home. But they were evicted from the first place they encamped, and they are now squatters in a flood plain populated mainly by grazing cows and dotted with half-built stone houses.

The Crimean Tatars are a deported people. In 1944, the entire Crimean Tatar nation – upwards of 250,000 to 350,000 people – were deported by Stalin to Central Asia, allegedly for collaboration with the Nazis. Many perished in the exercise. In 1988, after more than 30 years of agitation, permission was given to the Tatars to return. While the repatriation began slowly, the pace has quickened as Ukraine, the nation in which Crimea is now located, became independent in 1991. Upwards of 280,000 Tatars are now estimated to have returned, and a similar number are expected to repatriate over the remainder of this decade.

Upon return to Crimea, the Tatars found their homes and lands occupied. Some resorted to seizing lands which they then homesteaded; sporadic conflicts with local authorities have resulted. At the political level, this tension resonates with a simmering dispute in Ukraine about the status of Crimea, given to the Ukrainian republic by Khrushchev in 1954 as "a gift from the Russian people." In general, the population of Crimea, mostly ethnic Russians, now desires closer links with the Russian Federation, an outcome reflected in the recent presidential election. Elements of the population openly agitate for seccession.

There are many potential political fault lines in Ukraine, including disputes over scarce energy resources and the status of the Black Sea Fleet, but some believe that the treatment of repatriating Tatars could provide the spark that ignites a broader conflict between Russia and

Ukraine which could have monstrous consequences. The prevention of such a conflagration should be a first order priority of the international community.

In the effort to repatriate, Crimean Tatars face a panoply of obstacles, including difficulties in arranging inter-state transport of their personal property, exaction of prohibitive tariffs, and other measures that frustrate movement. Upon their arrival in Crimea, they find their homes have long since been destroyed or occupied. Many acquire new land and build new homes. Others of lesser means simply squat on unused land and build makeshift shelters, hoping for normal lives and lawful residence. The situation is unregulated and rife with uncertainty and potential for conflict.

In an effort to begin addressing the situation, and in recognition of the meager resources available from Ukraine because of the abysmal state of its economy, the Kiev office of the United Nations is preparing a prospective appeal to donor governments to support projects that will contribute to the maintenance of peace and stability in Crimea through development of infrastructure to absorb returning Tatars and other ethnic minorities. About $15 million would be sought from the international community to realize this initiative. Ongoing consultations are being held with potential donor governments to assess interest. While the concept is laudable, it will be crucial to ensure that the affected populations (including Crimean Tatars) participate as much as possible in the design and implementation of these rehabilitative projects. A development effort shaped by those immediately concerned would stand the best chance of success.

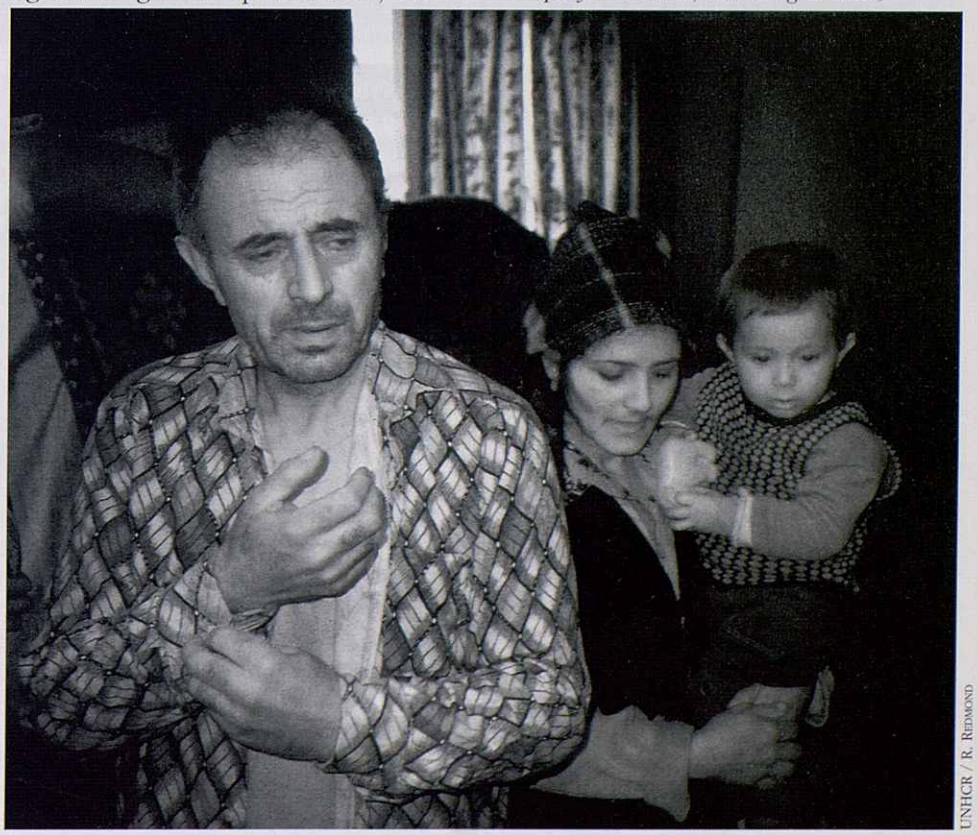
If anything, a focus by the U.N. solely on issues of absorption in Ukraine (Crimea) may be too limited. A broad multilateral approach involving the affected host governments, impacted transportation facilities, and the authorities in Ukraine, could better manage a movement that became international in character after the dissolution of the former Soviet Union. International institutions, including UNHCR, International Organization for Migration, and the United Nations Development Program, among others, should work together to promote international cooperation and facilitate the orderly movement of people in this sensitive context. Inter-agency consultation should be initiated immediately in order to organize a consolidated international appeal for funds to support a comprehensive approach.

The various international institutions concerned have a unique opportunity now to mediate between the affected governments in order to regulate this extended repatriation. The Crimean Tatars are not refugees in flight from persecution, but rather people who seek to return to their homeland after enduring mass expulsion and gross violations of their human rights. Of course, they are not the only people who have been punished by banishment in this region. Others include the Meshkhetian Turks, approximately 100,000 of whom now reside in Azerbaijan en route from Central Asia to Georgia; or the Volga Germans, the most numerous of the deported groups.

But there is potential now for effective solution-making which may prevent conflict, and which may establish an important precedent in the region. Effective redress could be provided to the Crimean Tatars, and the prospects for international cooperation and security could be enhanced. The basic objectives of ensuring justice and peace are surely among the most urgent tasks for the international community to address in the new world disorder.

ARTHUR C. HELTON

(Mr. Helton, a lawyer, directs Migration Programs at the Open Society Institute in New York. He recently led a mission of inquiry to Ukraine, including Crimea.)



UNHCR / R. REDMOND

This family is among tens of thousands of Meshkhetian Turks once banished to Uzbekistan, but who are now in Azerbaijan en route back to Georgia.



UNHCR / C. Bermudez

Asylum-seekers from Iraq at the Hardu detention center in Tallinn, Estonia.

Asylum-seekers in Estonia:

Tip of the iceberg

Hassan had a dream: flee Iraq, where his life was in danger, and make it to Sweden, via Moscow and Estonia.

But his dream ended in an Estonian prison in January 1994. Since then, his life has been a nightmare. "I didn't leave Saddam Hussein's hell to find myself in another hell," he says. "All I want is a place to live in peace and security. Instead, I'm treated as a criminal. I've done nothing wrong. My only crime is to have entered Estonia illegally, without a visa. Does that justify putting someone in jail?"

Hassan lives in Maardu prison, a few kilometers from Estonia's capital, Tallinn, with dozens of other Iraqi asylum-seekers as desperate as he is.

On 19 September, 85 asylum-seekers incarcerated in Estonia – in Maardu, Hardu and Parnu prisons – began a hunger strike to attract attention to their plight. By the end of October, 20 still refused to eat. Despair led one of Hassan's colleagues to stitch his lips together. For a time, even the 17 children detained in Hardu with their mothers refused any nourishment.

"We have no choice but to im-

prison these people", explained Juhan Parts, Vice-Chancellor of the Estonian Foreign Ministry. "It's the best way we have to dissuade refugee movements to our country."

Hassan's dream is a nightmare to the Baltic countries – especially Estonia, because of its proximity to Sweden and Finland.

The Baltic states fear becoming a transit zone between Russia and the Nordic countries for the thousands of asylum-seekers from the Third World who long to leave poor living conditions in Moscow and elsewhere in Russia. Though there has been some progress, borders in this part of the world remain porous, and some frontier officials are susceptible to corruption. Moreover, asylum-seekers are easy prey for unscrupulous human smugglers.

The two other Baltic countries – Lithuania and Latvia – have no refugee policy. Refugees are not jailed, as in Estonia, but they are marginalized. No aid is allotted them, and most struggle to get to the Nordic countries.

Salma is 32 years old. Of Kurdish origin, she lived in Baghdad before she fled with her 53-year-old mother, leaving behind her father, brothers and sisters. They first went to Jordan, then flew to Russia. "I wanted to go to Moscow, because I knew it was the best way to get to Scandinavia," said Salma. "It was easy to get a visa in a travel agency in Amman."

"But I couldn't stay in Moscow: it was too expensive and too dangerous," Salma continued. "The Mafia even broke into the apartment we were living in one day and demanded money. Fortunately, they didn't find anything. But I was so afraid I decided to leave." Salma and her mother got on a train to Tallinn, via Riga, in Latvia. "We didn't have a visa," she said. "We gave $200 to the conductor so he'd close his eyes and let us through."

They arrived in Tallinn on 3 August 1993 and contacted an Iraqi resident in Sweden who promised to transport them there for $2,500 each. But the smuggler left with the money, and they never saw him again. "The police arrested us on 26 August with about 50 other Iraqis, and took us to Maardu," Salma explained. It isn't easy disappearing into a crowd of blond Estonians when your hair is black and curly and your skin is dark. "In the beginning, we were together," Salma continued. But last April other asylum-seekers arrived in Estonia, and families were separated.

"The housing, the food, the health-care, aren't good," said Salma. "But they're probably no worse than for most Estonians. It's the uncertainty and the absence of freedom that are intolerable."

Like the other Baltic countries, Estonia has not acceded to the 1951 Convention and Protocol Relating to the Status of Refugees. Asylum-seekers are considered illegal immigrants, and treated as such. They risk the legal penalties: two months' imprisonment, indefinitely renewable.

> "We have no choice but to imprison these people. It's the best way we have to dissuade refugee movements to our country."

For now, the Estonian government has no intention of acceding to the Convention, or of drawing up a national law on refugees. "If we did, it would attract other refugees," Parts said. "The simplest solution would be to send them back where they come from: Russia. But we can't. They have no identity papers and Russia won't accept them without proof that they came through Russian territory."

How can a country which itself has complained of human rights abuses while under Soviet occupation justify such an attitude? "There's no reason to keep these people in prison," Parts conceded. "But given our economic difficulties, we don't have a choice."

Three years after independence, Estonia's economic situation is lackluster. Decades of Soviet occupation transformed this rural country into an industrialized state, with factories now so out-dated that some which once employed 13,000 workers now give work to only 4,000. "Raw materials and energy that the USSR once delivered free disappeared overnight – along with the Soviet market – when the Soviet empire was dismantled," explained Jan Wahlberg, Tallinn representative of the United Nations Development Program (UNDP).

Salaries are low: $150 a month, on average. Retirees lost their savings when the ruble was replaced by the Estonian crown; pensions are now $30 a month. Unemployment is almost 10 percent, and rising. That rate "would not be catastrophic in a Western country, where the unemployed are looked after by a welfare system," noted Wahlberg. "But in Estonia that system hardly exists. Benefits are so low that most of the ▶

UNHCR / C. Bibeyrome



© S. Andersson / Pressens Bild AB

Nearly 400 Kurds arrived on the Swedish island of Gotland in early 1993 after seven days at sea aboard an Estonian fishing boat.

▶ unemployed don't even bother to register."

Estonia will need 15 years to attain the living standard of, say, Portugal. "In the 1930s, the Estonian economy was on a par with Finland," Wahlberg said. "In other words, if Estonia had benefited from the same opportunities for development as Finland, it would have the same quality of life today."

Nonetheless, Estonia's economy is still in better shape than Russia's and that of other Baltic countries: hence its drawing-power.

Estonia "has a very conservative monetary policy," said Wahlberg. "There is no budget deficit. The economy is relatively stable. The Swedes are the biggest investors, followed by Finns, Russians, Germans and Canadians. The proximity of Finland, where Estonia has linguistic and cultural ties, is decisive. Estonia has the means to improve its living standards. But it will take time."

With a population composed of one-third Russians – who arrived in two successive waves, under Stalin and under Brezhnev, and who have no intention of leaving Estonia – the Estonian government considers the problem of asylum-seekers a minor issue in comparison with the influence of ethnic Russians.

"We understand the economic and social problems that Estonia is going through," said Hans Thoolen, UNHCR regional representative for the Nordic countries. "But this policy of dissuasion by detention is intolerable. It is morally unacceptable to imprison asylum-seekers because they have crossed a border illegally.

And in any case, in the long term, this policy just doesn't work. When there is even the slightest chance of resettlement in Western countries, you are going to get an influx."

Still, Thoolen feels it would be unrealistic to demand that Estonia ratify the 1951 Convention now. "It would be a good thing, but it isn't a strategic priority for us," he said. "It would take too much time – Parliament has so many laws to pass – and we need action now. In addition, the example of Russia, which has ratified the Convention and which still mistreats refugees, proves that a signature doesn't solve all the problems."

Resettle the asylum-seekers in the Nordic countries? That's what Salma would like. "There are so few of us," she said. "Why don't they come get us?"

Indeed, there has been strong pressure from the Finnish public and non-governmental organizations, arguing that Finland should accept Estonia's asylum-seekers.

Such a policy "would constitute a pull factor, and the situation could get out of hand quickly," explained Esko Kiuru, who deals with refugee issues at the Finnish Foreign Ministry. "The Estonian question is the tip of an iceberg that's a huge international issue. We cannot let these people hope that they can buy their future with money. We could find ourselves dealing with the thousands of refugees in Moscow. It's Russia's duty to treat its refugees decently."

The Nordic countries have been applying pressure to that end. "The Finnish port authorities help the Estonians," Kiuru said. "There is some improvement. But it's far from perfect. We also help the Russian authorities improve their border service. St. Petersburg also has lots of Third World refugees who would leap at the opportunity to buy a ticket to the West."

Despite its firm policy, Finland did finally propose to take in these asylum-seekers – so long as UNHCR makes an official request, and if Estonia agrees. Estonia has still not agreed.

Some asylum-seekers have been luckier than Salma and Hassan: they managed to cross the Baltic Sea, often risking their lives. Last winter, 60 asylum-seekers locked in a container on a ferry between Tallinn and Stockholm almost died. A worker in the ship's hold heard muffled sounds coming from the container, and rescued them; a few hours more, and they would have suffocated. Last September, 128 asylum-seekers from Riga arrived in Sweden as stowaways on boats. It was the twelfth "boat-people" vessel to make the journey in two years.

> "If it was just a question of money, we would go back to Iraq. We'd have an apartment, a job, a salary. But we would never be safe."

For some, the risk is worth taking. They know that no Nordic country will send them back to the Baltic states, where there is no system to receive asylum-seekers and where, in Estonia's case, they can even be imprisoned.

UNHCR has proposed a way out of this morass. Get the asylum-seekers out of jail. Install them in a decent residency center, with the help of the Nordic countries. And give UNHCR access to them for status determination.

"We are eager to help, and so are the Nordic countries," explained Thoolen. "But no one will be able to as long as these people are in jail and their status remains unclear."

"The difficulty is persuading the Baltic governments that opening a center won't attract a crowd of new asylum-seekers," Thoolen continued. "On the contrary, the message will be clear. Only those who have been determined to be refugees will be able to stay in Estonia; the others will have to be sent back. The attraction of Baltic states as a final destination will be weaker than it is now, when they are considered a transit point for the Nordic countries. They will be a lot less attractive the day asylum-seekers have to look on them as a final destination."

"We can give them the example of Poland," Thoolen added. "Poland has a living standard comparable to Estonia's, and it ceased to become a transit zone for Germany the day it adopted regulations on refugees that allowed Germany to send illegal immigrants back."

Negotiations continue. UNHCR, the Nordic countries and the Estonian government have met several times to try to hammer out a solution to the problem of the detained asylum-seekers.

Some progress was accomplished concerning the treatment of detainees following a meeting in Tallinn October 19. Medical services and food will be improved. Some detainees will be able to reunite with their families in Hardu.

But the UNHCR regional bureau in Stockholm was somewhat disappointed to observe that promises concerning the detention of asylum-seekers that the Prime Minister had made one month before had received no follow-up.

Negotiations continue, for the clock is ticking. The asylum-seekers are determined. "If it was just a question of money, we would go back to Iraq," says Salma. "We'd have an apartment, a job, a salary. But we would never be safe. All we want is a bit of land to live in peace, like human beings. When the Estonian guard shoved my mother because she wanted to leave, because she was suffocating in that center – she couldn't take any more, she just wanted to breathe the air by the lakeside – then I felt I was no longer a human being".

Christiane Berthiaume

Conflict in the Caucasus

The collapse of communism and the rise of ethnic strife have plunged the southern fringes of the former Soviet Union into turmoil, particularly in the Caucasus where some 1.5 million people have been forced from their homes in Georgia, Armenia and Azerbaijan.

Although there has been sporadic media coverage of the fighting over the past few years, the world is largely unaware of the human suffering that has followed for hundreds of thousands of refugees and internally displaced people in all three republics.

At government invitation, UNHCR established offices in both Armenia and Azerbaijan in December 1992, marking the organization's first-ever assistance program for refugees and displaced people in the former Soviet Union. UNHCR began operations in Georgia in July 1993.

In addition to its traditional legal and protection mandate, UNHCR's mission in all three republics is to provide humanitarian assistance to the most vulnerable of the refugees and displaced – some 630,000 people in total.

But the refugees and displaced aren't the only ones who are hurting. The general populations of all three countries are also bearing a tremendous burden. The infrastructure is collapsing, and in many areas of the Caucasus fuel and power supplies are sporadic or nonexistent. Trade and industry have ground to a halt, leaving hundreds of thousands of families without jobs or income. Inflation has skyrocketed and there are shortages of just about everything. People are hungry, and the lines for government-subsidized bread grow longer by the day. In Armenia, a half-kilo of butter costs a month's wages; a kilogram of meat, two months' pay.

UNHCR asked the international community for nearly $27 million for its 1994 programs in the three Caucasian countries, part of a total U.N. consolidated appeal for the region of more than $114 million.

GEORGIA: At least 350,000 people have been displaced by ethnic conflict on two fronts in Georgia, a country of 5.5 million people that was once one of the most prosperous of all former Soviet republics.

The first conflict began in November 1989 between the government and separatists in the South Ossetia region of northern Georgia. The second – and largest – conflict erupted in August 1992 between the government and separatists in the Abkhazia region of northwest Georgia.

Refugees and displaced aren't the only ones who are hurting. The general populations of all three countries are also bearing a tremendous burden.



UNHCR / K. Gordon

An anti-Georgian demonstration by Abkhaz residents of the Black Sea port of Sukhumi. The demonstrators were protesting the proposed return of displaced Georgians.

The displacements have occurred in several successive waves. Up to 350,000 of Abkhazia's estimated population of 540,000 fled the region between August 1992 and October 1993. Most of them, about 270,000 people, went to other areas of Georgia, while the remainder fled to the Russian Federation, Armenia, Greece and other countries. The majority of those fleeing were Georgians, who comprised 47 percent of the population of Abkhazia before the fighting – the largest single ethnic group. Abkhaz constituted only about 18 percent of the pre-war population, but today control Abkhazia. Other sizeable ethnic groups included Armenians (18 percent) and Russians (about 13 percent).

In South Ossetia, about 16,000 people fled the ethnic fighting to other parts of Georgia, while anoth-

er 10,000 went to the neighboring North Ossetia region of Russia. In addition, at least 20,000 people have been displaced within South Ossetia itself. The fighting also affected some 100,000 Ossetians living in Georgia proper. South Ossetian authorities estimate that as many as 60,000 Ossets fled Georgia, most of them to Russia.

UNHCR has focused on assistance to 150,000 of the most vulnerable internally displaced people from Abkhazia and South Ossetia. It has provided hundreds of tons of clothing, shoes, blankets, kitchen sets, soap, detergent, food and heating stoves to the displaced population, and is expanding a program to rehabilitate accommodation centers throughout the country.

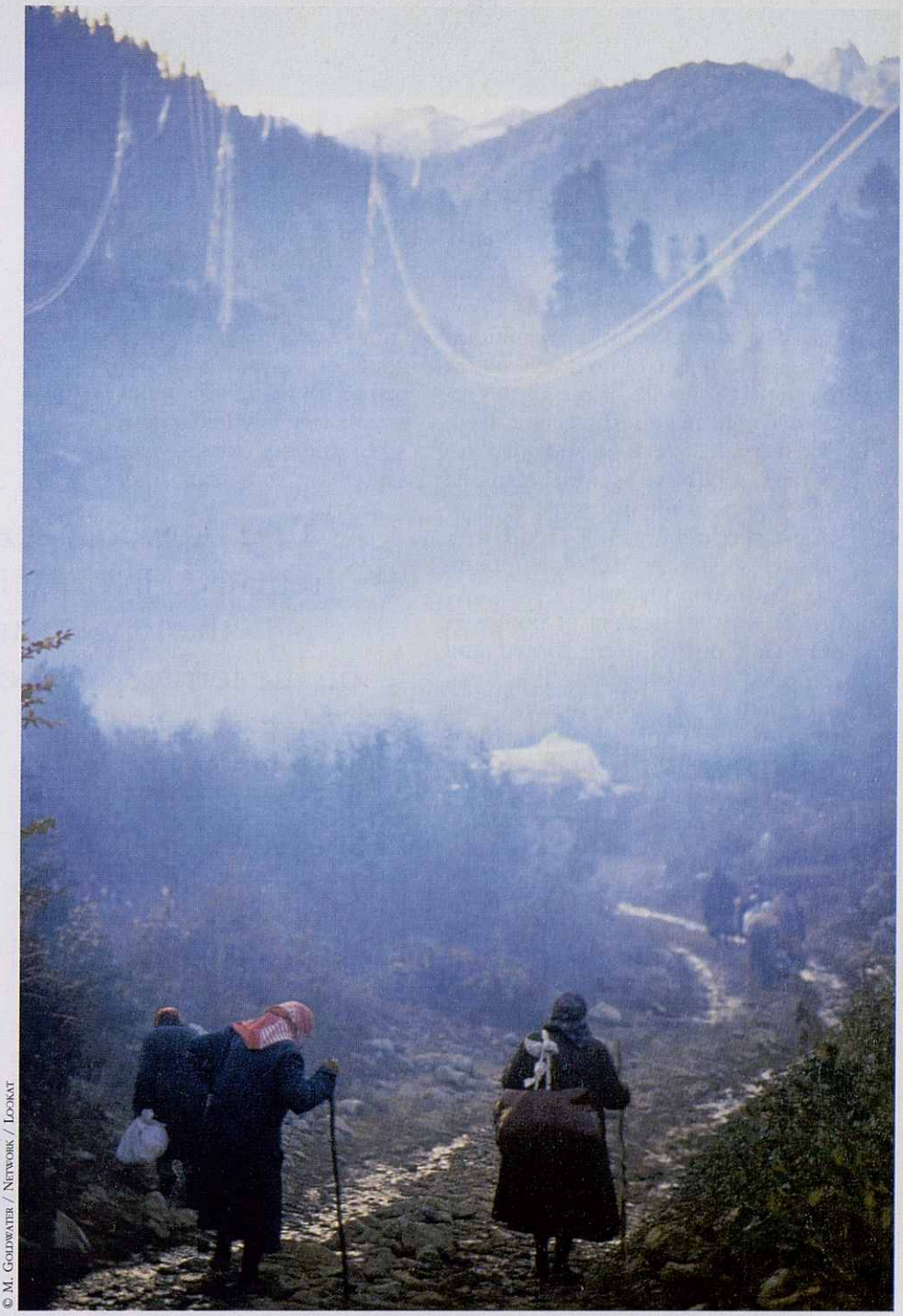
Valeri Vashakidze, head of the Georgia State Committee for Refugees and Accommodation, estimates that at least 60 percent of all aid going to refugees and the displaced in Georgia comes from UNHCR and other international sources.

Of the more than 250,000 displaced people currently in Georgia, approximately 70 percent are living with host families, many of whom are finding it increasingly difficult to support them. The rest are housed in schools, hotels, sanatoriums, hospitals and other public buildings.

The effect of this influx on local populations, already reeling under severe economic pressures, has been dramatic. The population of the central town of Senake, for example, rose from 20,000 to 40,000 following the influx of displaced, while the regional center of Zugdidi swelled from 80,000 to 154,000 people.

The state social security network, which formerly provided assistance to some 1.5 million people, has virtually collapsed. The national currency, the coupon, has depreciated several thousand percent since it was introduced in September 1993.

"When we talk about assistance, we don't mean only for the displaced people," said Dr. Nino Uznadze, head of Georgia's International Humanitarian Aid Commission. "Host families and many in the general population also need help."



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Thousands of Georgians displaced by fighting in October 1993 were forced to flee on foot over the 2,780-meter Chuberi Pass, shown here in the bitter cold of dawn.

To meet the needs of the most vulnerable refugees and displaced, UNHCR initially appealed for $14.4 million for its 1994 programs in Georgia, part of an overall U.N. humanitarian budget of more than $40 million for the country. UNHCR later reduced its component to $7.4 million. As of late October, $6 million had been received.

Despite the many problems, there are some signs of hope. UNHCR, the Russian Federation, Georgia and Abkhaz authorities signed a Quadripartite Agreement on 4 April 1994 paving the way for the return of refugees and displaced people to their homes in Abkhazia. The parties agreed that the return should begin in the Gali district of Abkhazia, where the level of damage is much less and the security situation better than in most other parts of the war-ravaged region. The return began in October, but progress has been slow because of a number of unresolved political ▶

▶ issues between the Abkhaz and Georgians.

An estimated 80,000 people – most of them Georgians – fled the Gali district for other parts of Georgia. The current return plan assumes that some 40,000 of them will return to the Gali district. Some of the returnees are expected to come from the Russian Federation and other adjoining republics as well. Many of the returnees require some form of assistance from UNHCR – food, temporary shelter, household supplies, reconstruction materials.

At least 80 percent of homes in the Gali district were looted and stripped of every removable item, including doors, windows and electrical and plumbing fixtures. However, most of the homes are structurally sound and can be repaired.

Land mines have been scattered indiscriminately by the warring sides, particularly along the Inguri River in Gali district. These weapons, many of which are hidden in tea plantations and farm fields, pose a major threat to returnees as well as to those who remain in the region. UNHCR, in coordination with the Department of Humanitarian Affairs, was to begin a mine-awareness campaign in November.

Mobile UNHCR field teams are closely monitoring the return and reintegration process, working with local authorities, CIS peace-keeping forces and other humanitarian agencies.

ARMENIA & AZERBAIJAN: The six-year war between Armenia and Azerbaijan over the disputed enclave of Nagorno-Karabakh has left thousands dead, tens of thousands wounded and driven more than 1 million people from their homes. In addition, the economies of both countries are in ruins and hundreds of thousands of people are without jobs or incomes.

Initially established as a six-month, $6.4 million emergency operation for both countries, the UNHCR programs in Armenia and Azerbaijan are now in their second year and have a combined 1994 budget of $12.5 million.

As 1994 drew to a close, a fragile cease-fire remained in place in what has become the longest-running conflict on the territory of the former Soviet Union. But there was still no immediate prospect that the hundreds of thousands of people displaced by the fighting would be able to go home anytime soon.

In addition to six years of war, Armenia is staggering under the effects of a *de facto* blockade by its neighbors that has at times blocked nearly all trade routes into the country, leaving it desperately short of food, fuel, seeds, fertilizer and other essentials. With the collapse of the former Soviet Union, government and regional administrative networks have disintegrated. What's left of the economy is a mixture of socialist, market and barter systems, underlaid with what locals call a strong "mafia" influence. More than 70 percent of the country's former industries have shut down, and those that remain open are operating at only 10 to 20 percent of capacity. The Armenian currency, the dram, was valued at 14.5 per U.S. dollar when it was introduced on 22 November 1993. By June 1994, it had depreciated to 400 per dollar. During the same period, prices increased 23-fold.

The Armenian government estimates that 94 percent of the population of 3.5 million people live below the World Bank poverty line of $1 per person per day. And the government is still trying to cope with the aftermath of the 1988 Armenian earthquake that devastated much of the country, killed 25,000 people and left 500,000 people homeless.

On top of these huge problems is a refugee population of more than 300,000 people who fled Nagorno-Karabakh and other areas in Azerbaijan in a series of outflows between 1988 and 1992.

As 1994 drew to a close, a fragile cease-fire remained in place in what has beome the longest-running conflict on the territory of the former Soviet Union.

UNHCR in 1994 assisted a "most vulnerable" caseload of 180,000 of these refugees. But as the above examples illustrate, nearly the entire population of Armenia is now vulnerable.

"Despite the hardships faced by the general population, the Armenian people have been extremely generous to the refugees. They feel a lot of sympathy for them," said Robert Robinson, UNHCR's head of office in Yerevan. "Armenians don't let each other starve. They share what they've got."

But that generosity may not last if things get much worse for the general population, particularly with the onset of another bitterly cold winter. "When you're sleeping in a room that's minus 10 degrees centigrade, you're on the ninth floor with no elevator, you have no electricity 24 hours a day and you have little food or fuel, it takes a huge psychological toll," Robinson said. "I think as each winter comes, the amount of energy that people have to cope becomes less and less."

UNHCR has increased its caseload of most vulnerable refugees in Armenia from 53,000 when it opened its office in December 1992, to 140,000 in 1993, to 180,000 in 1994.

In 1993, UNHCR delivered a total of 105,000 family food parcels, along with blankets, plastic sheeting and kerosene as part of a wider distribution by USAID (co-financed by Japan) to the general population. It also supported a variety of programs by NGOs, including an innovative rural shelter project that provides so-called "container housing" and 800-square-meter plots of land to refugees so they can grow some of their own food.

Although the government has registered about 340,000 refugees, some 35,000 are believed to have

returned to Nagorno-Karabakh and thousands more have gone to other countries – mostly within the former Soviet Union – because of the poor economic conditions in Armenia. It is estimated that about 300,000 refugees who fled from Azerbaijan remain in Armenia. The government says a further 72,000 people are displaced from towns and villages bordering Azerbaijan in the east. There are also an estimated 5,000-6,000 refugees who fled fighting in the Abkhazia region of Georgia.

About 60 percent of refugees in Armenia live in communal centers, many of which urgently require repair and rehabilitation.

UNHCR's funding requirements for Armenia in 1994 were $4,005,700 to provide multi-sectoral assistance to refugees and internally displaced people.

In Azerbaijan, UNHCR has seen the number of refugees and displaced people in the country swell from less than 500,000 in December 1992 when it opened its office in the capital, Baku, to some 900,000 today. Between 10 and 15 percent of Azerbaijan's population are now refugees or displaced, placing a huge strain on society and the government.

Although UNHCR's involvement in Azerbaijan initially began as a six-month program, the Kelbajar emergency of April 1993 underscored the need for continuing emergency assistance as well as aid to previous arrivals. In 1993, fighting sparked at least five consecutive waves of displacement, prompting extension of the program. UNHCR's support for 1994 included provision of basic essentials and other urgently needed assistance for refugees and displaced in the areas of health, water and sanitation.

UNHCR has provided tens of thousands of tons of humanitarian supplies to Azerbaijan since late 1992.

The refugee population is composed of 228,840 Azeris who fled Armenia, mostly in 1988. There are also some 50,000 Meshkhetian Turks who fled from Uzbekistan in 1989, a movement not connected to the war over Nagorno-Karabakh. Internally displaced Azerbaijanis number at least 630,000.

The number of UNHCR beneficiaries – those considered most vulnerable and in need of assistance – has increased from 53,000 when the program was established in December 1992, to 300,000 in 1994.

Some 42 percent of the beneficiary population are children under 15 years of age, 31 percent are women and 15 percent are elderly.

Most of the displaced are from rural areas and the majority now live with host families and in public buildings that have been turned into communal shelters. However, there has been near-total saturation of public buildings, including schools. As a result, by mid-1994 at least 60,000 displaced people were living in tent camps and settlements, many of which sprang up spontaneously along roadsides near the front lines following the latest fighting in mid-1993. UNHCR has begun a program to provide tent schools to the displaced population.

UNHCR's funding requirements for Azerbaijan in 1994 totaled $8.5 million, all of which was met.

RON REDMOND

Azerbaijanis mourning war dead near the town of Yevlakh, Azerbaijan.



UNHCR / R. REDMOND

Tajikistan:

Rebuilding Socialism

In Tajikistan, new roofs are sprouting at a bewildering speed in Socialism, the largest of four villages in a collective farm, or *kholkoz,* called Communism. In late 1992, the majority of Socialism's neat mud brick houses were reduced to smoldering ruins. Dozens of other villages in Tajikistan's south-western province of Khatlon were either partially or totally abandoned and destroyed. In some towns and villages the destruction was more selective: a house here, two houses there – a tell-tale sign of specific targeting of certain ethnic or social groups.

Although there was an ethnic element, (Tajikistan has a sizeable Uzbek and smaller Russian, Kyrgyz and Tatar minorities), the conflict was fought mainly on geographically based clan lines. The principal victims were Tajiks living in the south-west who originated from the mountainous northern and eastern regions of Garm and Pamir. Between 20,000 and 40,000 people were killed during the civil war, which began in May 1992 nine months after the dissolution of the Soviet Union.

More than half a million were displaced inside the country and, over a period of several weeks beginning in December 1992, 60,000 refugees fled across the icy waters of the Amu river to Afghanistan. In addition, an estimated 50,000 Tajiks of Uzbek origin left for Uzbekistan, at least 3,000 refugees of Kyrgyz origin sought safety in Kyrgyzstan and as many as 20,000 Tajiks of Turkman origin are believed to have integrated locally in Turkmenistan. During the civil war, an unknown number of Tajiks also left for Ukraine, Russia and other CIS countries.



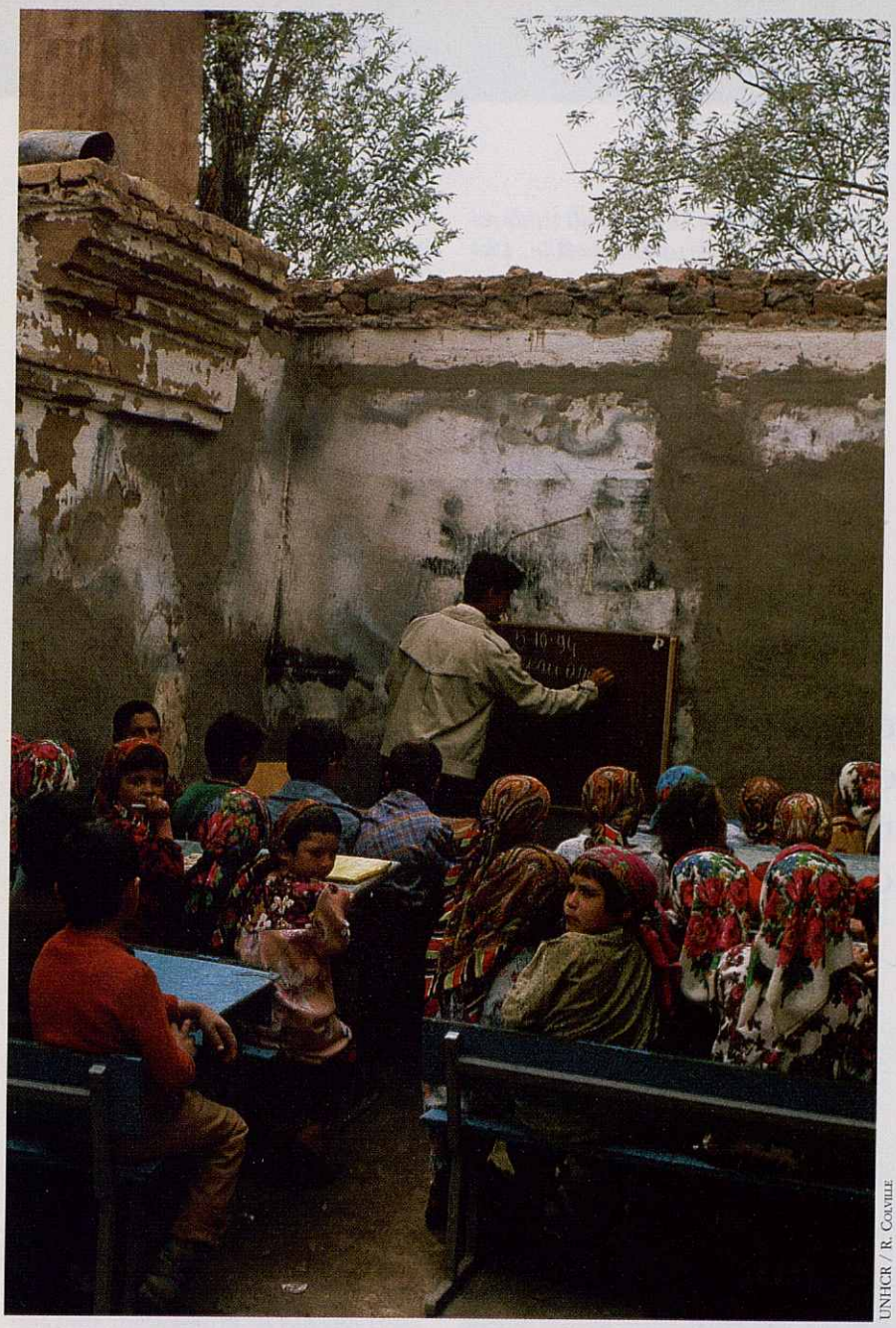
UNHCR / PI / Taji-uk3 / 11.1994

"There were about 750 Garmi houses in this village," says Zo'eer Mahmad Uloyev, a 32-year-old returnee who has been appointed the UNHCR volunteer in Socialism. "Only two were not destroyed, because they belonged to mixed [Uzbek-Garmi] couples. During the fighting about 70 people disappeared. We know for a fact that 12 old men who stayed behind were killed. Other people were caught on the road..."

During the Soviet era, the Central Asian republics were more or less closed to the outside world. At the beginning of 1993, Tajikistan was new territory to UNHCR as well as to most of the rest of the international community.

In December 1992, while UNHCR was busy coping with the Tajik refugees arriving in northern Afghanistan, the International Committee of the Red Cross (ICRC) became the first international humanitarian agency to set up an operation inside Tajikistan itself, providing medical assistance to the war-wounded and relief for the internally displaced (IDPs). UNHCR began its Tajikistan operation a month later, followed by Médecins Sans Frontières (MSF-Belgium, France and Holland). For the next two years, because of a drastic shortage of other partners willing to launch significant programs in Tajikistan, these agencies, along with the World Food Program (WFP), between them bore almost the entire burden of protection, assistance and initial rehabilitation for the IDPs and returning refugees, as well as making a substantial contribution to the wider peace process.

UNHCR's involvement inside the country of origin from the outset, with a primary motive of smoothing the path for early repatriation, is only one of several unusual characteristics of the Tajikistan operation. Another notable feature has been a strong human rights monitoring role, played out at both local and central government levels, which has complemented UNHCR's traditional



UNHCR / R. Colville

Returnee children attend a village school near Shaartuz. In winter, their desks will be covered in snow. A shortage of funds and active rehabilitation and development agencies is helping to prolong the hardship in Tajikistan.

protection role for returning refugees. These activities, coupled with considerable cooperation on the part of the government and some local authorities, are generally perceived to have resulted in increased stability and reconciliation in some of the most severely devastated areas in Khatlon – benefiting returning refugees and IDPs alike.

The establishment of conditions sufficiently safe for organized repatriations to take place as soon as possible from Afghanistan – scarcely a safe asylum country – was far from easy. Amra Nuhbegovic, a Bosnian, is a member of the UNHCR mobile field team that covers the Kabodian and Shaartuz districts – the worst-hit area during the civil war. "I arrived in the country in July 1993," she recalls. "During my first field trip to Kabodian, four returnees were murdered. The next time I went to the area, three people were shot and wounded in Shaartuz district. However, we haven't had a murder here since September 1993. The cooperation of the local authorities, police and KGB has improved enormously in Shaartuz and Kabodian. Now, they even react before we hear about an incident, whereas in the early days, UNHCR had to apply a lot of pressure for them to take any action."

Returnees, whether IDPs or refugees, originally faced three types of threat: attacks by local inhabitants who had helped force them out, or who had profited from their absence by taking over their land or occupying their houses; attacks by marauding gangs of bandits exploiting the vacuum of law and order in the immediate aftermath of the civil war; and attacks by the very people who were supposed to be providing the law and order.

While the central government has in general been extremely cooperative in all matters concerning the safety of returnees, the improved situation also owes a lot to a number of dedicated local officials, including Abdulaev Aslanov, the head of Khatlon's Immigration Department, KGB officials in Kumsanghir district and the current chiefs of police and prosecutors in Shaartuz and Kabodian.

"Since I was appointed in January 1993," says Faroukh Nassimov, Chief Prosecutor in Shaartuz," I have had to deal with two or three cases involving returnees every day." He agrees that matters have improved considerably. "A year ago, everybody could discriminate against returnees, beat them, steal from them. Now it's much better."

Cases range from settling disputes about the ownership of a tractor to apprehending a vicious gang, allegedly headed by a man called Basaliev, who had established a reputation as a ruthless fighter during the civil war. Basaliev and his followers are accused of murdering at least eight people in 1993, all of them refugee or IDP returnees. On one occasion, according to reports received by UNHCR, a couple and their two children were kidnapped by the gang and taken up into the mountains, where the children and their mother were killed one by one in front of the father. The father was then shot after managing to untie himself and setting fire to the house in which he was being held prisoner. On another occasion, two return- ▶

▶ ee women were reported missing by UNHCR. It turned out that they had been taken by the same group, raped, sexually assaulted, tortured with cigarettes and decapitated. Finally, in September 1993, UNHCR reported that two young men had gone missing.

When two gang members were captured in December 1993, they confessed to murdering the two missing men. Three more people, including Basaliev, who had been on the run since December, were arrested in May 1994. In June, Chief Prosecutor Nassimov presented the case before the court of first instance and all five of the accused were convicted of murder. The case then passed on to the regional court where, unless the verdicts are overturned, sentence will be passed.

Nowadays, most of the cases coming before Nassimov are more routine. Refugees and IDPs in Tajikistan, as in many other countries around the world, often return home to find other people living in their houses. UNHCR frequently brings cases concerning occupied houses to the attention of the authorities. On 6 October, a UNHCR volunteer – one of whom is appointed in each village containing a sizeable number of returnees – came to the UNHCR field office in Shaartuz to report the 64th occupied-house case recorded by UNHCR in Shaartuz and Kabodian. Of these, 30 had by that date been successfully resolved, with the house returned to its original owner, a process made simpler by a special law concerning occupied houses that was passed by the Tajik Parliament at the beginning of 1993.

Associate Field Officer Amra Nuhbegovic immediately made a preliminary inspection herself and then reported the case to the police. Depending on whether or not the occupier voluntarily makes way for the original owners, who were due to return during the next organized repatriation from Afghanistan, the case may end up being decided by the chief prosecutor. A functioning and reliable legal system is vital to the protection of returnees, and in Shaartuz, Kabodian and some – but not all – of the returnee districts in Khatlon, the system is in general functioning well – despite the many security problems still occurring in the country at large. As Chief Prosecutor Nassimov puts it, "Freeing one occupied house or arresting a killer is worth much more than empty statements at grand meetings."

> A functioning and reliable legal system is vital to the protection of refugees. But there are still many security problems occurring in the country at large.

One of the worst examples of harassment by supposed forces of law and order involved a rogue unit of troops that took up residence in the returnee transit center in Kabodian, along with a tank, and began threatening, robbing and beating up returnees and anyone else who happened to cross their path. After repeated protests to the local authorities had failed to dislodge them, UNHCR's chief of mission in Dushanbe, Pierre-François Pirlot, took up the matter with the central government and threatened to suspend organized repatriation to the area. As a result, the troops were finally removed.

According to Chief Prosecutor Nassimov, UNHCR's proactive human rights monitoring and protection roles have helped considerably in the battle to restore the rule of law in a shattered land: "UNHCR plays an important role. When UNHCR suggests the authorities do something, maybe we do it quicker than we would otherwise. When UNHCR brings a problem to our attention, it places us under an obligation to react. For example, in situations like the one involving the soldiers and the tank, I do not have the authority to resolve the problem."

In Socialism, which is in Kabodian district, Zo'eer Uloyev has had first-hand experience both of the early protection problems and the subsequent improvements. After fleeing to nearby mountains in late 1992, he and his family made their way to Dushanbe. On 19 March 1993, he was among the first group of displaced people to return home.

"There were about 500 of us. When we arrived at the railway station here, we were surrounded by a group of about 200 people armed with sticks and stones, who were trying to prevent us from returning to our homes." An ugly stand-off ensued, with UNHCR, the U.N. Department of Peacekeeping Operations and the ICRC playing a vital role in ensuring that the local authorities did their utmost to resolve the situation. However, despite a protective cordon provided by the local militia, the incident ended in tragedy. "Although the militia defended us, and nobody was killed or beaten, we had to spend eight days in the station, and 16 people – mainly children – died of cold or hunger."

Once Zo'eer and the others had finally escaped from the station and returned to their gutted houses, there were still incidents when returnees' tents were stoned or burned. The worst such incident took place on 26 February 1994, when a dispute over land between the Uzbek and returnee Garmi communities in Socialism turned into a running battle involving over 100 people. The police arrived in force and managed to stop the fighting, but not before eight people were so seriously injured they had to be taken to hospital. UNHCR staff were present at the scene, helped tend the injured and played a major role in the ensuing attempts to promote reconciliation between the two groups.

Socialism was placed under a curfew for a week and the police carried out a lengthy and thorough investigation. "The authorities really supported us," says Zo'eer. "Since then they have arranged meetings virtually every day. Both groups are invited to attend and are encouraged to talk to each other and air their grievances."

For many of the returnees, this incident felt like the final straw and initially many of them wanted to leave Socialism. "But when they saw that the authorities were coming every day, and now that UNHCR has given them building materials, they have decided to stay," says Zo'eer. "Now the atmosphere is much better than before. If an Uzbek is getting married, lots of Garmis attend the wedding, and vice versa."

In March 1993, a joint UNHCR/ICRC survey identified 17,000 destroyed houses in Khatlon province. Some were completely razed to the ground; others had lost their roofs, and had gaping holes in place of doors and windows. As part of its rehabilitation program, UNHCR decided to provide both the refugees repatriating from Afghanistan and returning IDPs with materials – wooden beams, roofing sheets, and nails – to rebuild their roofs.

Despite a constant shortfall in funding that has plagued the Tajikistan operation, and has contributed to serious delays in the rebuilding program, new roofs are starting to appear all over Khatlon.

In Socialism, more than 3,300 of the 3,500 people who fled had returned by late October, and Save the Children Fund (USA) is supervising a Food for Work (FFW) program, under which houses are reconstructed by 23 "brigades," each consisting of 12 or 13 men. Of a total of 640 destroyed houses in Socialism, 169 had already been rebuilt by the FFW brigades by 28 October. In all, it is hoped that 13,200 houses will be completed in Khatlon province by the end of 1994.

"In spite of everything that has happened," says Zo'eer, "I am an optimist. There is only one school in the village, and only one cemetery. These are shared by both groups. One of my father's neighbors gave back two [looted] TVs, a refrigerator and a sofa. Some of our neighbors were good like that. I think they felt ashamed."

Asked if he can envisage the day when a Garmi will marry an Uzbek in Socialism, Zo'eer pauses a long time. "That's a very difficult question," he says finally. After another long pause for thought, he smiles dryly and shakes his head. "No, I can't see a Garmi marrying an Uzbek in this village – not in the near future."

A lot has been achieved in a short time in Tajikistan, due to a number of factors: the cooperation of the government, and its desire to see a speedy repatriation; the desire of the refugees themselves to return from a dangerous situation in northern Afghanistan (where between 30 and 50 refugees have been killed in the cross-fire between different Afghan factions); the free flow of information about the situation inside Tajikistan from family and friends to the refugees, by means of a regular UNHCR-operated postal service between the two countries; and a well-run, dynamic program that incorporates many of the new ideas that have emerged in UNHCR over the past few years.

Nevertheless, many problems remain. In some areas, especially Kurgan Tyube, tensions are still running high and the local authorities appear not to care about the protection of returnees. Nevertheless, by the end of 1994 most of the refugees who wish to return from Afghanistan will have done so, with the rest likely to return in the spring of 1995. The roofing program should be completed shortly after the last refugees re- ▶

New roofs are sprouting all over war-ravaged parts of Tajikistan. Here, returnees rebuild their home in Shaartuz district.



UNHCR / R. Colville

▶ turn, and UNHCR will by then have started to phase down its program.

Although more NGOs, such as Relief International, the International Rescue Committee and Save the Children Fund (USA), started setting up substantive operations during the latter part of 1994, there are still far too few players committed to taking up the baton during the vital transition period between initial rehabilitation and longer term development. Tajikistan's economic situation is not far short of catastrophic. Its infrastructure is badly decayed, and the water, sanitation and health sectors are in chronic condition.

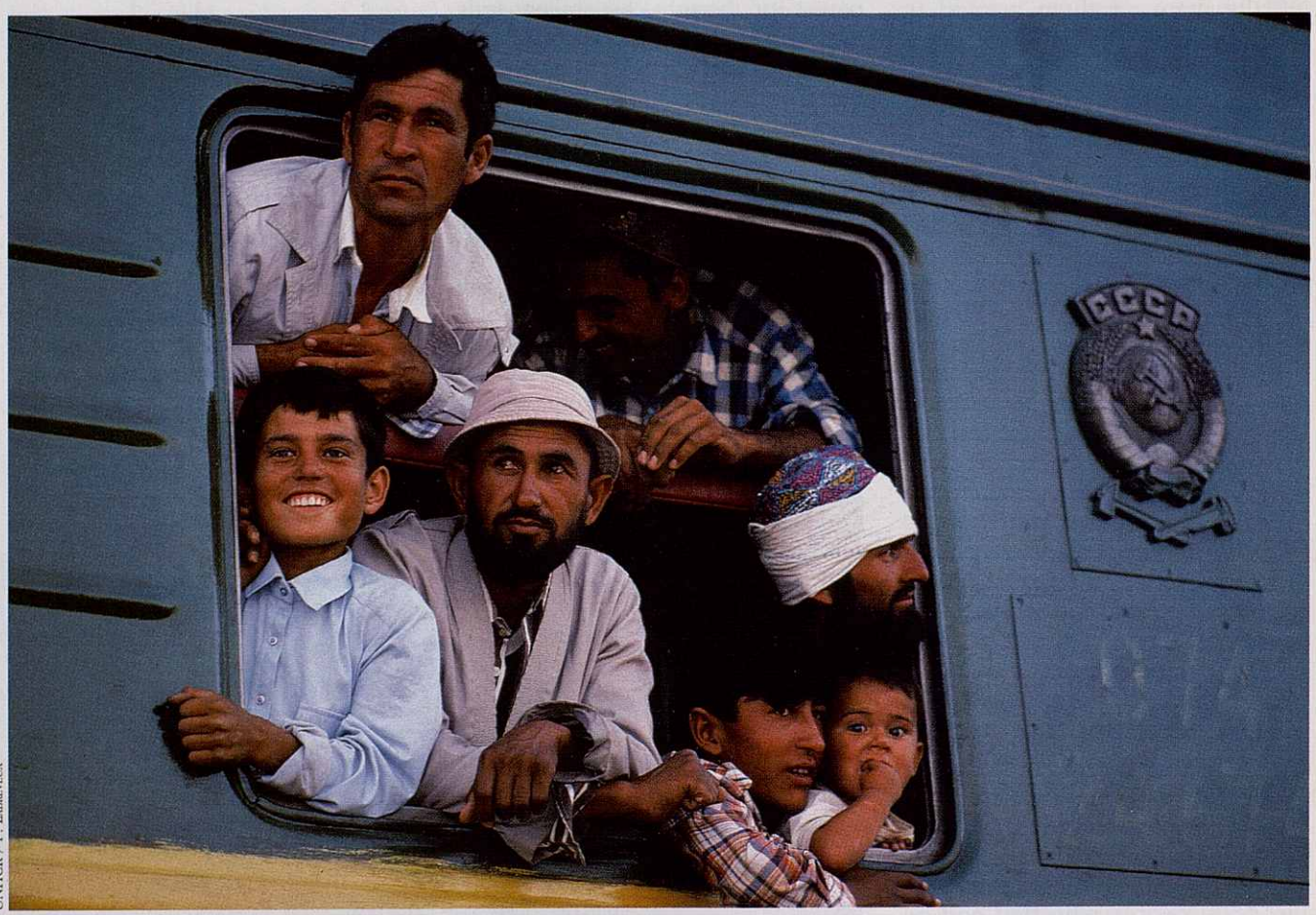
"What we have done can be ruined overnight if the economy continues to plummet and everything explodes," says Chief of Mission Pirlot. "People need employment. They need hope. It's a very volatile mixture. If they don't get hope, they'll explode again. They will have nothing to lose."

With the principal exceptions of the United States – which has strongly supported UNHCR's otherwise extremely under-funded program and provided some bilateral aid – and the Russian Federation, which has provided the majority of the peacekeeping troops patrolling the troublesome border with Afghanistan, the international community has so far largely ignored Tajikistan.

Despite the acute shortage of funds, UNHCR and its new NGO partners have launched a number of income-generating and Quick Impact Projects in an attempt to breathe some wisps of economic life into returnee communities. But the problems in Tajikistan are crying out for more attention. And so far, they have been resoundingly ignored by the world at large. If Tajikistan does slide back into chaos once again, this may appear in retrospect as a clear case of criminal neglect.

If, on the other hand, the momentum of reconstruction, reconciliation and development can be maintained and expanded, Tajikistan may recover from its crippling internal problems and bring some much-needed stability to Central Asia. Then one day a Garmi will perhaps, after all, marry an Uzbek in a small village called Socialism, in the *kholkoz* of Communism, in a little-known but exceptionally beautiful country called Tajikistan.

Rupert Colville



UNHCR / P. Labrevelx

By the end of 1994, most of the refugees who wish to return from Afghanistan will have done so. Here, Tajiks return home by train from Afghanistan.



UNHCR and the world's 23 million refugees would like to thank those who have contributed so generously. Among the thousands who reached deep into their pockets were:

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Models courtesy of The LEGO Group.

SPOT THE REFUGEE

There he is. Fourth row, second from the left. The one with the moustache. Obvious really.

Maybe not. The unsavoury-looking character you're looking at is more likely to be your average neighbourhood slob with a grubby vest and a weekend's stubble on his chin.

And the real refugee could just as easily be the clean-cut fellow on his left.

You see, refugees are just like you and me.

Except for one thing.

Everything they once had has been left behind. Home, family, possessions, all gone. They have nothing.

And nothing is all they'll ever have unless we all extend a helping hand.

We know you can't give them back the things that others have taken away.

We're not even asking for money (though every penny certainly helps).

But we are asking that you keep an open mind. And a smile of welcome.

It may not seem much. But to a refugee it can mean everything.

UNHCR is a strictly humanitarian organization funded only by voluntary contributions. Currently it is responsible for more than 23 million refugees around the world.

UNHCR

United Nations High Commissioner for Refugees

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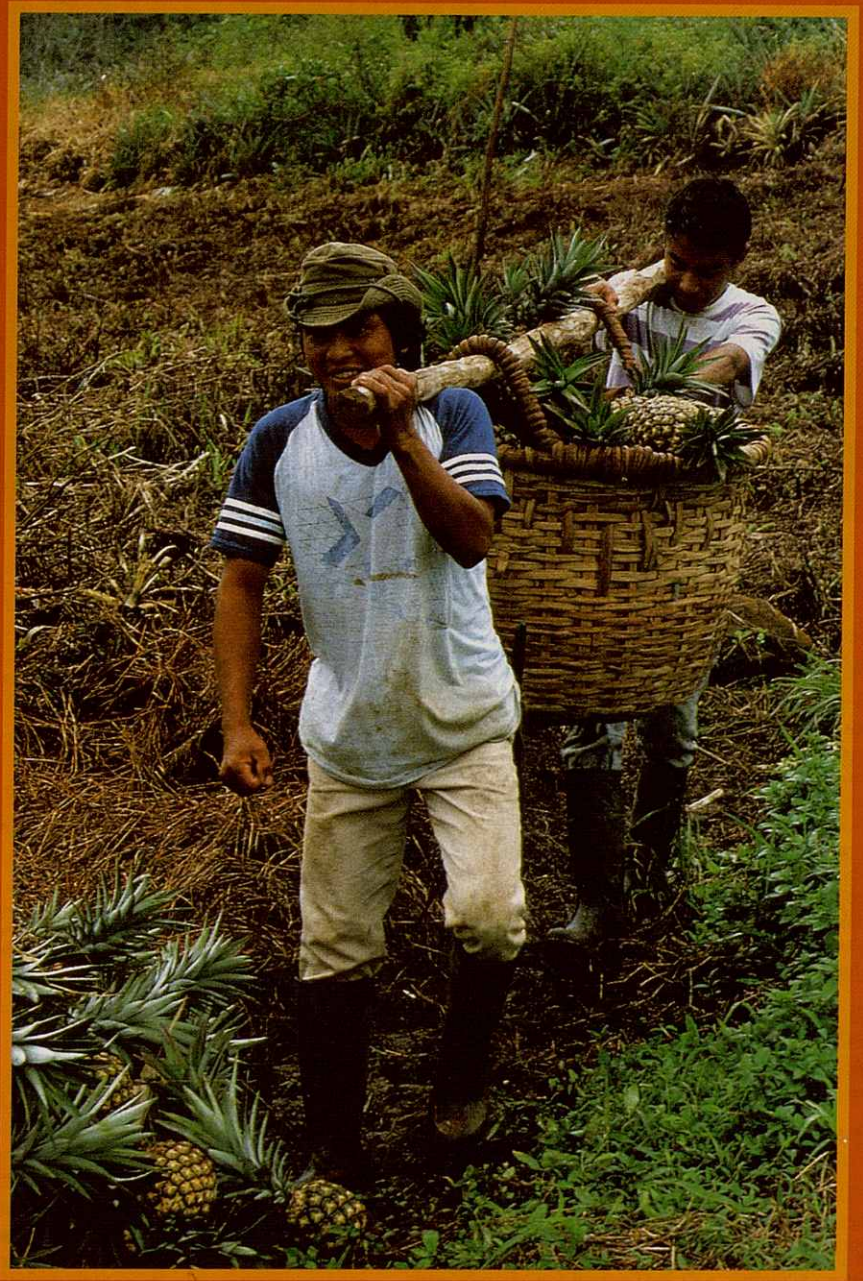
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Regional Solutions

Refugees



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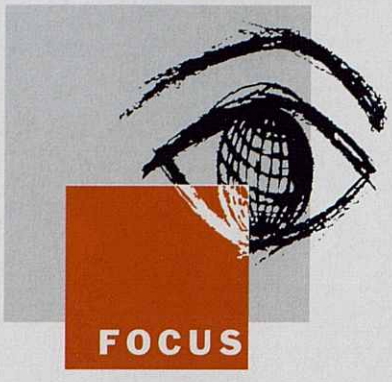
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Cover: Nicaraguan refugees on their pineapple farm in Huetar Norte, Costa Rica.
PHOTO: UNHCR / R. REDMOND



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UNHCR / H. SUZUKI

Editor's note: This issue of "Refugees" focuses on the growing international trend toward comprehensive or regional solutions to refugee problems. This topic will also be examined in UNHCR's next biennial report, "The State of the World's Refugees: The Search for Solutions", to be published by Oxford University Press in November 1995.



UNHCR / H. Suzuki

Hmong returnees arriving from Thailand at the river port of Luang Prabang, Laos, to take part in a group settlement program.

Package deals

Although their efforts to date have not always been generous or successful, regional bodies are likely to play an increasingly significant role in responding to current and future refugee problems around the world.

Several regional organizations and *ad hoc* groupings of regional actors have already made efforts to intervene in a number of refugee problems. Usually, these efforts occur either when the region itself has rejected the solution advanced by the international community, or when the international community takes little or no action to achieve a solution.

The regional response is to put forward its own plan of action to deal with the refugee problem. Sometimes, as in Central America and South East Asia, regional organizations have led the effort in close partnership with UNHCR. In other ▶

▶ cases, such as Cambodia, Liberia or Rwanda, regional organizations may cooperate with U.N. peacekeeping missions that include UNHCR.

Unfortunately, the term "regional" is very poorly defined. The U.N. Charter deals with "Regional Arrangements" without ever defining them. In 1945, the only regional institutions were the Arab League and the Organization of American States (OAS), so the imprecision of drafters permitted a great deal of flexibility for the development of regional approaches to regional problems.

There has been an explosion of regional arrangements over the years. Some are formal multilateral regional organizations such as the Organization of African Unity (OAU), the Economic Community of West African States (ECOWAS), the Association of South East Asian Nations (ASEAN), the Organization of American States (OAS), the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE), and the Commonwealth of Independent States (CIS).

Others are *ad hoc* regional groupings formed for a limited purpose and duration such as the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA), the International Conference on Central American Refugees (CIREFCA), and the Regional Conference of Central African Heads of State.

Although "region" is undefined, not just any grouping of a few neighbors can be considered a regional arrangement. While remaining imprecise, some of the characteristics of a region are:

- three or more geographically proximate states;
- mutual dependence arising from common interests;
- defined by an *ad hoc* problem, such as the presence of refugees;
- and interrelated units whose activities are significant determinants of each other's policies.

Closely related to regional efforts, but distinct from them, is the idea of a comprehensive response to refugee problems. A comprehensive approach is one in which a variety of different but concerted measures are brought to bear on a refugee situation. The "package" of measures needed to achieve a solution can include temporary asylum, *non-refoulement*, voluntary repatriation with UNHCR monitoring in the country of origin, as well as assistance for reintegration and perhaps local integration or resettlement of refugees who refuse to return.

A comprehensive response can be contained entirely within one country involving concerted measures on behalf of refugees, returnees, displaced persons, residents, demobilized soldiers, and affected communities, as well as measures to remove root causes and promote development.

Regional approaches are likely to be comprehensive responses because of the interdependence of the concerted measures. For example, refugee camps in the country of asylum cannot be closed unless the country of origin is willing to remove the causes of flight and accept the returnees. However, the removal of the causes of flight may be partially dependent on neighboring countries restricting the flow of political and military aid to insurgent groups.

Comprehensive, interrelated approaches are inherent in regionalism because unilateral actions, which can be easily implemented, are likely to lead to retaliatory actions, that block solutions and leave all parties worse off.

Reflecting the complex causation of refugee problems, the regional responses often are not limited to dealing with the refugee issue — nor, indeed, do they treat refugees as the central issue. Regional efforts are centered on dealing with the country of origin. The concern is to end conflict and build peace, to avoid flight, prevent the loss of homeland, or to bring refugees home. If conditions in the homeland are not addressed, then the internal situation that caused the flight or expulsion may deteriorate, leading to more refugees, tension and instability. This can affect neighboring states. Refugee situations are a notoriously potent source of international tensions.

Regional efforts have long been a part of the response to refugees, including the 1956 Hungarian refugee crisis and the drafting of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The Cold War and the accompanying rigid polarization of the world considerably distorted the potential for regional responses by castigating countries of origin as "persecutors," thereby inhibiting measures aimed at the homeland which might prevent refugee flows or promote the repatriation of refugees.

In the late 1970s, regional actors in Africa and South East Asia began to question their assigned roles in international refugee assistance. By its reluctance to engage the homeland in dialogue and negotiations, the prevailing international approach to refugee problems was emphasizing local integration as a durable solution, thereby placing the heaviest refugee burden on the neighbors of the country of origin.

The Cold War, and the accompanying rigid polarization of the world, considerably distorted the potential for regional responses.

In Africa, questioning of the above approach emerged in May 1979 at the Pan African Conference on the Situation of Refugees in Africa, which subsequently led to the 1981 International Conference on Assistance to Refugees in Africa (ICARA) and a second ICARA in 1984. At the time, there were several hundred thousand refugees in African settlements which had been established with aid from the inter-



UNHCR / T. Bolstad

Guatemalan returnees at Playa Grande, Ixcán district.

national community. However, most African refugees were spontaneously settled, receiving negligible international assistance, and were a heavy burden on the host countries. While the Secretary-General, UNHCR and the donors emphasized the need for the durable solution of local settlement, African hosts at the two ICARA meetings emphasized voluntary repatriation as the "ideal solution," as well as the need for greater international burden-sharing to aid the hosts' fragile infrastructures in refugee-affected areas.

Regional comprehensive efforts are not always generous to refugees. Since 1975, the countries of South East Asia have taken actions — at first unilaterally and later in concert — to achieve their preferred solution to the problem of Indo-Chinese refugees. That solution is not to accept any former boat-people for permanent or long-term residence.

The asylum countries insisted that all asylum-seekers either be speedily resettled outside the region or returned — involuntarily if necessary — to their homelands. The lever at the disposal of the asylum countries, as non-signatories of the Refugee Convention, was their ability to permit or block the provision of first asylum for those fleeing from Viet Nam, Cambodia and Laos. Their use of this lever — at the cost of thousands of refugee lives — led to two international conferences: the 1979 Meeting on Refugees and Displaced Persons in South East Asia and the 1989 International Conference on Indo-Chinese Refugees (ICIR).

The 1989 ICIR approved the Comprehensive Plan of Action (CPA), whose Steering Committee has set a target date of the end of 1995 for an almost complete resolution of the problem — on terms set by the South East Asians. The country of origin, Viet Nam, was pressed to reduce or end the flow of refugees by expanding legal migration channels, by controlling clandestine and illegal migration, by reducing the pressures that force people to leave, and by blocking departures.

Although they could press for their plan, the South East Asian states needed the cooperation of Viet Nam and the Western countries of resettlement to achieve their objectives.

The International Conference on Central American Refugees (CIREFCA) in May 1989 was both a remarkable capstone in a regional peace process that began in the early 1980s, and a notable milestone in a continuing search for peace and development. The Cartagena Declaration in 1984, the Contadora Act for Peace and Cooperation in 1986, and the Esquipulas II Agreement in 1987 (the Arias Peace Plan), are other important landmarks in a region-wide, coordinated process to promote peace, assist uprooted peoples, repatriate refugees, and strengthen democracy and human rights.

In the mid-eighties, the Central American states engaged in a process that enabled them to move beyond their Cold War roles as superpower clients and pawns to shape a regional solution to their common, interrelated problems. Between 1981 and 1990, the Cold War protagonists spent about $12 billion in the region, and the ideological demands and expectations of the superpowers exacerbated the crisis and threatened to engulf the entire region.

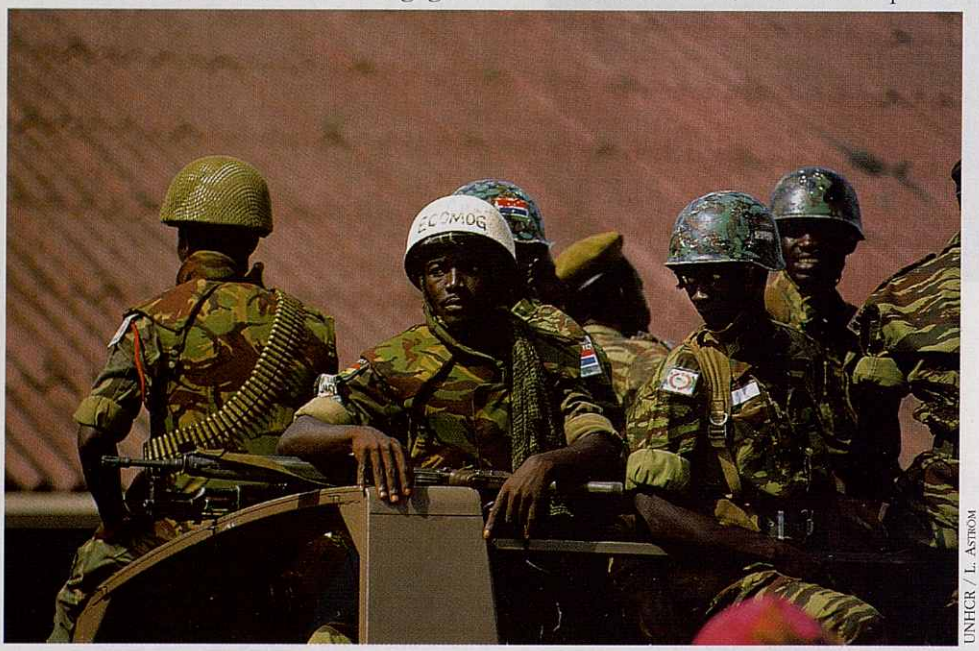
In 1987, the Central American presidents took matters into their own hands with the signing of the ▶

▶ Arias Peace Plan. The plan called for cease-fires, coexistence between Nicaragua and its neighbors, guarantees of U.S. security concerns, and an end to interventions in the internal affairs of other nations.

Moreover, the agreement recognized that there could be no lasting peace without initiatives to resolve the problem of refugees, returnees and displaced persons, and appealed for international aid for these efforts. This is the role of CIREFCA, an important humanitarian piece of this larger regional process and program which includes peace treaties, elections, U.N. peacekeeping and peacebuilding efforts.

CIREFCA's operations, jointly implemented by UNHCR and UNDP, are an interesting attempt by the international community to support weak, devastated states engaged in post-conflict peace-building, to contribute to the consolidation of peace. CIREFCA integrated repatriation to Nicaragua, El Salvador and Guatemala, and acceptance of some of the uprooted for permanent local settlement in Costa Rica, Belize and Mexico, with short- and long-term development in the context of a regional peace process. Since CIREFCA was created, two of the three armed conflicts have been brought to a close and agreements have been signed that consolidate the prospects for an end to 30 years of armed conflict in Guatemala.

Ultimately less successful than CIREFCA, but in their own way more heroic, have been regional attempts to deal with conflicts in Liberia and Rwanda. In August 1990, the Economic Community of West African States (ECOWAS) made an unprecedented military intervention into Liberia's civil war, which had displaced over half of the country's population and caused 600,000 Liberians to flee to Guinea, Sierra Leone and Côte d'Ivoire. Faced with a conflict of near genocidal proportions, a huge refugee flow into three member states, a government that could not govern, and the threat that hostilities would spill over into neighboring states, a regional international organization was able to find the political will to intervene, separate the combatants, and bring about the signing of a peace agreement.



UNHCR / L. Astrom

ECOMOG troops — part of the ECOWAS initiative — in Buchanan, Liberia.

ECOWAS took action in Liberia only after the United Nations Security Council — at the urging of its African members (Ethiopia and Zaire), who wished to avoid creating a precedent that might someday apply to them — rejected efforts to place the Liberian crisis on the council's agenda.

In November 1992, ECOWAS imposed an arms and exports embargo on Liberia. The U.N. Security Council finally dealt with the issue in November 1992 when, at the request of ECOWAS, it also imposed a "complete and general embargo" on all weapons.

In 1993, ECOWAS sponsored the signing of the Cotonou Peace Agreement. Later, at the request of ECOWAS, the Security Council established the United Nations Observer Mission in Liberia (UNOMIL) to monitor the implementation of the agreement. The U.N. involvement was necessitated by one of the factions' distrust of the Nigerian-dominated ECOWAS.

Unfortunately, the Liberian peace process has stalled, with apolitical warlords claiming power, planned elections repeatedly postponed, and very few combatants disarmed. Attacks on UNOMIL and ECOWAS personnel have led to force reductions and an indication that the peacekeeping missions might end if there is no progress in the peace effort.

Nevertheless, ECOWAS has made a remarkable effort to address the Liberian crisis. As befits a complex conflict, its efforts have not been limited to the refugee problem. ECOWAS, a multilateral regional organization with limited resources and capacity, was forced to act because of the refusal of the international community to get involved, and because ECOWAS members had a direct interest in the peace of their region. For five years, ECOWAS was able to separate the combatants, negotiate, monitor and nurture a succession of cease-fires and peace agreements, return refugees and displaced persons to their homes, and not get badly drawn into the conflict itself.

Still, Liberia has not been restored to a functioning state. A significant factor is the failure of the international community to act in support of the pioneering ECOWAS effort. For almost four years the international community stood on the sidelines. Besides being late, the U.N. effort has been slow and underfinanced. Repeated U.N. appeals to the international community to provide financial and logistical support to ECOWAS have gotten a lukewarm response.

Then there is Rwanda. Ironically, the genocide and massive displacement of Rwanda's population in 1994 was set off within the context of a regional peace effort to deal with a 35-year-old refugee problem. Last year's massacres, renewed civil war and the refugee exodus began after the killing of the presidents of Rwanda and Burundi as they returned from a regional peace meeting in Tanzania.

After a 1990 invasion by a refugee army, Rwanda's neighbors — Burundi, Tanzania, Uganda and Zaire — each of which had large numbers of Rwandese refugees, became actively involved in negotiations to arrange a cease-fire and a peace agreement. In 1991, a Regional Conference of the five heads of state drew up the Declaration of Dar es Salaam, which set out the principles for a regional solution to the Rwandese refugee problem, including the right of repatriation and a commitment by Rwanda's neighbors to naturalize those refugees who wished to remain. UNHCR actively cooperated with the regional effort and the OAU deployed a Neutral Military Observer Group to monitor the cease-fire.

The U.N. Security Council, beginning in June 1993, created two peacekeeping operations to support the regional peace process. The United Nations had rebuffed earlier requests from the Regional Conference that it assist the OAU in monitoring the cease-fires of 1991 and March 1993. The United Nations Observer Mission Uganda-Rwanda (UNOMUR) was deployed on the Uganda side of the border as a temporary confidence-building measure, monitoring the border to verify that no military assistance reached Rwanda.

In October 1993, the Security Council established the United Nations Assistance Mission for Rwanda (UNAMIR) to monitor the cease-fire agreement and the security situation, and to monitor the return of refugees and displaced persons.

In August 1993, the Government of Rwanda and the Rwanda Patriotic Front (RPF) signed a peace agreement calling for the establishment of a broad-based transitional government in Rwanda and for democratic elections. Although implementation was very slow, hopes were high. Between August 1993 and April 1994, almost two-thirds of the 1 million displaced people had returned home. Organized repatriation was planned for later in 1994. However, in April 1994, hardliners in the Rwandese Government, who opposed power sharing, destroyed the peace process and unleashed a campaign of genocide against the Tutsis.

> Unfortunately, the Liberian civil war may be a model for the refugee crises of the 1990s.

The Central African states and the OAU made a valiant effort to deal with the Rwandese refugee crisis. They sustained a long-term negotiating process, committed themselves to naturalizing those refugees who did not repatriate, brokered numerous cease-fires, organized an OAU military observer group, and produced a peace agreement. In this, they had the support of the OAU and UNHCR, but the United Nations stood on the sidelines until late in the process. In the end, conditions within Rwanda and the inability of a weak government to control its own ruling party and military forces led to disaster.

Intervention in refugee situations is a novel task for many regional organizations, although some are more experienced than others. Often they are able to act more quickly than the United Nations. Regional actors have a direct interest in resolving the conflict and may have greater knowledge and sensitivity regarding the basis for the conflict and the relevant players. Depending on the region — with NATO, ASEAN and the OAS relatively rich and strong, and the OAU and ECOWAS quite poor and less effective — the regional organizations may lack military, logistical and economic resources. Regional bodies also have varying forms and capacities in their structures, mandates, decision-making procedures, bureaucracies and institutions.

Regional organizations that display initiative and will similar to that of ECOWAS or the OAU are likely to need assistance from the international community. That back-up assistance has not been forthcoming, or else has been insufficient or late. The Secretary-General, General Assembly and the Security Council resolve and speak about regional delegation, regional cooperation, regional potential and regional mechanisms in glowing terms. But the provision of needed peacekeeping forces, arms and economic embargoes, special representatives of the Secretary-General, war crimes warnings, financial resources, logistical ▶

▶ assistance and other measures in support of regional efforts have not been timely.

Unfortunately, the Liberian civil war may be a model for the refugee crises of the 1990s. Despite the efforts of ECOWAS and the belated U.N. effort, the increasingly fragmented Liberian factions have not been able to put their state together again. A major justification for the ECOWAS intervention was that "there is a government in Liberia which cannot govern and contending factions which are holding the entire population as hostage." This description could apply to Afghanistan, Angola, Somalia or a number of other fragile, weak states devastated by internal conflict, civil wars, secessions, partitions, ethnic conflicts and tribal warfare, where national institutions have disintegrated and the state is no longer capable of ensuring the safety of its citizens without outside assistance.

Regional solutions require interdependent action. Host countries cannot reduce their refugee burden unless resettlement countries take some refugees or the country of origin allows return in safety and dignity. In both Central America and Central Africa, the willingness of the host countries to naturalize the small residual population who chose not to return was a factor in the regional arrangement. In Central America and in West and Central Africa, the country of origin's cooperation was facilitated by neighbors' actions to end support, recruitment and bases for refugee-warriors. Viet Nam's cooperation with the CPA was enhanced by the European Union's program of aid to returnees and the prospect that Viet Nam would gain normal political and economic relations with other states.

The regional approach to refugee problems is normally predicated on the premise that the refugee problem is a small part of an overall problem, a wider process for restoring peace. The magnitude of the challenge exceeds the capacity of either regional actors or UNHCR acting separately.

In the cases reviewed here, UNHCR performed admirably. But it cannot provide peacekeeping troops, threaten war crimes trials, impose embargoes, or take other timely actions in support of peace initiatives. The United Nations — particularly the Security Council whose major powers perceived none of their strategic interests at stake — has been laggard in providing regional efforts with more than rhetorical support.

In the post-Cold War era there is little incentive or interest on the part of the international community to intervene in internal conflicts. The rationale, norms and methods of humanitarian intervention are in flux and transition. Moreover, as the pull-out from Somalia and the long non-involvement in Liberia, Haiti, Rwanda, and other trouble spots indicate, for many in the international community, Neville Chamberlain's words from 1938 have a contemporary cogency: "How horrible, fantastic, incredible it is that we should be digging trenches and trying on gas-masks here because of a quarrel in a faraway country between people of whom we know nothing!"

For regional actors, the problems are not "faraway." Regional organizations are grass-roots actors in much closer touch with local realities. With the end of the Cold War, many regional organizations have greater flexibility and freedom of action, and the incentive to intervene in local conflicts that do not engage global actors.

The United Nations has recognized that regional arrangements possess a potential that should be utilized to preserve international peace or assist refugees. U.N. cooperation with regional agencies can take a number of forms, including consultation; mutual diplomatic support; operational support and technical assistance; co-deployment of forces — as in Liberia and Rwanda; and joint operations, such as the joint U.N.-OAS mission in Haiti. To be effective, cooperation needs a clear division of labor to avoid overlap and institutional rivalry and to achieve a consistent approach to a common problem.

However, the international community cannot simply "delegate responsibility" to regional organizations that may be weak themselves. Regional organizations' grass-roots potential must be supported with resources, actions, troops, embargoes and, in particular, with assistance in building stronger regional institutions. In Central America, still in the context of the Cold War, a regional approach received substantial international support in the form of CIREFCA. But in post-Cold War Liberia and Rwanda, as heroic regional efforts came close to achieving their goals, the international community did too little, too late.

In Liberia and Rwanda, as heroic regional efforts came close to achieving their goals, the international community did too little, too late.

Speaking of the U.N.'s attempt to intervene in Rwanda after the genocide began, the Secretary-General said: "It is a failure, a failure not only of the United Nations but also of the international community... It is a scandal." Unfortunately, the United Nations is also weak because long, bitter experience with internal conflicts indicates that outside intervention has poor prospects of improving the situation. Regional comprehensive efforts can improve these prospects. Combining global resources and experience with regional interests and sensitivity has produced some successes. There are no guarantees, but the international community needs to use all the arrows in its quiver.

Barry N. Stein
Professor of Political Science
Michigan State University

Final act: closing down the CPA

Ha Manh Dung was nine years old when he left Viet Nam with his parents and younger brother on board a rickety fishing boat. He is now 15, perched nervously on the seat of his first-ever airplane, flying with 56 other voluntary returnees back to Viet Nam. His family has exhausted every appeal. Neither the Hong Kong government nor UNHCR considers that the Ha family has any claim to refugee status. They are simply unwanted aliens, with no visa and no future in Hong Kong. So they're headed back. "We have been living in a prison for so many years, with no result," says Dung. "This way my parents will get money from the U.N. to start a new life. They will make a small shop in Hai Phong." He admits he has only the vaguest memories of Viet Nam.



UNHCR / L. TAYLOR

Vietnamese asylum-seekers head home from Hong Kong's Whitehead camp.

"A lot of my life has been in detention," he says anxiously as the plane touches down in the country where he must now build a future.

Rows of coiled barbed wire top the high fencing that separates the grim prefab blocks of Whitehead, Hong Kong's biggest camp for Vietnamese boat-people, where 12,000 people live. The wooden beds are stacked three high, with one curtained-off bunk per family. Single men with no kids get top bunk. Windows are barred even inside the camps. Only voluntary repatriation candidates have fans. Children who grow up here have never seen a tree, a dog, a blade of grass or — barring birds and rats — any living animal. ▶

▶ Yet a 25-year-old woman who gives her name as Quynh says she will stay in Whitehead "to give my child a future." Quynh arrived in Hong Kong in 1989. She balances her two year-old — born in Whitehead — on her hip. "I know there is a chance we will get out, so I will wait as long as I must," she says. "I will not go back to Viet Nam. There is no future there."

Like every screened-out boat-person in Hong Kong, Quynh knows there is a risk she will be forcibly returned to Viet Nam. She knows her case for refugee status has been thoroughly reviewed and conclusively turned down. She knows that screening of Vietnamese boat-people is over in Hong Kong — indeed, is over everywhere in South East Asia. But she is determined, as she says, to be "the last to leave."

> "If we're going to be reluctant to disengage, then we'll never get out of anywhere."

For 41,000 screened-out former asylum-seekers in South East Asia, this is the end of the line. UNHCR is closing the book on much of its 20-year involvement with the Indochinese caseload. The Comprehensive Plan of Action — among the most elaborate and expensive refugee programs in history — will end on 31 December 1995. Status determination has been completed. UNHCR has signed tripartite agreements approving orderly repatriation from Malaysia and Indonesia. The agency is cutting staff and planning to pull out of almost every camp over the course of the year. Other major associated programs — the European Community International Program (ECIP), Nordic Assistance to Repatriated Vietnamese (NARV) — are also folding their tents. The latest CPA fund-raising appeal calls itself the last appeal. "I do not think we can justify the Vietnamese camps in South East Asia much longer," wrote High Commissioner Sadako Ogata in her year-end letter to UNHCR staff in December 1994. "We must make every effort to end the CPA."

It will be hard going. Many camp inmates have no intention of returning without a fight. They command vocal support from overseas Vietnamese communities world-wide. Moreover, first-asylum governments may be reluctant to part with UNHCR support till the last boat-person has left. "If UNHCR pulled out and we were left without international support we would feel very, very let down,"says Brian Bresnihan, Refugee Coordinator for the Hong Kong government. "There would be a tremendous outcry."

"Operationally, it's easy to disengage. Politically, it's going to be tricky," admits Jahanshah Assadi, UNHCR's Chief of Mission in Hong Kong. "But we have nothing to apologize for in this part of the world. We've provided the solutions. If we're going to be reluctant to disengage from the CPA, then we'll never get out of anywhere."

The CPA has been a milestone in the history of UNHCR — a solution as vast and unprecedented as the refugee crisis that spawned it. Beginning in 1975, with U.S. withdrawal and the fall of South Viet Nam, an apparently unstemmable flood of exiles left the shores of Indo-China. Every exile who reached the South East Asian countries of first asylum was resettled, mainly in the U.S., Canada, France and Australia. UNHCR ran the camps and facilitated resettlement. By 1979, however, resettlement places were getting scarce. To stave off the specter of government push-backs of hundreds of Vietnamese boats, a first international conference in 1979 resulted in confirmation of the blanket guarantee: resettlement for all.

Ten years later, amid unspeakable suffering and misery, the boat-people and land-people just kept coming. Over a million people had been resettled — almost as many as were resettled by the International Refugee Organization after World War II — and the mirage of prosperity in Canada or California kept drawing more. It was clear that, 14 years after the end of the war, not all the exiles were *bona fide* refugees, but the numbers in transit in South East Asian camps were once again surging. Governments again threatened to cut off asylum altogether. A second international conference set up the first UNHCR-brokered package deal: the CPA. The plan focused on stemming the exodus, reinforcing more orderly departure routes, and finding permanent solutions for every exile. The key: individual screening would determine which asylum-seekers were refugees fleeing persection. The remainder would have to return to Viet Nam.

The CPA, unquestionably, worked. The flood was stemmed. A safe alternative system for departure was considerably reinforced. Unprecedented numbers of people were screened. Resettlement slots gave new lives abroad to almost every screened-in refugee. (The struggle to find more places for the remaining caseload continues). Since 1989, more than 78,000 people have begun life in new countries under the auspices of the CPA.

But then there are the screened-out. Voluntary repatriation has been unexpectedly effective: 70,000 people have asked to go back to Viet Nam. But the camps of South East Asia are still crammed with more than 40,000 screened-out Vietnamese and Laotians. Repatriation to Viet Nam is currently low, and falling: from 19,000 in 1993 to a mere 12,500 in 1994. Many of the remaining inmates refuse point-blank to volunteer. In Hong Kong's Tai A Chau island camp, which houses 6,500 mainly southern Vietnamese detainees, Field Officer Neil Farren laments, "More people are born here every month than repatriate."

Tai A Chau is a relatively pleasant place, with shops, several canteens playing music all day, TV rooms, training programs, income-

generation projects, pre-school, kindergarten and sports facilities. Sungei Besi, in Malaysia, was once like that. But now, though minimum standards of decency are clearly observed, conditions at Sungei Besi are becoming harsher. Almost 250,000 Vietnamese boat-people have passed through Malaysia since they first came ashore in 1975. Now there are 5,500 left. All but 400 are screened-out. With Sungei Besi scheduled to close in August 1995, they must go home.

These days in Sungei Besi, only one canteen is open at any time; inmates can no longer while away the day sipping a Fanta. Financial remittances from overseas are limited to US$50 per month; the remainder is banked pending repatriation. Grocery stores are closing. Access to sewing machines has been cut. Training and income-generation activities are limited to repatriation candidates. And UNHCR staff walk inside Sungei Besi only in pairs. As they approach the cinderblock buildings where non-candidates for repatriation are housed, groups of much-tattooed men stare stonily down. "The difficult group is left," says Associate Field Officer Cecilia Abraham, who has worked with Indo-Chinese asylum-seekers since 1978. "They say they would rather fight and die than go back — and they are ready to hurt themselves, that is true. We have been lucky so far, but every day is a tense day." As Werner Blatter, Director of UNHCR's Asia division, puts it, "When the tide goes down, the rocks come up".

Barely 50 people chose to repatriate from Sungei Besi in November 1994. Faced with this trickle, several of the first-asylum countries have drafted agreements providing for non-voluntary return to Viet Nam. UNHCR does not participate in Hong Kong's "orderly return" arrangement, which does not exclude the use of force, and which has sent home more than 1,000 detainees to date. UNHCR has, however, signed Indonesia's agreement, which states that return need not be voluntary but specifies that it should take place without using violence. (In other words, the plan gives boat-people the face-saving option of saying they had no choice, but precludes physically forcing them to go). Agreements signed by Malaysia and the Philippines do not refer specifically to use or non-use of force in repatriating people who have not volunteered.

"It's not for us to go round advocating deportations," says Assadi, who was the first Secretary of the steering committee of the CPA, six years ago. "But these are illegal immigrants, not refugees. We've already gone beyond our traditional mandate. We've operated under a special licence to exeptionally exercise our good offices in dealing with the voluntary repatriation of people who are not refugees. That licence is ending, and we're not hanging around indefinitely. Our message to governments is, 'The CPA has met its primary goals. To finish it off, you are in the driver's seat. We have only one year left. We're headed uphill. So let's shift gears'."

By agreeing to assist and repatriate people who had been screened-out — who were not refugees — UNHCR may have participated in creating what is by now widespread confusion about their rights. UNHCR's guidelines on repatriation were developed for refugees. The CPA detainees are overwhelmingly ▶

Many inmates of Malaysia's Sungei Besi camp refuse point-blank to volunteer to go back to Viet Nam.



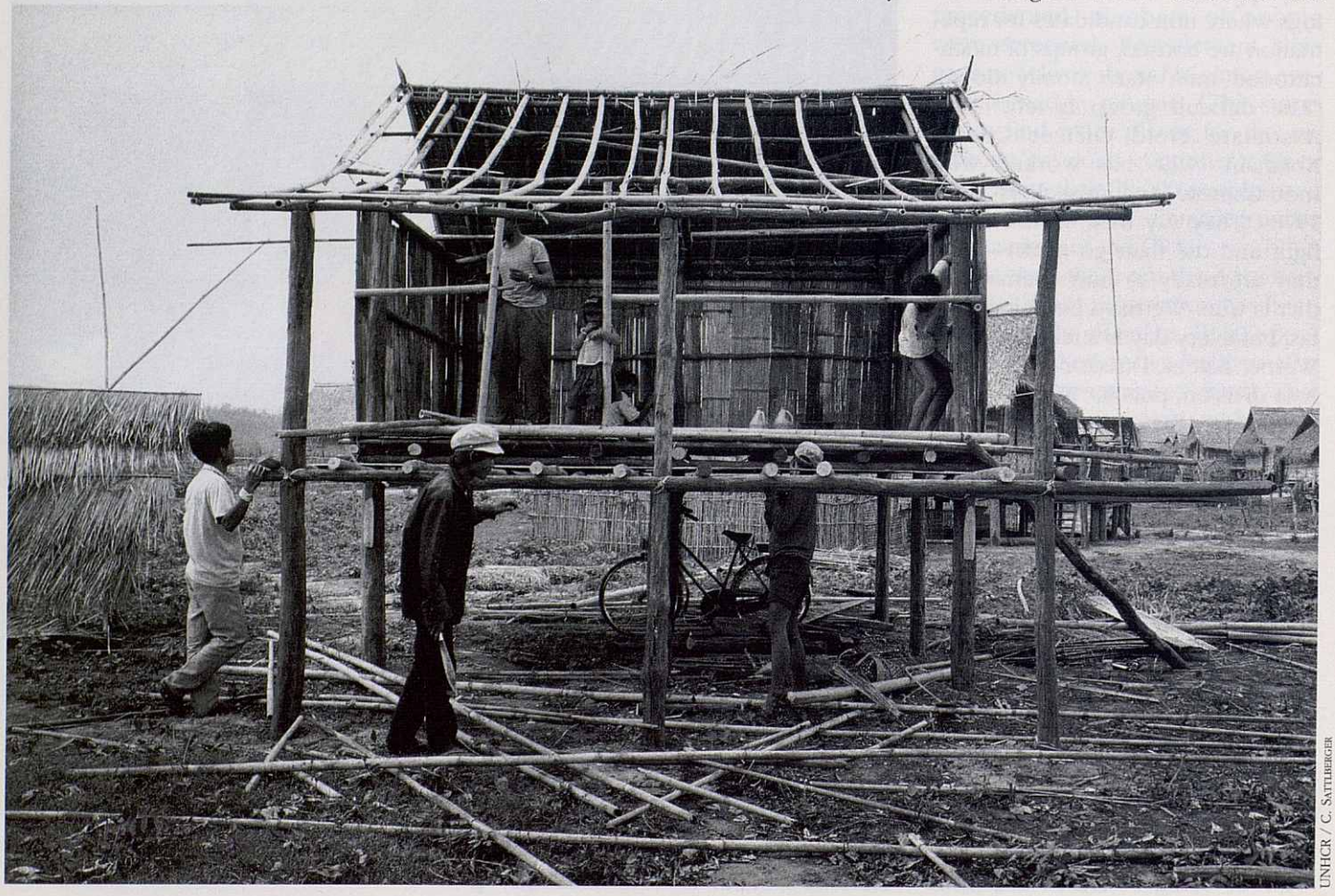
UNHCR / R. MARSHALL

▶ screened-out. In legal terms, they are not greatly different from the illegal aliens whom many countries deport every day.

In the heat of the crisis, such distinctions were far from vital. "The flood of people; the pushbacks; the piracy; the attacks; the robbery; the killing; the rape; the machine-gunning of boats; the breakdown of the obligation to systematically rescue persons at risk on high seas; the threats of closure of territorial waters — we faced a problem so peculiar, so specific and so dramatic that we had to act," recalls Sergio Vieira de Mello, UNHCR's Director of Policy Planning and Operations, who helped negotiate the CPA. "There was certainly no emergency in Viet Nam by 1989, and conditions there no longer justified the automatic recognition and resettlement of any person leaving the country. Once you establish for the Vietnamese the same criteria as for any other group of asylum-seekers, then, by definition, you have to accept that some — the non-refugees — must go back. I faced all kinds of criticism. But I had no problem with mandatory return if people had been determined not to be refugees under the most generous, all embracing criteria that could be found — and then failed to avail themselves of the opportunities offered to them for voluntary, organized and safe repatriation."

The CPA's status determination mechanism has been a flashpoint for criticism of the whole plan, mainly by those who refuse to accept that asylum-seekers who failed to make a case for refugee status would have to return to Viet Nam. Specifically, critics have alleged corruption in the screening process. UNHCR staff concede that this may, in a few cases, be true. "It may have happened," says Lennart Hansson, Head of Desk for the CPA. "But the real question is, have any people who are refugees been screened-out

Returnees build a new life in Sayaburi Province, Laos.



UNHCR / C. SATTLBERGER

because of corruption? We do not think so. Our main concern is that someone who should qualify for refugee status should get that status. We have checked and checked every candidate, and we are satisfied."

Director for Protection, Dennis McNamara, says the CPA caseload benefits from "more due process than any asylum-seeker in Europe or the U.S." Criteria for status determination are among the most generous in the world. Every candidate is interviewed at length, sometimes repeatedly. Each one has the right to appeal — and in some cases, can claim a third review. In Thailand, for example, UNHCR sits on all screening boards and writes an opinion on every case. Finally, UNHCR can use its mandate to declare any asylum-seeker a *bona fide* refugee: a further guarantee of fair treatment.

Another guarantee rests in UNHCR's presence in Viet Nam, where the agency monitors returnees and sets up micro-projects, both to help them reintegrate and to "anchor" other Vietnamese citizens to their homeland. Monitoring has encountered no serious difficulties. "The Vietnamese government has really gone out of its way to adhere to its commitments under the CPA," says UNHCR Representative Christopher Carpenter. "Most complaints are related to delays in receiving money, or registering their address, or in straightening out housing. Nothing really discriminatory that has to do with them leaving the country."

At UNHCR's Hanoi bureau, an office is lined with current files of letters of complaint and notes from monitors' visits. They vary. A family in Hai Hung, with one child, came back in December 1993 after four years in Hong Kong. With their three $360 reintegration grants, they bought a small house that has risen considerably in value. They installed a motorcycle repair workshop on the ground floor, secured a preferential loan from ECIP, and now employ three trainees. On the other hand, Nguyen V.K., who was forcibly returned from Hong Kong in January 1994, was arrested 14 days after his return and charged with robbery and murder. A former student at Hanoi's Foreign Language Institute and an activist in Hong Kong who slashed himself in one protest, Nguyen allegedly left Viet Nam after killing and robbing an acquaintance.

So far, UNHCR has learned of 65 returnees investigated or detained by police, says Associate Repatriation Officer Dirk Hebecker. Most are accused of stealing the fishing boats they left with. Monitoring officers say every claim of police harrassment has been found to be linked with arrest warrants or jail terms handed down before departure. Despite particularly careful follow-up of delicate cases involving imprisonment, monitors have never uncovered any convincing cases of judicial harrassment linked to the decision to leave Viet Nam or to activism in the camps.

Monitors have never uncovered any convincing cases of judicial harrassment linked to the decision to leave Viet Nam.

Typical complaints center on economic difficulties. Nguyen Anh Tien, 40, lives with his wife and two daughters (14 and 11) and his 70 year-old mother in Hanoi in a tiny cubicle down a rabbit-warren of tunnel-like corridors. When they arrived in Hong Kong, the family missed — by just three weeks — the cut-off date that could have given them an automatic ticket to California or the Côte d'Azur. In September 1994, after six years in detention, they were forcibly returned. "I was forced to come back. How could I be happy about it?" says Nguyen. "The children are in school but we have found no work and it is very difficult. The U.N. gives you money — it looks like a lot, but now a lot of it has gone. Viet Nam has changed. You need to worry about more, and it's not easy to find your way. The reality is you need money to invest to start a business and I don't have it."

Despite his frustration and tough financial straits, even Nguyen seems fortunate compared with some of the other former boat-people, who remain emotionally trapped in the zombie world of detention camps. Hong Kong's Pillar Point, an open "camp" that resembles a low-income housing project, shelters roughly 600 refugees. Some have been screened in on the basis of persecution; others are pre-CPA arrivals who received the blanket right to resettlement. But they failed to step up for resettlement. Or they turned down a place in a country they didn't want. Or they were never offered a resettlement place because of their costly social or medical conditions. Or they were turned down because they use drugs.

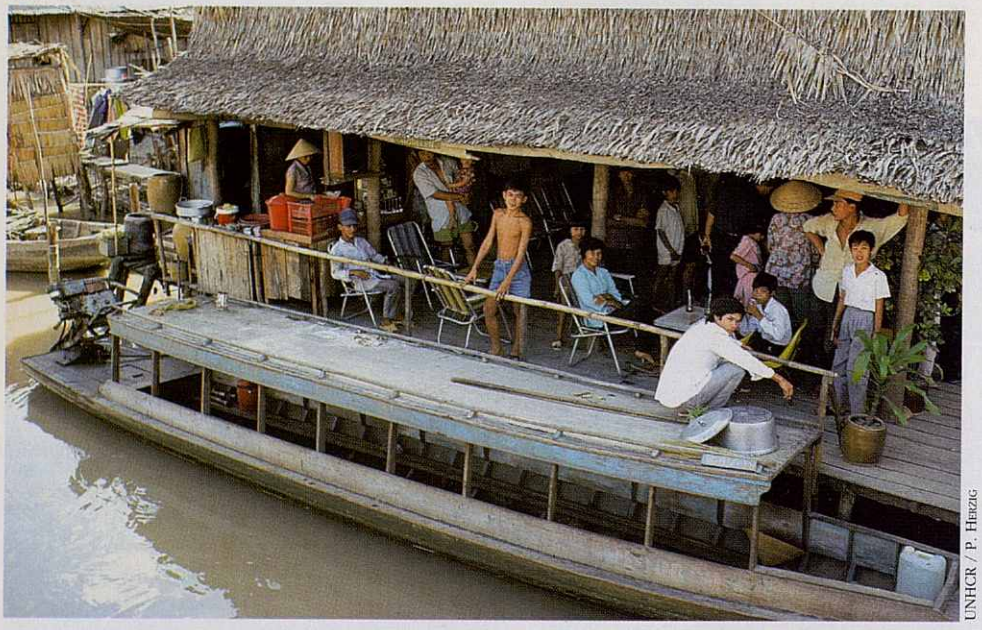
Blatter insists UNHCR will fight tooth and nail to get places for the "expensive" refugees — people who may have twelve children, or cancer, but who nonetheless have a right to be resettled. Drug-users are a tougher proposition. Destination countries now test for drugs, and most refuse addicts. Despite a small pilot detox program, field staff estimate that three-quarters of adult men in Pillar Point use heroin. At noon, during nap-time, when those with jobs are out and those with none are sleeping, a brief walk round the camp yields six syringes lying openly in the soft earth.

In Ban Napho camp, near Thailand's border with Laos, drug use has become an equally intractable problem: a symptom of the malaise of a group forced by circumstances ▶

to live in camps for far too long. Ramshackle bamboo sheds with beaten-earth floors, divided into 20 or so living units, house 9,000 people. Almost all are Hmong from Laos, some of whom sided with the U.S. during its long involvement with Indo-China. Almost all are, technically, refugees, since most arrived in Thailand before the cut-off date when screening started. But — as with the residents of Pillar Point — many of them turned down resettlement places, and then did not step forward when the Thai government and UNHCR issued a 1993 deadline for resettlement applications. Others were refused places when one or more family members tested positive for opium, a drug that is traditional to many Hmong. Now their only option is to volunteer to go back to Laos.

But though repatriation has picked up recently, for a total of 5,200 in 1994, many Ban Napho residents seem unlikely to volunteer. A January 1994 survey in the camp indicated that of the 8,469 Hmong then in Ban Napho, 2,500 expressed no opinion about repatriating. Nearly 2,000 said they would stay till facilities were cut off, and then move. Some 1,400 said they would move if schools, healthcare and other services were transferred to Laos. Others cited family difficulties. Only 155 claimed political objections to the Laotian government. The main thrust was simply inertia. "In Laos, they have to work," explains Boosin Nubthuesuk, a social counsellor. "Here, everything is free: rations, rice, school, medical equipment. But we also have a lot of social problems."

Xien Khouang, the aged, almost toothless patriarch of an 11-person household, left his home in the highlands in 1961, and quit Laos altogether in 1975. Much of his family has no practical experience of self-sufficiency or of Laos, and after nearly 20 years in Thailand's camps a kind of unreality has set in. "If the camp closes we will go to the U.S.," he asserts. A black-smeared opium pipe-head lies broken in the earth at the entrance of the family's housing, and a 13-year-old grandson barely bothers to hide the pipe in his hand. "In Laos, we would worry about our sons and our husbands," ventures one daughter-in-law. Outsiders might worry more about them right where they are.



UNHCR / P. Herzig

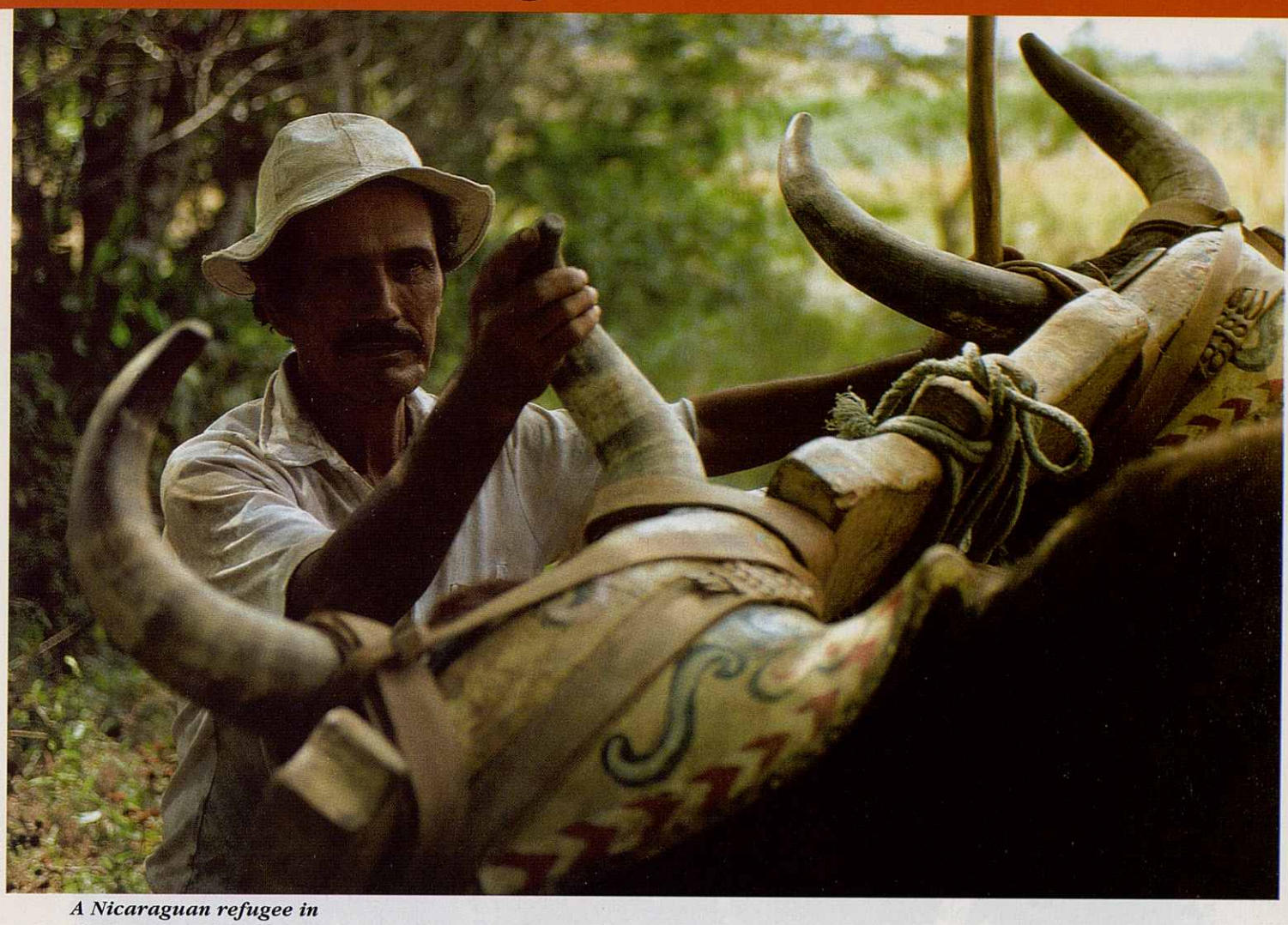
A flourishing restaurant in Viet Nam's Can Tho province was started by returnees with $1,500 from UNHCR.

The Ban Napho caseload is a special issue, since most people there have refugee status. Elsewhere, however, even many long-time activists for the Indo-Chinese asylum-seekers accept that repatriation is their only option — the sooner the better. "The advocacy community should refocus its efforts for the boat people, to concentrate on issues and activities inside Viet Nam," wrote a joint delegation of ten American NGOs after a December 1994 mission to South East Asia. "[We] firmly believe that the vast majority of asylum-seekers would be better off returning to Viet Nam voluntarily."

As more asylum-seekers come to accept that reality, the pace of return will step up in 1995. Tentatively, warily, more families will head back home — to a country that many of the children, and even some adults, barely recall. The change will be disorienting. Viet Nam is vastly altered, its economy booming — 9% GDP growth in 1994 — and its society undergoing dramatic change.

Pham Thi Dan, 54, gets off her brand-new, bright red bicycle and opens the door to her home. She shares a one-room mezzanine in a Hanoi tenement with her husband, infant and six other people — three to a bed. Pham used to collect and sell empty bottles for a living. Her husband was a truck driver in the army. They bought a ticket on a boat headed for Hong Kong in May 1989. Since returning in January 1994, they still haven't found jobs. Still, Pham is astonishingly upbeat. "Our main problem is lack of space. We have to make it better step by step. There is a huge difference in Viet Nam today. Five years ago I could have been arrested for picking up bottles, having an unauthorized business. Now I can do what I please — set up a food-stall if I want to. My child can study a foreign language and get a job with a foreign company. We decided to come back to our family, and to give the child a future. And I am glad."

Ruth Marshall



UNHCR / D. Bregnard

A Nicaraguan refugee in Costa Rica, where a 1992 decree gave refugees an opportunity to obtain permanent residency.

The human side of CIREFCA

Ask farmer Epifanio Lezcano what he knows about CIREFCA and you'll get nothing but a shrug and a blank stare. But ask Lezcano how he and 14 other former Nicaraguan refugees in his immediate family obtained permanent residency and a four-hectare pineapple farm in the rolling hills of northern Costa Rica and he'll talk your ear off. Although he doesn't know it, Lezcano owes it all to CIREFCA.

The same goes for Guatemalan returnee Viviano González, who along with 1,867 families came home from Mexican exile a year ago to begin rebuilding a cooperative farm in the steamy, mosquito-infested jungles of the northern Ixcán region. González doesn't know what CIREFCA is, and he doesn't particularly care. What matters most to him is that he and his family finally have their own land, a modest new home and the security of knowing that UNHCR and the international community care about their safety and their future.

It's the same story in the dusty village of Zacamil in neighboring El Salvador, where hundreds of former refugees who spent more than a decade in Honduran exile are ▶

▶ building a clinic and recently inaugurated a new four-room school during an afternoon of fireworks, patriotic speeches and games for the children. When asked what CIREFCA meant to them, the villagers uniformly replied: "What's CIREFCA?"

CIREFCA is the Spanish acronym for International Conference on Central American Refugees. But in more human terms, CIREFCA was a highly successful international effort that over the past five years spelled hope for hundreds of thousands of refugees, returnees, displaced persons and undocumented aliens in seven Latin American countries. Lezcano, González and the villagers of Zacamil are all direct beneficiaries of the just-concluded CIREFCA process.

August 1987, Central American leaders signed the "Esquipulas II" accords laying down plans for a "firm and lasting peace" in the region.

Although there were a series of converging initiatives at the time, CIREFCA can be traced primarily to these Esquipulas II accords, in which the regional leaders agreed "to give urgent attention to the flows of refugees and displaced persons resulting from the crisis in the region, by offering protection and assistance, especially in the areas of health, employment, education and security, and to facilitate their repatriation, resettlement or relocation, so long as it is voluntary and individually expressed."

This recognition by regional leaders that any comprehensive solution to Central America's problems had to include initiatives for refugees, returnees and the displaced provided UNHCR and others with an unprecedented opportunity to translate the goals of Esquipulas II into concrete humanitarian action.



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Salvadorian returnees preparing iron supports for reinforced concrete used in the construction of 155 new houses at Comunidad Huisisigara.

In the 1970s and 80s, Central America was rocked by war, civil strife and widespread human rights abuses that forced nearly 2 million people from their homes. By the mid-1980s, nearly all sides had grown weary of conflict and were beginning to search for a regional solution. In

"Esquipulas provided the political framework for CIREFCA," said Michel Gabaudan, UNHCR's representative in Guatemala. "UNHCR utilized political developments in the region, seeing it as a chance to start talking about real long-term solutions to refugee problems, and not just assistance programs."

In September 1988, the governments of Mexico, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua met in San Salvador and — with support from UNHCR — agreed to call the first CIREFCA meeting in May 1989 in Guatemala City. At the 1989 meeting, Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua adopted what eventually became a five-year (1989-94) CIREFCA "Concerted Plan of Action" to find solutions to the problems of uprooted people in the strife-torn region.

The CIREFCA Plan of Action included the following objectives:

- To identify permanent solutions to the problems of uprootedness within the framework of national development and as an integral part of efforts toward peace and democracy;
- To respect the right of refugees to return voluntarily to their countries to resume a normal life through the promotion of voluntary repatriation as the ideal solution;
- Where voluntary repatriation is not yet a realistic option, to help refugees play a wider and more positive role in countries of asylum by encouraging interaction with local communities;
- To improve the situation of displaced persons so that they may return to a normal, productive life in their places of origin;
- And to counteract the negative impact that uprooted populations may have on employment, social services, economic conditions and the environment in receiving communities by, among other things, ensuring that programs also benefit the local population.

More than 1.9 million people were targeted under the CIREFCA plan in 1989, including 146,400 refugees, 61,500 returnees, 893,000 undocumented Central American aliens, and 872,000 internally displaced people.

UNHCR and the U.N. Development Program (UNDP) were named as the main United Nations players in implementing CIREFCA programs and projects, underscoring the concept that there must be a continuum from relief to rehabilitation to long-term development. For the first four years of CIREFCA, the lead agency role was taken by UNHCR. As the regional situation stabilized and the focus began shifting more toward long-term development, UNDP assumed the lead in July 1993 for CIREFCA's final year.

CIREFCA projects covered a wide range of needs — from general infrastructure development and national reconstruction to meeting the specific requirements of individual communities in countries of origin as well as in countries of asylum.

Donor nations were impressed by the regional effort being made by the CIREFCA group and provided financial and other support. Between 1989 and mid-1994, some $420 million was spent on CIREFCA projects, including nearly $80 million channeled through UNHCR.

Although much remains to be done in Central America, the list of CIREFCA's achievements is impressive. By mid-1994, some 70,000 Nicaraguans, 30,000 Salvadorians and more than 18,000 Guatemalans had voluntarily returned to their countries. Thousands more who decided not to go home were being integrated in asylum countries.

"Closed" camps were eliminated and refugees were encouraged to play a productive role in their asylum countries.

Starting in Nicaragua, UNHCR pioneered small-scale Quick Impact Projects (QIPs) to support returnee communities in such areas as transportation, health, infrastructure, agricultural production and income generation. Today, QIPs have become a mainstay in UNHCR programs around the world.

Similar local development projects were started by UNDP under the "PRODERE" program, initially funded by the Government of Italy.

In El Salvador, a CIREFCA program administered by UNHCR helped more than 1 million war-affected people receive new personal identification documents that eventually enabled them to vote in national elections in March 1994.

> "In the early days, Salvadorian NGOs were very critical of UNHCR because they felt we should have been more openly critical of the government."

But one of the most remarkable achievements of CIREFCA was its ability to open a dialogue between opposing sides, thus contributing to the overall peace process.

"CIREFCA got people talking about things like human rights, protection and other issues that they never wanted to do in a formal setting until then," Gabaudan said. "In El Salvador, for example, this helped to establish a dialogue between national non-governmental organizations (NGOs) and the government — neither of whom trusted the other in those early days."

Opening this channel of communication on humanitarian issues had the added benefit of bolstering the political process in El Salvador, according to Roberto Rodríguez, deputy director of the Human Rights Division of the United Nations in El Salvador (ONUSAL). Eventually, the two processes became mutually reinforcing.

"CIREFCA helped strengthen the ▶

peace process, which was at that time a little bit shaky," Rodríguez recalled. "Everything had to be discussed and negotiated with all concerned. This exercise of talking and talking and negotiating every single humanitarian project eventually created a new culture of dialogue between the sides, instead of violence."

Rodríguez, who worked for UNHCR in the region before going to ONUSAL, recalled that prior to CIREFCA, everything had to be cleared first with the military. "Even for small projects, I had to use military connections to get anything done," he said. "They controlled everything. But under CIREFCA, we started to work with the various government ministries, so we were also helping to develop the civilian elements of power."

But UNHCR's mediating role in talks between the various sides often brought criticism that it favored one group over the other.

"In the early days, the Salvadorian NGOs were very critical of UNHCR because they felt we should have been more openly critical of the government," Rodríguez said. "On the other hand, there are people, even today, who say we were always in favor of the left. But the important thing is that now, in 1994, the NGOs have come to realize that they had to change their style. CIREFCA was the key to this transformation — to get anything done, they had to have a dialogue with the government and the military. At the same time, the government and the military — whether they liked it or not — had to talk to the NGOs."

Project by project, the CIREFCA process gradually helped establish a climate of cooperation between former foes.

"A very important lesson of CIREFCA is that UNHCR cannot be afraid of these accusations of partiality, because they will come from all sides," Rodríguez added. "The most important thing is to create a framework where you set your sights on the end result, but always keeping in mind that you have to remain objective."

Lorena Martínez and Salvador Orellana, representatives of two Salvadorian NGOs that work with returnees, agreed that UNHCR emerged from the CIREFCA process with a reputation for fairness and impartiality. But both acknowledge that they didn't always see it that way.

"At first, we thought UNHCR was paying too much attention to the government's wishes," recalled Orellana, who said his work with displaced Salvadorians was illegal during the war years. "But then, as UNHCR actually began the return of refugees to areas still in conflict and began working with the returnees and protecting them, then it was the government that was making the accusations of unfairness."

Added Martínez: "We now understand that UNHCR is in this country at the invitation of the government and, therefore, has to work with it. In the final analysis, it's been a good relationship and a good experience for all of us."

Orellana agreed. "Now you can see that all of us — the government, NGOs, donors, UNHCR, UNDP — can sit at a table and work together for the betterment of the country instead of only pushing for our own individual positions."

Today, UNHCR is scaling down its activities in much of Central America, thanks in large part to the success of CIREFCA. And throughout the region, the cooperation spawned by CIREFCA continues to bring benefits.

Take the example of Juan Carlos Mérida, a 27-year-old Guatemalan refugee in southern Mexico's Chiapas state. Mérida, who has a sixth-grade education, is in charge of one of 10 refugee-operated reforestation nurseries in Chiapas's Lagos de Montebello National Park. This UNHCR-supported program dovetails nicely with several of CIREFCA's goals, including the promotion of self-sufficiency among refugees while minimizing the impact on the surrounding local population by creating jobs and improving the environment.

Mérida's nursery, which in 1994 provided nearly 650,000 seedlings for reforestation, provides work for some 250 people. Mérida has become a largely self-taught forestry expert and now teaches courses on the subject to other refugees and locals alike.

Mérida is one of more than 40,000 Guatemalan refugees who have sought asylum in Mexico since

A Guatemalan refugee tends seedlings at a nursery in Chiapas, Mexico.



UNHCR / H.J. Davies

1982 in the states of Chiapas, Campeche and Quintana Roo.

As an asylum country, Mexico's objectives under CIREFCA included the promotion of voluntary repatriation to Guatemala as a priority solution, as well as self-sufficiency oriented toward integration for those refugees like Mérida who do not want to repatriate.

Mérida, whose family fled Guatemala when he was 14 years old, says he has built a new life in Mexico and hopes to stay there. Many Guatemalan refugees his age and younger feel the same way. But although he and others like him are well on the way to self-sufficiency, they still have no legal residency status in Mexico and worry about their future.

"I want to stay here because I see that my children will have an opportunity to get an education and I want them to have a better future than I did," said Mérida, who is now married, with one child and another on the way. "After all these years in Mexico, you become a part of Mexico. We're not here to take land away from Mexicans, but if there's a little corner of this country somewhere that's available for us, it would be very nice."

Throughout much of Central America, the lack of land remains a major problem for refugees and returnees alike. Compounding the refugees' uncertainty in Chiapas is a simmering conflict between the region's impoverished Indian farmers and the Mexican government that erupted in January 1994 in bloodshed.

Despite the opportunities in Mexico and continuing fears among prospective returnees of insecurity in their homeland, more than 13,000 Guatemalans have returned home since organized repatriations began in 1993.

Although Guatemala remains the major area of concern within the original CIREFCA group of seven, some progress is being made. In the remote northwestern settlement of Chaculá, for example, nearly 1,000 Guatemalans have begun rebuilding their lives since the first returns to the region in November 1993. The returnees are part of a 5,000-hectare cooperative that has been built virtually from the ground up over the past year. With government and international funding, the returnees first built a reception center and a temporary water system, latrines, showers and other basic facilities. Today, neat rows of houses line the dirt streets of the new town, which also boasts a host of QIPs ranging from the construction of a concrete-block school to a restaurant, a tailor shop and a bakery that employs 37 women.



UNHCR / A. Serrano

Guatemalan returnees in a Playa Grande health clinic furnished with equipment provided under a UNHCR Quick Impact Project.

"A lot of these people came back from Mexico with new skills that they're trying to put to use here," said José Samaniego, head of the UNHCR field office in the nearby town of Nentón. "In addition to agriculture, the men are doing much of the infrastructure work, while the women are involved in various income-generating projects. It's a beginning, and it gives women a role in rebuilding and enables them to earn an income while the men get the fields prepared."

Samaniego said that while most of the returnees know little or nothing about CIREFCA, they are very aware that they are part of an international initiative. In the last half of 1994, for example, several international and non-governmental organizations that were deeply involved in the CIREFCA process supported programs at Chaculá and sent representatives there to check on progress. The continuing international interest and presence has contributed to an easing of tensions between the military and the returnees.

"It has really made a difference in the security situation here," said Samaniego. "The mere presence of internationals here gives these people peace of mind."

In the remote region of Ixcán, nearly 1,900 Guatemalan families have returned home to a cooperative farm founded in the 1960s by an American Maryknoll priest. Most of the families had fled fighting in 1982, and only about one-third of the original population has so far returned from Mexico. Security remains a concern among the Ixcán returnees, even with the international presence of UNHCR and other agencies.

On 26 October 1994, for example, residents said a returnee who had gone to bathe in a river near the Ixcán settlement of Veracruz ▶

▶ disappeared. His bruised and bound body was found the next day, an iron bar driven through his stomach, they said. Other returnees allege they have been harassed by the military, and say they have been falsely accused of supporting leftist guerrillas.

"We don't want to deal with the guerrillas and we don't want to go to the military, either," said one returnee. "We just want to get on with our lives. We depend on the international community, international pressure and UNHCR for protection. There is a dialogue beginning between the government and the guerrillas, but we still want the international community to stick around until it is safe for us."

Unfortunately, many of the returnees arrived back home to find their land occupied by others, a problem that remains unsolved for some 400 families in Ixcán, and many others throughout the country.

Despite these concerns, the returnees say they are in a much better position than before their forced flight from Guatemala in the 1980s. And they attribute their improved situation in large part to CIREFCA-supported education programs provided to Guatemalan refugees during their time in Mexico.

"Before we went to Mexico, we had no rights. There was no respect for the people; we were ignored," said Veracruz returnee Viviano González. "Then in Mexico, we learned there was a constitution and that everyone has rights under it. That's why we now have permanent commissions that stand up for our rights."

That same confidence is evident among the 31,000 Salvadorians who have returned to their homeland over the past decade with help from UNHCR and CIREFCA. In all, more than 700,000 Salvadorians were displaced by 12 years of bloody civil war that cost tens of thousands of lives and devastated the nation. Most of the displaced remained within the borders of El Salvador, and the rest fled to neighboring countries.

The reintegration of the returnees is especially impressive in Segundo Montes, where some 8,400 former refugees and 2,000 displaced people have built a thriving community on 21 square kilometers of formerly unoccupied mountain land. The returnees, most of whom spent their years in exile in Honduras, are highly organized and extremely proud of several internationally supported income-generating projects, including a pig farm, dairy, radio station, bakery, metal shop and shoe, clothing and furniture factories.

"When we started, 99 percent of these people were peasants without any other skills besides farming," said community leader Walter Antonio Alvarez, who is in charge of the income-generating projects at Segundo Montes.

"We don't have enough land for everyone here, so we're trying to teach them new skills through on-the-job training, but it hasn't been easy." Pointing to a stack of crude wooden coffins gathering dust in a dark corner of the furniture factory, Alvarez added with a smile: "When we first started, a lot of the things we made were very ugly, like these caskets here. They were so ugly, people refused to be buried in them."

But the small industries and agricultural projects at Segundo Montes are thriving today, so much so that absentee landlords have now turned up after 15 years to demand what the returnees say are exorbitant prices for their land.

Alvarez and former guerrilla Juan Antonio Reyes, a foreman in the furniture factory, agreed that CIREFCA has helped El Salvador and its people. But they also stress that many of the basic causes of the long conflict in their country remain unresolved — including the land problem.

"The armed struggle had its time, and it had its effect," said Reyes, who lost a brother in the war and who was himself wounded seven times. "Now it has to stop. But the struggle of the people continues. We have gone from fighting in the trenches to fighting for development."

"The reason we fought the war was the unjust distribution of land," added Rosa Elia Argueta, president of the Segundo Montes Community Association. "If we don't get our own land, what was the war for? The government has to come to terms with it, because we are not going to move again."

In Belize and Costa Rica, government policies aimed at local integration are bringing benefits to refugees and local people alike. A November 1992 government decree in Costa Rica gave all refugees an opportunity to obtain permanent residency. Some 10,000 of them — out of 25,000 remaining refugees and 80,000 other uprooted people — have taken advantage of the offer.

"We had to stretch our blanket and add water to the soup to help these people," said Costa Rican President, José María Figueres Olsen.

"But my personal opinion is that Costa Rica has benefitted very much in the past from the different immigrants we have received from all corners of the continent. Costa Rica has always been famous for its open-door policy. Many of our brothers and sisters from all over Latin America have come to live with us for one reason or another. And by coming here, they have in fact made our country richer..."

Among the refugees who have accepted Costa Rica's hospitality — and who are making a real contri-

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bution to their new country — is 29-year-old Yeril Aráuz of the San José suburb of San Miguel. Aráuz, who has built a successful welding shop from a small loan provided by UNHCR in 1986, fled Nicaragua to Costa Rica in 1984.

"UNHCR gave me a welding machine in 1984 and I started my business by going door-to-door, pulling the welder on a wagon," Aráuz said. "Then I got a bicycle to pull the wagon. Then, as my business grew, UNHCR provided a small loan so I could build this house."

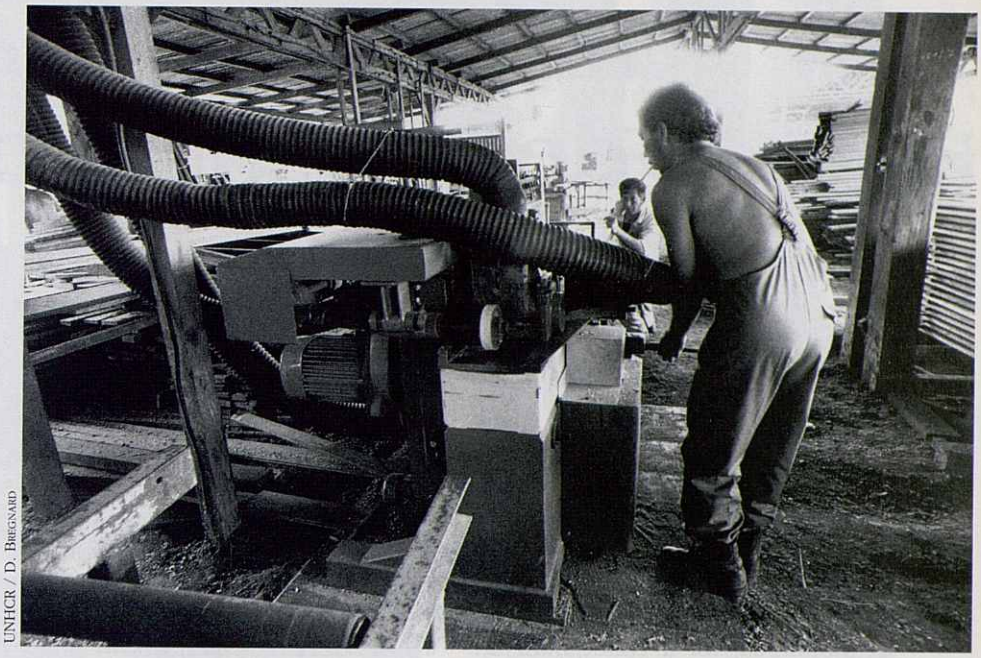
The 15-year housing loans, made in cooperation with the government National Mortgage Bank, average about $3,500 per home. The $2.5 million program, which is partly funded with money from the European Community and individual governments, also provides loans to refugees and low-income Costa Ricans who want to start small enterprises — all part of a strategy of long-term integration and support for the local economy.

Today, Aráuz is married with two children and has built a comfortable home and adjacent welding shop employing six people. He has discarded his old bicycle for a pickup truck and is seeking another loan to expand his business.

"This is proof that what you do for refugees really helps us to help ourselves," Aráuz said as he gestured toward his busy shop and home.

President Figueres, who has watched the CIREFCA process from the beginning, says he is "very bullish" about the future of Central America.

"We have come over the hurdle, and peace and democracy are here in the region to stay," he said during a recent interview. "But it still needs to go through a process of consolidation, which means many things. It means the strengthening of democratic institutions. It means a lot of social investment in programs to improve the quality of life. And it means trade opportunities and access to important markets so we can build production and stimulate overall economic growth."



UNHCR / D. Bregnard

A lumber mill operated by returnees in Nicaragua.

President Figueres says CIREFCA can provide some valuable lessons for future regional solutions to the problems of refugees and the displaced. But he also cautions that each case is different and may require different approaches.

"I think there are a lot of positive experiences in the way the problem was dealt with in our Central American region," he said. "But one must be careful when trying to extrapolate from this experience and trying to adapt it to other regions of the world... To begin with, in Central America, we have shared values for generations. We have a shared language and we have a shared religion. And to a certain extent, we have shared political values. So there is a lot in common... Now if those conditions exist in other parts of the world, the experience is transferable."

Dessalegn Chefeke, director of UNHCR's Regional Bureau for the Americas and Caribbean, agreed that all of the elements which contributed to CIREFCA's success may not be present in other regions. "We think CIREFCA should be viewed not so much as a model, but as a prototype," Chefeke said, noting that the entire process is being carefully evaluated by the United Nations to determine what aspects can be applied to other programs elsewhere in the world.

"We know that the real success of CIREFCA is due to the commitment of Central American leaders, who finally said enough is enough and decided to work together for peace and development," he said. "So first and foremost, there was this political will."

Other crucial elements for success were the support given by donor countries and the cooperative efforts of U.N. agencies like UNDP and UNHCR, as well as NGOs and government bodies.

And what is the most important lesson of CIREFCA?

"Two words: peace and development," Chefeke said. "It sounds obvious, but CIREFCA is living proof that you can't have one without the other. There is no way you can have peace if there is no development, and there's no way you can have development if there's no peace. They have to be viewed as two sides of the same coin."

Ron Redmond

The Cartagena Declaration: A decade of progress

Editor's note: *Following are excerpts from a statement delivered by U.N. Deputy High Commissioner for Refugees Gerald Walzer in San José, Costa Rica, on 5 December 1994, to mark the 10th anniversary of the Cartagena Declaration on Refugees.*

A decade ago, representatives of 10 Latin American governments and experts from 12 countries came together in Cartagena de Indias, Colombia, for a colloquium on the International Protection of Refugees in Central America, Mexico and Panama. They laid out a remarkable conceptual framework for refugee protection.

The foundation on which "Cartagena" was built remains the 1951 Convention relating to the Status of Refugees and the 1967 Protocol — the international refugee treaties of global scope. Those treaties have proved to be solid, yet flexible, affording international protection to millions of refugees throughout the world who have been forced to flee their homes, land, treasured possessions, the ability to work, and — perhaps most tragic of all — their families and friends.

But the Cartagena Declaration was part of an enlightened trend toward expanding the availability of international protection and humanitarian assistance. While deserving of protection and assistance, victims of armed conflict and human rights abuses had not always been included by States that apply the literal terms of the 1951 Convention and 1967 Protocol.

By expanding on those universal refugee instruments, the 1984 Colloquium at Cartagena elaborated a complementary and farsighted vision of refugee protection designed to meet the specific needs of the people of Central America. This vision was informed by relevant precedents in the region, including the work of the Inter-American Commission on Human Rights, and by experience in Africa — where, 15 years earlier, the Organization of African Unity had adopted an expanded refugee definition to address the particular needs of people who had become refugees as a result of decolonization, struggles for national liberation, and the creation of new states. The OAU explicitly protected a wider group of refugees, including those fleeing armed conflict and civil strife.

Cartagena extended its definition of a refugee in Central America to people threatened by generalized violence, foreign aggression and internal conflicts — and, most remarkably, to those fleeing "massive violation of human rights".

The impact of Cartagena has reverberated beyond the borders of Latin America. Countries that may not have yet formally endorsed the Cartagena Declaration have nevertheless been influenced by it in building humanitarian responses to other mass influxes, such as the recent large outflows of "boat-people" in the Caribbean.

Cartagena was fashioned against the backdrop of the severe crises in southern Latin America in the 1970s, and it was crucial to solving the huge and complex web of displacement in Central America during the 1980s. Almost 2 million people from El Salvador, Guatemala and Nicaragua were displaced during this period. Some 200,000 Central Americans were formally recognized and registered as refugees. Many others in similar situations had not crossed international borders but were displaced within their own countries.

But the region was not without hope or resources. Cartagena had set out the legal groundwork for resolving the problem of refugees. And in 1987, the leaders of the five countries of Central America boldly decided to chart a new course. In signing the Esquipulas II accords, the five Central American presidents, demonstrating pragmatism and vision, tied their pursuit of political settlements to solutions to displacement and to economic and social development plans for alleviating the poverty, landlessness, and social exclusion that were at the roots of the conflicts. Out of the political commitment at Esquipulas emerged the International Conference on Central American Refugees, known as CIREFCA.

The inclusiveness of the Cartagena Declaration and the comprehensiveness of CIREFCA greatly contributed to improving stability in Central America. One of the central features of these instruments was their emphasis on the pursuit of effective and lasting solutions to refugee displacement as a means for creating peace.

Latin America has much to teach the rest of the world about protection, and about solutions to the problem of refugees. Some have described the 1980s as a "lost decade" for the people of Central America. Let us hope that history judges the 1990s as the decade in which all of Central America achieved peace. Let it be the decade in which Latin America and the Caribbean teach the rest of the world how to consolidate peace and democracy — so that we may move closer to closing the final chapter on refugees and forced displacement. ■



UNHCR / F.J. Dean

A right to education, health care and a decent home: asylum-seekers from Bosnia-Herzegovina in Copenhagen.

How long is temporary?

A single mother of four small children flees a Muslim town in Bosnia after neighboring villages are burned to the ground by murderers bent on ethnic cleansing. An elderly Croatian couple leaves after a group of Krajina Serbs cuts off access to their fields nearby. Neither family has been targeted for individual attack. Both make their way abroad. They need assistance. They need protection. But are they refugees?

The refugee's defining characteristic is, of course, "a well-founded fear of persecution." But for many people fleeing former Yugoslavia, that resounding phrase is not enough. In many Western countries, increasingly restrictive interpretations of the 1951 Convention Relating to the Status of Refugees have narrowed the bedrock definition. Most African and Latin American countries have ratified more generous legal instruments that explicitly give protection and assistance to people fleeing war, civil strife or violations of human rights. But in Western Europe and North America some countries restrict refugee status to those who fear being singled out for individual persecution by their government.

People fleeing the horrific violence and abuse prevalent in the shattered states of former Yugoslavia ought, by any human standards, to have access to asylum. But many of them fear various kinds of persecution at the hands of one or more parties to that many-sided conflict — not at the hands of the legal authorities. Others may be fleeing the war's indiscriminate destruction of homes, harvests, and means for recourse. The restrictive interpretations of many Western governments mean that hundreds of thousands of them have no claim to legal status as refugees.

"This whittling away at the Convention is absolutely deadly," comments Karin Landgren, UNHCR's General Legal Advice Coordinator. "[Governments ask] were they really compelled to leave the country? Was there an internal flight option? Was the agent of persecution the legal government or some other authority? And as a result you have a Muslim woman who has been raped, who has fled to a Western European country, but who is issued a deportation order because she is allegedly not a refugee."

Facing the prospect of asylum being denied to people clearly in need, UNHCR called in 1992 for countries to institute a swifter, more flexible approach. The concept of temporary protection bypassed the need for individual scrutiny under cumbersome and restrictive eligibility procedures. It gave protection to broad categories of persons in urgent need. Conceived as one element in a comprehensive approach that would include efforts to solve the conflict and enable safe return, temporary protection encompasses admission of victims of war and violence; *non-refoulement*, or non-return to danger; humanitarian treatment; and repatriation when conditions in the countries of origin ▶

▶ significantly improve. In other words, temporary protection was originally seen as an emergency measure of short duration, to provide mass inflows of people with a kind of *prima facie* recognition and a more limited range of benefits.

From Belgium to Bulgaria, the reality of these arrangements varied hugely. Some beneficiaries of temporary protection had almost all the rights given refugees. Others were not permitted to work. In some countries, the temporarily protected had no access to education, or social benefits, or family reunion. They were parked in hostels or camps, knowing their status was only provisional.

"The crucial word is temporary," explains Pascale Moreau, a desk officer for Central Europe. "We didn't, in any case, have a choice. But even many of the refugees wanted a temporary solution: they were committed to going home as soon as possible."

That was 1992. By now, in 1995, many refugees from former Yugoslavia have spent three years in exile. Though some states have moved towards regularizing and improving the situation of beneficiaries of temporary protection, others have not. With some refugee children in Central Europe still not attending school or benefiting from proper housing, UNHCR is urging governments to initiate improvements.

"Now is the time to move on to a second stage," says Ulrich von Blumenthal, head of the Western and Northern Europe desk. "We have to give them a more secure status, with rights similar to those of refugees. Human dignity demands that after three years, they get the right to work and to send their children to school."

Many NGOs feel UNHCR should push harder for durable solutions for the temporarily protected, whether it be local integration or third-country resettlement. They would also like to see UNHCR advocate new international legal agreements to bridge the Convention's gaps.

"For how long should people go without the prospect of a solution to their need for new, permanent home?" asks Arthur Helton, Director of Migration Programs at the Open Society Institute, a U.S. research and advocacy group on refugee issues. "I think six months might be appropriate. But for some of the former Yugoslavs, who have sought refuge for several years, temporary protection is becoming an undue deprivation.

"When the time period is relatively short and the motivations of governments are benign, clearly temporary protection can be an extension of protection," Helton continues. "But it is tempting for governments to provide lesser forms of protection solutions to foreigners in the current political climate. If temporary protection is used to undercut the available protection regime, or where the period of temporary arrangements becomes extended, then those individuals are suffering a contravention to their human rights as refugees. UNHCR should provide leadership and begin to advocate new instruments, starting at regional levels."

> "Human dignity demands that after three years, these people get the right to work and to send their children to school."

Many in UNHCR fear there is little likelihood that the 1951 Convention can be significantly expanded in the xenophobic climate of the 1990s. "Anything negotiated now will be worse," comments Landgren. "There is no reason why the Convention cannot be used for short-term protection. The main issue that needs to be addressed is this: do refugees from indiscriminate war inherently require less, or different, protection than victims of persecution do? Is there a group of people that requires a different type of protection than that provided under the Convention? Or is the Convention large enough for everyone? Maybe we need to change the way governments choose to interpret it, not change the Convention itself."

"We should be encouraging states to a more liberal application of refugee status — and, indeed, of cessation, as well," echoes Raymond Hall, Chief of Secretariat at UNHCR. "Temporary protection can be an acceptable and even the most appropriate short-term arrangement in response to flight from conflict. But its legal content is not well defined. If states granting asylum under the Convention feel refugees will never go home irrespective of change for the better in their country of origin, there is a danger that they will resort to temporary, *ad hoc* arrangements that undermine the quality of asylum and jeopardize fundamental human rights. Thus the need to use the Convention, including its cessation clauses, more flexibly. But if you offer to renegotiate the Convention, then you risk throwing out the baby with the bathwater — you could lose the Convention and come up with something much weaker."

Meanwhile, for many refugees, the strain of waiting is beginning to tell. "People have lived in the hope that something would happen," explains Moreau. "They thought the war would end and they could go home quickly — and now they're becoming discouraged. They've been too long in limbo."

In the Slovak Republic, 2,000 ex-Yugoslavs benefit from temporary protection, but have no right to work. Many simply sit around all day drinking, says Vincent Cochetel, UNHCR's liaison officer. Their depression is chronic. Explains Slovak psychologist Lydia Zakova, "You don't need to have experienced war to go crazy after three years doing nothing."

The exile of the former Yugoslavs no longer seems so temporary. With their country in splinters and their lives awry, they badly need more generous support.

Ruth Marshall

One step at a time in Rwanda

A meeting held in Burundi in February was yet another attempt by the international community to resolve a long-simmering conflict in a tiny region of Africa that has produced the world's largest group of refugees.

One result of the meeting — sponsored by the Organization of African Unity and the United Nations High Commissioner for Refugees — was a commitment to set the stage for the voluntary repatriation of both Rwandese and Burundi refugees to their homelands.

At first appearance, it seems a modest objective. But it is a crucial first step in what will certainly be a very long and complicated process. The camps that now hold millions of refugees in the region are so inhospitable that there is an urgent need to safely and voluntarily return as many as possible to their original homes, thus ending their agony.

The civil war that erupted in Rwanda last April claimed over 500,000 lives and forced more than a third of the country's 7.3 million people from their homes. More than 2.1 million Rwandese sought asylum in neighboring countries, joining over 1 million others who had fled ethnic bloodletting years earlier.

There also are 220,000 refugees from Burundi in neighboring countries. They include remnants of the 700,000 Burundi refugees who escaped a failed coup attempt in October 1993 that left more than 50,000 dead. And some are victims of more recent unrest in Burundi.

The problems are so huge that most observers agree they can only be dealt with in a regional context.

Looking beyond the return plans, another meeting is to be called soon by the United Nations to try and tackle the root causes of the conflicts involving the majority Hutu and minority Tutsi peoples in both Rwanda and Burundi.

It will not be easy. Commentators say the problems of Rwanda and Burundi are extremely complex, and reject suggestions that they stem simply from ethnicity. In Rwanda, for example, divisions exist among the Hutus themselves, including the more privileged Hutu of the north and their neglected kin in the south.

Animosities between ethnic groups are sometimes so deep-seated that even Rwandese children harbor thoughts of murder.

"I have heard 10-year-old children talk of killing their neighbors when they grow up," said Blaise Cherif, UNHCR's senior legal adviser for Africa. "You then realize how serious the antogonisms are," added Cherif, who served as UNHCR representative in Burundi and Zaire in the early 1980s.

The violence that engulfed the two central African countries in the last two years provoked much outrage and soul-searching. Some criticism was laid at the U.N.'s doorstep, particularly for its perceived failure to act decisively to prevent the carnage in Rwanda at a critical time.

Regional efforts to resolve the conflicts in central Africa have been ongoing since the 1960s, initiated by front-line countries burdened with refugees. Under the auspices of the OAU, the Tanzanian government facilitated peace talks between the Rwandese government and the Rwanda Patriotic Front at the turn of the decade.

And on 4 August 1993, a power-sharing agreement was signed in Arusha, Tanzania. Known as the Arusha Accords, the documents are still recognized by the new government in Kigali as a basis for settling the various outstanding issues that have torn Rwanda apart. The accords envisioned a broad-based transitional government, integration of the warring armies and repatriation and resettlement.

Following adoption of the accords, the United Nations sent peacekeepers to monitor observance. UNHCR had even begun planning for repatriation when on 6 April 1994, a plane carrying the presidents of Rwanda and Burundi was shot down near Kigali, killing both leaders and sparking the horrific civil war in Rwanda. Ironically, the two slain leaders had just attended a conference in Dar Es Salaam to try and expand the Arusha peace process to cover Burundi.

But efforts for a lasting peace continue. In June 1994, the OAU Council of Ministers proposed a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes Region. The project was endorsed by the U.N. General Assembly. The OAU and UNHCR called the conference in Bujumbura 15-18 February after a preparatory meeting in Addis Ababa in January. Before the conference, U.N. High Commissioner for Refugees Sadako Ogata traveled in the region to drum up support for the project.

At an earlier, informal meeting of UNHCR's Executive Committee on 17 January, Mrs. Ogata outlined the steps her Office had taken to meet the challenges in Rwanda. But, she stressed, "if solutions are to be found for the Rwanda refugee crisis, wholehearted support of the international community will be required to attain a more stable and secure environment in Rwanda."

Later that same week, at a UNDP-sponsored conference on Rwanda, the Rwandese government received pledges of financial support from major donor countries for its reconstruction programs. Without these resources to rebuild its infrastructure, U.N. officials have warned that Rwanda faces the specter of further chaos and anarchy.

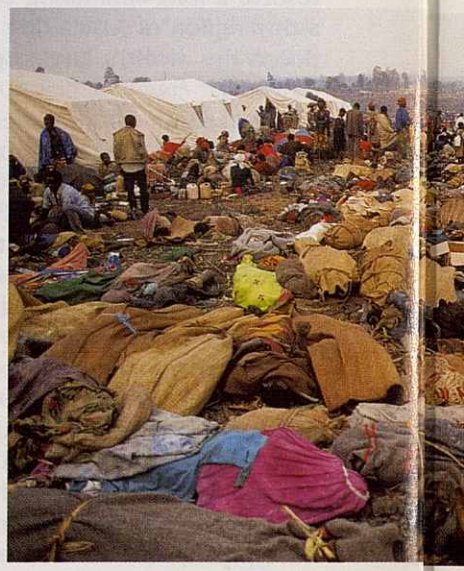
Fernando del Mundo



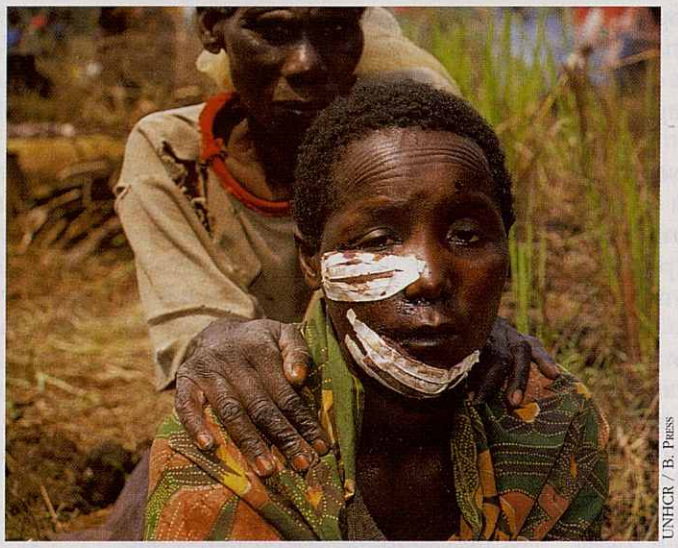
UNHCR / P. Moumtzis

◀ *More than 200,000 Rwandese refugees flooded into Tanzania after war broke out in Rwanda.*

Cholera killed thousands of refugees in Zaire. At Munigi camp, workers had difficulty burying the dead in volcanic rock. ▼

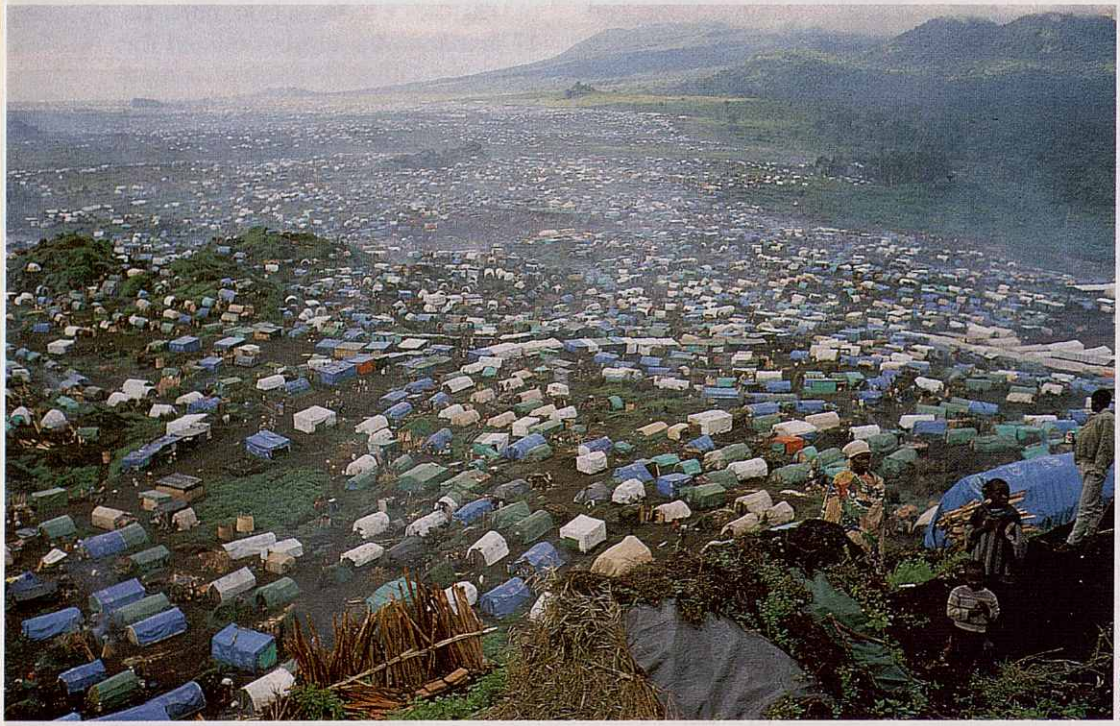


Leaders of the fallen Rwandese government try to maintain control over the refugees, like this wounded woman in Mugunga camp, Zaire, through terrorism and intimidation. ▶



UNHCR / B. Press

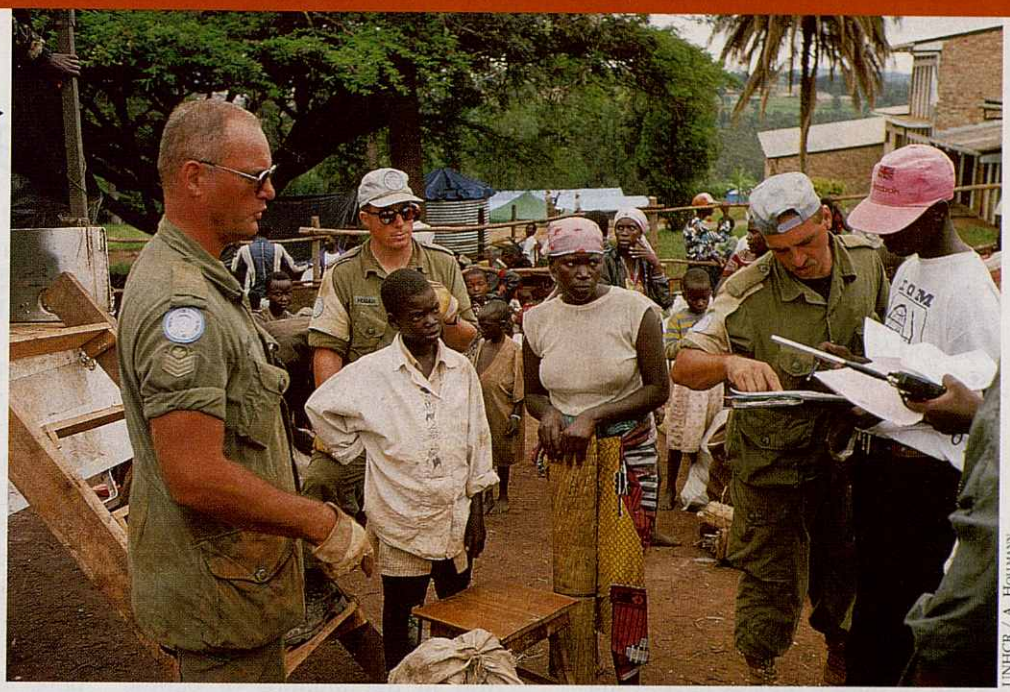
▼ *Kibumba camp is home to more than a third of the 743,000 Rwandese refugees in the Goma area of Zaire.*



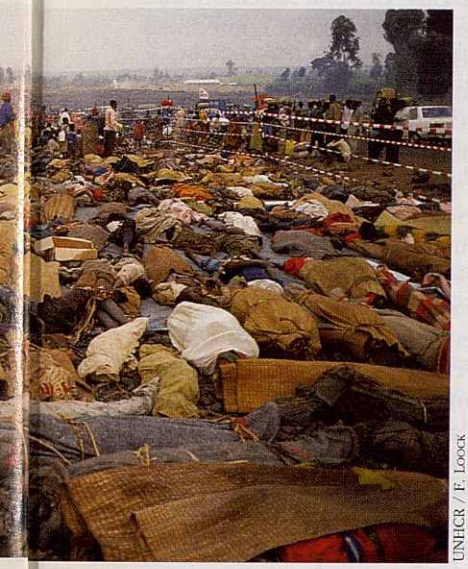
UNHCR / A. Hollmann

Bridge over troubled waters

At a way station in the southern Rwanda town of Butare, Canadian UNAMIR soldiers and relief workers help displaced people return home.



UNHCR / A. Hollmann



UNHCR / F. Loock

After five months at a refugee camp in Zaire, this woman returned to her home in Gisenyi, just across the border from Goma.



UNHCR / A Hollmann

In the crowded camps of Tanzania, Rwandese refugees are now talking openly of returning to the homeland they fled a year ago in an exodus described as being of biblical proportions.

Until recently, such talk could have cost them their lives. In eastern Zaire, the refugees have become so emboldened that repatriation convoys are now being organized from the camps. A few months ago, such moves would have sent extremist followers of the defeated government into a frenzy.

Hopeful signs of increasing stability have emerged in Rwanda, enough to begin drawing refugees home. The increasing presence of United Nations observers and human rights monitors is building confidence in the future. Pledges of financial aid to the Kigali government add to that optimism.

Asylum countries in the Great Lakes region of Central Africa have led the move to help Rwanda get back on its feet and bring home some 2 million Rwandese refugees practically kept hostage by extremist groups. The initiative by Rwanda's neighbors has the support of the international community, which is seeking practical measures toward reconciliation and repatriation. The ultimate goal is to prevent a repetition of one of the world's worst humanitarian tragedies, illustrated by these photos.

Starting from scratch

In mid-January, when a UNHCR assessment mission and two planeloads of relief items touched down in North Ossetia (one of the autonomous republics bordering Chechnya), the Russian Federation became the fifth former Soviet republic since December 1992 to invite and receive UNHCR assistance during a major conflict. The others were Armenia, Azerbaijan, Georgia — all of which, like Chechnya, are in the Caucasus — and Tajikistan, in Central Asia.

All of these conflicts have resulted in massive destruction and displacement. Taking into account the 400,000 people displaced by the fighting in Chechnya by the end of January, more than 2.6 million people in total have been driven from their homes since the first of these conflicts — the war between Armenia and Azerbaijan — broke out in 1988.

And that is not the whole story: smaller violent displacements from Uzbekistan, Kyrgyzstan, the Trans-Dniestr region of Moldova, and North Ossetia itself take the total close to the 3 million mark.

Add in the millions of people who, since the disintegration of the Soviet Union, have either left the region altogether, transited it (usually heading west), or moved from one republic to another, and you have a regional movement of peoples that in terms of size, speed and complexity is unmatched in recent history.

If ever a comprehensive regional approach has been desperately needed, it is in the CIS countries, the Baltic States and neighboring nations directly affected by the aftershocks of the crash of the Soviet empire. At the beginning of 1994, the Russian Federation signaled the growing concern in the region by proposing in the U.N. General Assembly that there should be a global conference dedicated to refugees, displacement and migration issues.

UNHCR, in line with its general policy of promoting regional solutions to complicated refugee problems, also began taking soundings about a major regional conference in early 1994. The International Organization for Migration (IOM), a non-U.N. inter-governmental body, was an obvious choice as partner to help lobby for and organize the conference process, as was the Organization for Security and Cooperation in Europe (OSCE) which is also now on board.

The organizers are determined that the conference process will not lead to a paper mountain inscribed with empty words. Instead, they are aiming for a set of agreed principles, and — more important still — a firm plan of action based on those principles.

Director of Policy Planning and Operation Sergio Vieira de Mello has overall responsibility within UNHCR for the regional conference. He stresses that the conference — assuming it happens — is part of a much wider process: "The conference is not an end in itself, though it will be an important landmark," he says. "If all goes well, it will also be the start of a new process that will involve the active implementation of the plan of action."

The first preliminary gathering of 16 interested governments took place in Geneva in December 1994. By the time a second meeting took place on 20 January, the number of governments in attendance had swelled to 32, and a strong sense of momentum had already been



UNHCR / B. Norström

A displaced woman from Grozny and her child at a UNHCR-assisted accommodation center in Ingushetia.

created. At that meeting it was agreed that the third step should involve a series of regional consultations to be held in February or early March. These consultations would concentrate on helping governments to gather more detailed and precise data about refugees, displaced people and other migrants who have moved to and from their territory, as well as information about the causes and effects of such movements. The results of this data-gathering exercise will then be consolidated and built upon during an "experts meeting" provisionally scheduled to take place at the end of March. If the momentum is maintained, the main conference could take place in late 1995.

Thus already, after the first two meetings, the fundamental nature of the process had altered: instead of remaining a UNHCR-driven initiative it is well on the way to becoming a fully-fledged participatory process involving governments and, hopefully, other international agencies — including financial and development institutions — and NGOs.

The objectives are both wide-ranging and ambitious: as well as concentrating on refugees, forcibly displaced people and other categories of migrant, the conference is likely to focus on other major issues related to displacement, including the crucial questions of institution building, and the advancement and harmonization of national asylum and immigration laws. The conference will also probably not be confined to the CIS and the Baltic States. Some Central European countries, for example, have expressed a strong interest in the question of transit migrants (including refugees) who cross their territories, and West European countries have an obvious interest in taking an active part in a process designed to prevent, or at least find coherent solutions to, refugee and other migratory flows.

The outcome of the consultations and meetings tentatively scheduled for the first few months of 1995 will be crucial. Not only will they determine the shape and ultimate effectiveness of the conference process itself, they will also — potentially — form the basis for a wider and ongoing dialogue between governments and international agencies (as happened during the CIREFCA process in Latin America,which is widely credited with playing a key role in helping to bring stability to Central America).

Jean-Marie Fakhouri, director of the UNHCR regional bureau covering the Central Asian states, underlines the significance of the proposed conference: "It is extremely important for Central Asia: a number of the issues are already very active in the region, and are linked to a very precarious geopolitical situation — particularly with regard to the southern borders with Afghanistan."

Nobody is under any illusions about the extent of the challenge. Successful regional responses, such as CIREFCA and the 1969 Organization of African Unity (OAU) Convention, were built on an extensive body of existing laws, conventions and agreements, and lengthy experience in the international arena. As director of UNHCR's Europe bureau, John Horekens, points out, the same conditions do not apply to most of the countries that were hidden behind the Iron Curtain. "It's very ambitious," he says of the conference's wide-ranging objectives. "Whereas African countries have dealt with the United Nations for the last 30, 40 or 50 years, many of the countries we are trying to involve in this process have very little experience of dealing with organizations like UNHCR. Similarly we have no experience in that part of the world. The system is full of gaping holes. It is imperative that we succeed in plugging them as soon as possible."

Organizers want the conference to lead to a firm plan of action, rather than a worthless paper mountain.

Rupert Colville

The North Caucasus

A volatile ethnic mix

Veteran UNHCR field officer Larry Hollingworth has seen it all — from brutal "ethnic cleansing" in Bosnia to the plight of starving refugees in the Horn of Africa.

But even Hollingworth, part of a new UNHCR team in the North Caucasus, was deeply moved by his first look at displaced people fleeing the bloody conflict in Chechnya.

"Several Russian trucks arrived in freezing weather, carrying dozens of elderly people who had just been evacuated from Grozny," Hollingworth recalled of his first trip in mid-January to Ingushetia, Chechnya's neighbor republic to the west. "Most of them were elderly and had been living in dark, damp cellars for several weeks. They were so weak they had to be lifted off the trucks and literally carried into the reception center. They said they hadn't eaten for four days."

Hollingworth was part of a 10-member UNHCR/Department of Humanitarian Affairs (DHA) mission sent to the North Caucasus on 11 January at the request of the Russian Federation and the U.N. Secretary-General. Their mission: to assess the needs of more than ▶

▶ 160,000 people forced to flee Chechnya to the neighboring autonomous republics of Ingushetia, North Ossetia and Daghestan.

As a result of the mission, the United Nations on 1 February issued an inter-agency "flash" appeal for nearly $24 million to cover a three-month aid program in the region. Five days later, a 14-member UNHCR operations team arrived to take over from the assessment mission and begin actual implementation of the program. UNHCR's portion of the appeal is $10 million. Other U.N. agencies involved are UNICEF, the World Food Program and the World Health Organization.

Another member of the UNHCR assessment mission, Bohdan Nahaylo, says the conflict in Chechnya underscores the urgency of international efforts to find a comprehensive approach to the problems of refugees and displaced in the former Soviet Union and Baltic States *(see page 28)*. Nahaylo says this is especially true in the Caucasus, which he describes as "a volatile ethnic patchwork" stretching from the Black Sea to the Caspian Sea.

"This confrontation is likely to exacerbate the already worrying situation as regards the large-scale population displacement problems in the region," said Nahaylo, UNHCR's senior adviser on the former Soviet Union. "Problems connected with population displacement in the Caucasus region are very interconnected and require a comprehensive approach."

UNHCR already had a presence in the southern Caucasus region, where some 1.5 million people have been forced to flee fighting in Georgia, Armenia and Azerbaijan. As plans move ahead to forge a consensus on a regional approach to all of these problems, UNHCR is carrying out its new three-month program in the North Caucasus in coordination with Emercom, the Russian emergency agency, and the Federal Migration Service (FMS), which is registering the displaced. It is also coordinating with the International Committee of the Red Cross, which works inside Chechnya, and with the International Organization for Migration.

Despite initial problems with access, freedom of movement and coordination with central authorities, the UNHCR program is beginning to make a difference. By early February, UNHCR had flown more than 130 metric tons of supplies to the region, and more was on the way.

Hashim Utkan, deputy director of UNHCR's Regional Bureau for Europe, said the plan is to bolster the existing Russian humanitarian system rather than create a new, parallel program. Utkan noted that UNHCR has previously worked with Emercom in former Yugoslavia and in Africa, and is aware of its professionalism. However, its resources are being stretched in the Caucasus.

> "They told their stories with emotion and tears, but they all wish to return."

"We don't want to duplicate what they're already doing, but to strengthen the existing structures," Utkan said. "That way, it will be much easier for us to withdraw when the time is right."

To assist the Russian aid effort, UNHCR will provide more trucks for Emercom, and computer, communications and office equipment for FMS.

The U.N. program is aimed at providing assistance to at least 90,000 displaced people in Chechnya, 65,000 in Daghestan and 5,000 in North Ossetia.

The assessment team noted that as many as 95 percent of the displaced have found at least temporary shelter with host families. But it is unlikely this hospitality can go on for long; some houses are crammed with as many as 50 people and host families are going to quickly run out of food and other essentials. Other displaced people are being temporarily housed in rail carriages, sports halls and other public buildings.

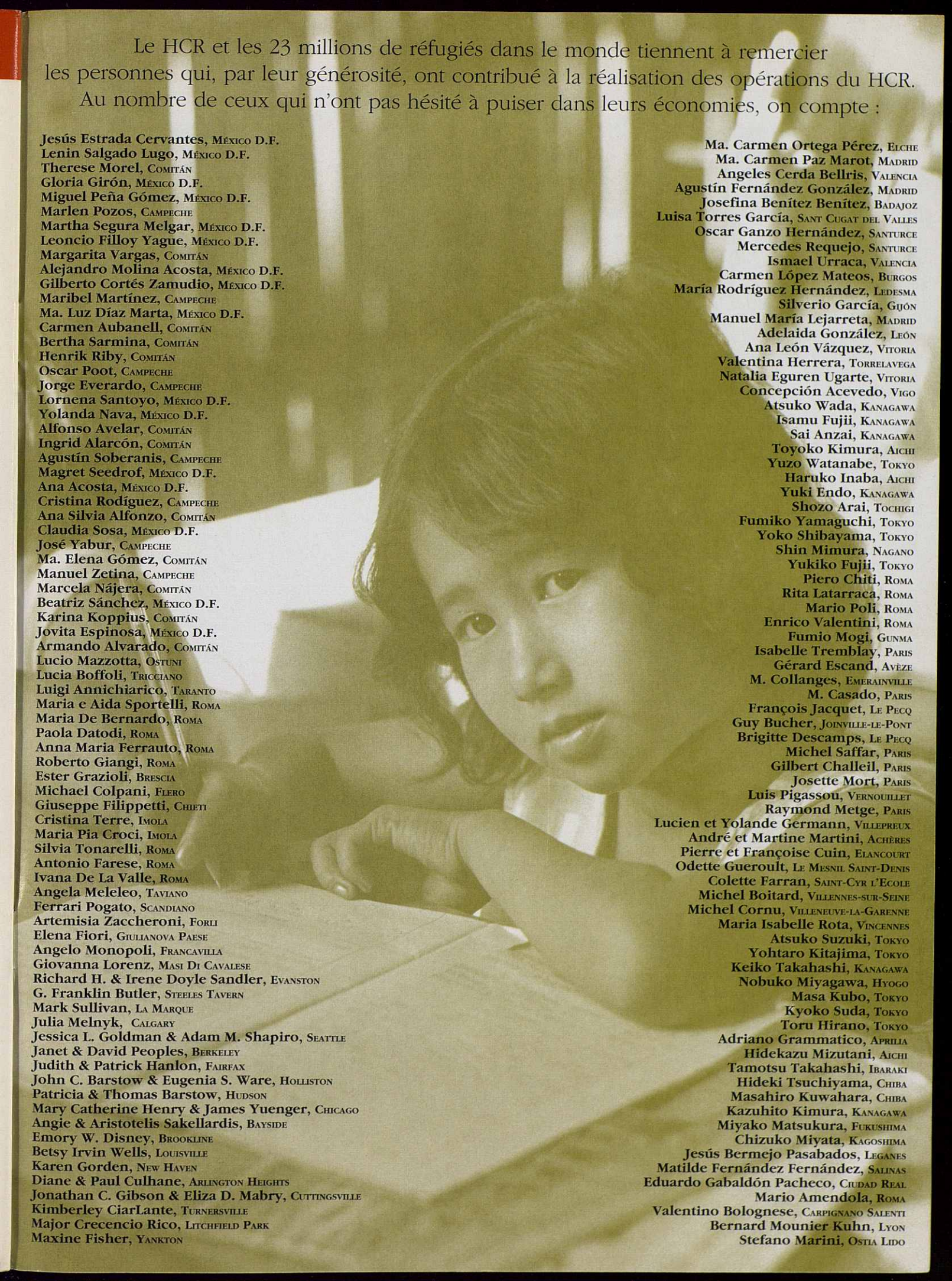
The percentage of women, children and elderly among the displaced is even higher than the 75 percent usually found in refugee populations. This has resulted in a particularly vulnerable population whose plight is made even worse by harsh winter weather. Moreover, many of the displaced fled with nothing but the clothes on their backs, and reported losing their homes and everything in them. The sense of loss and separation has left tens of thousands of people materially and psychologically destitute.

Food needs are particularly acute in Daghestan and Ingushetia, where each displaced family — averaging about four people — will receive three 20-kg food parcels over the three-month period. In Daghestan, regular supplies of food and other essentials began dwindling in December because the fighting in Chechnya severed the main rail and road links into the republic from the rest of Russia. And in Ingushetia, residents were already struggling to care for an earlier displaced population of nearly 50,000 people who fled there during the Ingush-Ossetian conflict of 1992. Thus, nearly half of the present population of Ingushetia are displaced people from North Ossetia or Chechnya.

Hollingworth, describing a recent visit to displaced people in Khasavyurt, Daghestan, says the needs are enormous. But despite all the horrors they left behind in Chechnya, nearly all of the displaced — Russians and ethnic Chechens — want to go home again.

"In most homes there was an average of 26 persons per room," Hollingworth said. "More than 60 percent of the displaced were children. The displaced all requested clothing and food. They told their stories with emotion and tears, but they all wished to return."

Ron Redmond



Le HCR et les 23 millions de réfugiés dans le monde tiennent à remercier les personnes qui, par leur générosité, ont contribué à la réalisation des opérations du HCR. Au nombre de ceux qui n'ont pas hésité à puiser dans leurs économies, on compte :

Jesús Estrada Cervantes, México D.F.
Lenin Salgado Lugo, México D.F.
Therese Morel, Comitán
Gloria Girón, México D.F.
Miguel Peña Gómez, México D.F.
Marlen Pozos, Campeche
Martha Segura Melgar, México D.F.
Leoncio Filloy Yague, México D.F.
Margarita Vargas, Comitán
Alejandro Molina Acosta, México D.F.
Gilberto Cortés Zamudio, México D.F.
Maribel Martínez, Campeche
Ma. Luz Díaz Marta, México D.F.
Carmen Aubanell, Comitán
Bertha Sarmina, Comitán
Henrik Riby, Comitán
Oscar Poot, Campeche
Jorge Everardo, Campeche
Lornena Santoyo, México D.F.
Yolanda Nava, México D.F.
Alfonso Avelar, Comitán
Ingrid Alarcón, Comitán
Agustín Soberanis, Campeche
Magret Seedrof, México D.F.
Ana Acosta, México D.F.
Cristina Rodíguez, Campeche
Ana Silvia Alfonzo, Comitán
Claudia Sosa, México D.F.
José Yabur, Campeche
Ma. Elena Gómez, Comitán
Manuel Zetina, Campeche
Marcela Nájera, Comitán
Beatriz Sánchez, México D.F.
Karina Koppius, Comitán
Jovita Espinosa, México D.F.
Armando Alvarado, Comitán
Lucio Mazzotta, Ostuni
Lucia Boffoli, Tricciano
Luigi Annichiarico, Taranto
Maria e Aida Sportelli, Roma
Maria De Bernardo, Roma
Paola Datodi, Roma
Anna Maria Ferrauto, Roma
Roberto Giangi, Roma
Ester Grazioli, Brescia
Michael Colpani, Flero
Giuseppe Filippetti, Chieti
Cristina Terre, Imola
Maria Pia Croci, Imola
Silvia Tonarelli, Roma
Antonio Farese, Roma
Ivana De La Valle, Roma
Angela Meleleo, Taviano
Ferrari Pogato, Scandiano
Artemisia Zaccheroni, Forli
Elena Fiori, Giulianova Paese
Angelo Monopoli, Francavilla
Giovanna Lorenz, Masi Di Cavalese
Richard H. & Irene Doyle Sandler, Evanston
G. Franklin Butler, Steeles Tavern
Mark Sullivan, La Marque
Julia Melnyk, Calgary
Jessica L. Goldman & Adam M. Shapiro, Seattle
Janet & David Peoples, Berkeley
Judith & Patrick Hanlon, Fairfax
John C. Barstow & Eugenia S. Ware, Holliston
Patricia & Thomas Barstow, Hudson
Mary Catherine Henry & James Yuenger, Chicago
Angie & Aristotelis Sakellardis, Bayside
Emory W. Disney, Brookline
Betsy Irvin Wells, Louisville
Karen Gorden, New Haven
Diane & Paul Culhane, Arlington Heights
Jonathan C. Gibson & Eliza D. Mabry, Cuttingsville
Kimberley CiarLante, Turnersville
Major Crecencio Rico, Litchfield Park
Maxine Fisher, Yankton

Ma. Carmen Ortega Pérez, Elche
Ma. Carmen Paz Marot, Madrid
Angeles Cerda Bellris, Valencia
Agustín Fernández González, Madrid
Josefina Benítez Benítez, Badajoz
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Oscar Ganzo Hernández, Santurce
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Natalia Eguren Ugarte, Vitoria
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Atsuko Wada, Kanagawa
Isamu Fujii, Kanagawa
Sai Anzai, Kanagawa
Toyoko Kimura, Aichi
Yuzo Watanabe, Tokyo
Haruko Inaba, Aichi
Yuki Endo, Kanagawa
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Fumiko Yamaguchi, Tokyo
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Rita Latarraca, Roma
Mario Poli, Roma
Enrico Valentini, Roma
Fumio Mogi, Gunma
Isabelle Tremblay, Paris
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M. Collanges, Emerainville
M. Casado, Paris
François Jacquet, Le Pecq
Guy Bucher, Joinville-le-Pont
Brigitte Descamps, Le Pecq
Michel Saffar, Paris
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Josette Mort, Paris
Luis Pigassou, Vernouillet
Raymond Metge, Paris
Lucien et Yolande Germann, Villepreux
André et Martine Martini, Achères
Pierre et Françoise Cuin, Elancourt
Odette Gueroult, Le Mesnil Saint-Denis
Colette Farran, Saint-Cyr l'Ecole
Michel Boitard, Villennes-sur-Seine
Michel Cornu, Villeneuve-la-Garenne
Maria Isabelle Rota, Vincennes
Atsuko Suzuki, Tokyo
Yohtaro Kitajima, Tokyo
Keiko Takahashi, Kanagawa
Nobuko Miyagawa, Hyogo
Masa Kubo, Tokyo
Kyoko Suda, Tokyo
Toru Hirano, Tokyo
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Hidekazu Mizutani, Aichi
Tamotsu Takahashi, Ibaraki
Hideki Tsuchiyama, Chiba
Masahiro Kuwahara, Chiba
Kazuhito Kimura, Kanagawa
Miyako Matsukura, Fukushima
Chizuko Miyata, Kagoshima
Jesús Bermejo Pasabados, Leganes
Matilde Fernández Fernández, Salinas
Eduardo Gabaldón Pacheco, Ciudad Real
Mario Amendola, Roma
Valentino Bolognese, Carpignano Salenti
Bernard Mounier Kuhn, Lyon
Stefano Marini, Ostia Lido



HOW DOES IT FEEL?

Imagine this.

You've lived all your life at peace. Home, family, friends, all normal. Then, without warning, your whole world changes.

Overnight, lifelong neighbours become lifelong enemies. Tanks prowl the streets and buses burn. Mortar shells shatter the mosques. Rockets silence the church bells.

Suddenly everything you've known and owned and loved has gone and, if you're lucky enough to survive, you find yourself alone and bewildered in a foreign land. You are a refugee.

How does it feel?

The fact is, refugees are just like you and me, except that they have nothing. And that's exactly what they'll always have unless we help.

UNHCR

United Nations High Commissioner for Refugees

We're not asking for money (though every contribution helps), but only this:

When you do meet a refugee, imagine for a moment what it must be like, and then show her your smile. Instead of your back.

It may not seem much. But to a refugee it can mean everything.

UNHCR is a strictly humanitarian organization funded only by voluntary contributions. Currently it is responsible for more than 23 million refugees around the world.

Models courtesy of the Lego Group.





PROGRAMME

OF THE VISIT TO MOSCOW AND CHECHNYA OF THE DELEGATION OF THE SUB-COMMITTEE ON HUMAN RIGHTS

4 — 11 June 1995

PROGRAMME

OF THE VISIT TO MOSCOW AND CHECHNYA OF THE DELEGATION OF THE SUB-COMMITTEE ON HUMAN RIGHTS

(4 — 11 June 1995)

Sunday
4 June

— Arrival in Moscow.

— Accommodation at the "Metropol" Hotel.

— Cultural Program.

Monday
5 June

08.30 — Breakfast at the Hotel.

10.00 — Meeting with members of the State Duma of the Federal Assembly of the Russian Federation.

11.30 — Meeting with members of the Russian Special Guest Delegation to the Parliamentary Assembly of the Council of Europe. (Lukin,

13.00 — Lunch (State Duma).

14.30 — Meeting with members of the Council of Federation of the Federal Assembly of the Russian Federation.

18.00 — Meeting in the Presidential Administration.

17.30 — Meeting with Mr. Kovalyov. (chief of Rumo)

19.00 — Protocol events in the President Hotel.

Tuesday
6 June

08.30 — Breakfast at the Hotel.

10.00 — Meeting with representatives of UNHCR.

11.30 — Meeting with representatives of ICRC. (Croix Rouge)

13.00 — Meeting with representatives of IOM.

14.15 — Lunch (Council of Federation).

16.00 — Meeting with representatives of Human Rights Watch.

17.30 — Meeting with representatives of Memorial Organisation.

19.00 — Dinner.

Wednesday
7 June

06.00 — Breakfast at the Hotel.

07.30 — Flight to Vladikavkaz by special airplane provided by the Russian authorities.

10.30 — Arrival to Vladikavkaz.

11.00 — Accommodation at Vladikavkaz Hotel.

12.00 — Meeting with local authorities of the Republic of North Ossetia.

13.30 — Lunch.

15.00 — Fly to Assinovskaya (by helicopters).

16.30 — Meeting with local inhabitants.

18.00 — Return to Vladikavkaz (by helicopters).

20.00 — Dinner at the Hotel.

Thursday
8 June

07.00 — Breakfast.

08.00 — Fly to Mozdok (by helicopters).

09.00 — Meeting with Russian authorities, representatives of the Federal Army, visit of prison and "filtration camps".

12.00 — Lunch.

13.30 — Fly to Nasran (by helicopters).

15.00 — Meeting with local Ingush authorities, NGOs and international authorities, visit of refugee camps in Vladikavkaz.

18.30 — Fly to Vladikavkaz (by helicopters).

19.30 — Visit of refugee camps in Vladikavkaz.

20.30 — Dinner.

Friday
9 June

07.00 — Breakfast.

08.00 — Fly to Grosny (by helicopters).

09.00 — Meetings with Russian and local authorities, representatives of the Federal Army, OSCE mission, ICRC, "Medicins sans frontieres".

12.15 — Lunch.

13.15 — Fly to Shali (by helicopters).

14.00 — Meeting with local inhabitants.

15.30 — Fly to Znamenskoye (by helicopters).

16.30 — Meetings with the representatives of the opposition.

18.00 — Return to Vladikavkaz (by helicopters).

20.00 — Dinner.

Saturday
10 June

07.00 — Breakfast.

09.00 — Flight from Vladikavkaz to Nalchik (by plane).

10.30 — Arrival to Nalchik.

11.00 — Meetings with local authorities, visit of refugee camps.

14.00 — Lunch.

15.00 — Cultural Program.

18.00 — Dinner.

19.00 — Flight to Moscow (by special plane).

21.30 — Arrival to Moscow.

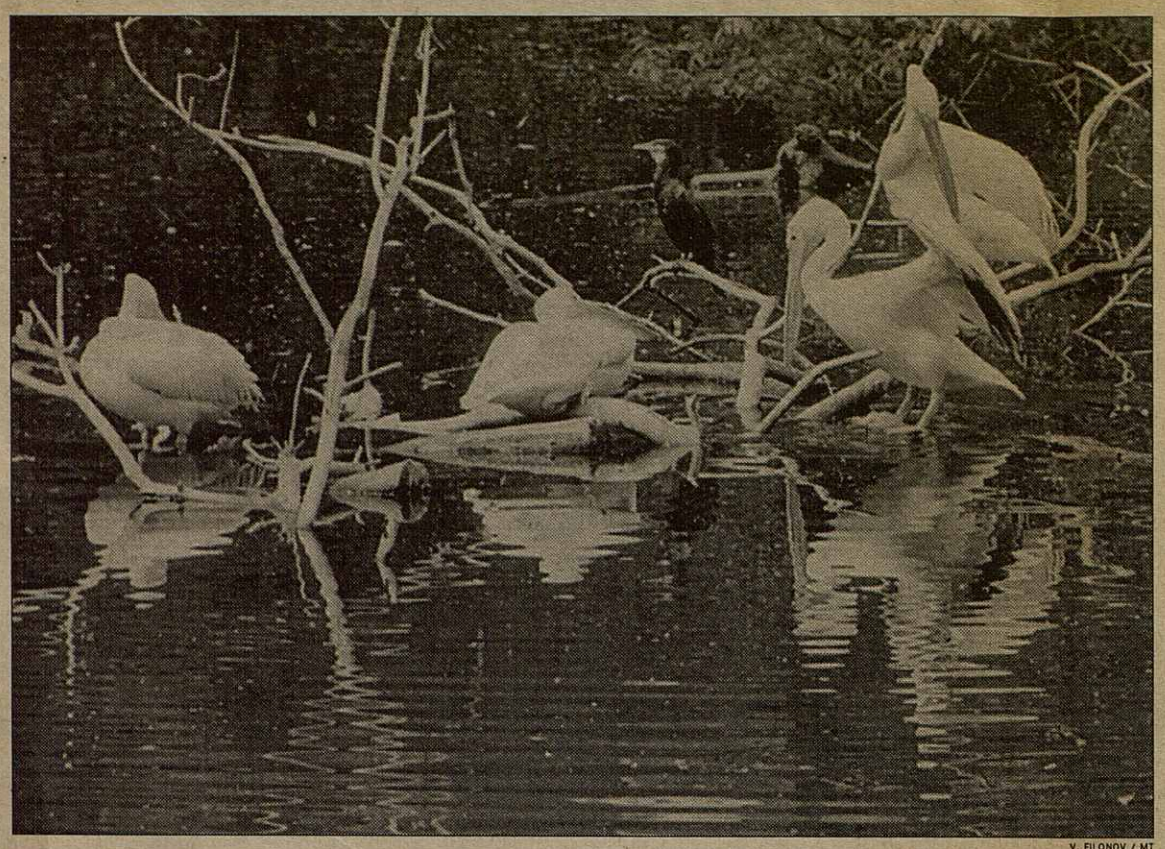
22.30 — Accommodation at "Metropol" Hotel.

Sunday
11 June

— Departure to national capitals.

NOTES

NOTES



V. FILONOV / MT

Flocking Togetherness Four pelicans — just a few of the 1,300 birds from over 260 different avian species at the Moscow City Zoo — enjoy a flapping good time on the zoo's central pond.

State Duma Approves Compromise Poll Law

By Thomas de Waal
THE MOSCOW TIMES

The State Duma passed the latest version of a bill on its own elections Friday, bringing the legislative wrangling over the shape of Russia's next parliament one step closer to an end.

The lower house of parliament voted by 264 votes to 45 with three abstentions for the compromise version hammered out by the Duma, the Federation Council and President Boris Yeltsin's administration.

Yeltsin himself, in an interview published in the June 3 edition of Izvestia, repeated that both parliamentary and presidential elections will take place as scheduled, in December this year and June next year, respectively. "It can't be any other way," Yeltsin said.

The president has already signed the bill on presidential elections into law and most disagreements on the Duma election law now appear to have been settled.

Both the Duma and the president have won concessions in the version that passed Friday. The Duma secured the right to keep the present allocation of seats in which 225 are elected from local constituencies and 225 from national party lists. The Kremlin and the Federation Council had earlier insisted that 300 should be elected from constituencies.

But the Duma acquiesced to the proposal that only 12 names on any party list should come from the capital, while the rest should come from the regions, making the list more representative of Russia as a whole. Vladimir Isakov, the chairman of the Legislative Committee, dubbed this central group "a kind of Politburo" for each party.

The law also allows government officials, including ministers, to run for election as long as they do not "use the advantages of their official position in the interests of being elected." An earlier draft had required them to give up all their duties altogether.

This compromise will greatly benefit Prime Minister Viktor Chernomyrdin, by allowing prominent ministers to be on the party list of his newly created electoral bloc Our Home Is Russia.

However, according to Article 97 of the constitution, if elected to the Duma ministers must resign if they are to take their seats in parliament, something few, if any, are likely to do.

The law must now be passed by the Federation Council, which rejected an earlier version. Isakov said there would be parliamentary hearings on the law in the council next Tuesday and it was likely to be discussed in full session on Wednesday.

The parliamentary elections are widely seen as a dress rehearsal for the presidential polls six months later. In his Izvestia interview, Yeltsin again dodged the question as to whether, as is widely assumed, he will seek a second term in office next year.

He said the question was "premature" and reminded his interviewer that, in 1991, he only handed in his registration papers on the last possible day.

World Bank 'Pleased' With Spill Cleanup

By Ellen Barry
THE MOSCOW TIMES

Although uneven temperatures in he Far North have kept oil spill leanup workers on tenterhooks all pring, the threat of flooding is over and rews have succeeded in containing the il, said a World Bank inspector after is first formal supervisory mission.

Roughly 100,000 tons of crude oil hat spilled out of a decrepit Komineft ipeline last fall are "starting to mobiize a little," just as the first World Bank ollars are freed up for the effort, said Douglas McKay, a World Bank task manager. Despite an unusually early pring and the late entry of the U.S.-Australian-cleanup team AES/Hartec, e said the crew has prevented any oil rom flowing into the Kolva or Pechora Rivers.

In some of the sites soaked by oil ast fall, grass is growing back, he dded.

"We were extremely pleased by the esults," said McKay, who made an offiial report to the World Bank last week. What they have achieved is beyond our expectations."

Simultaneously, Komineft has asked AES/Hartec to work on two additional cleanup sites that the Russian company had been handling unilaterally. This week, the two companies signed a contract to cooperate on oil recovery on sites No. 2 and No. 3, according to Hartec spokesman Sam Sacco.

> A Greenpeace report to the World Bank described the cleanup in less glowing terms.

The $124 million in grants from the European Bank for Reconstruction and Development and the World Bank have not yet been finalized, and thus far the project has depended on a $12 million Russian government advance, McKay said. The initial sum is nearly gone, but the Western loans should be ready to be dispersed within a week, he said.

Another report to the World Bank last week — this one from Greenpeace — described the effort in less glowing terms. In his report, cleanup expert Paul Horsman argued that Hartec was woefully underequipped to respond to a spill of this magnitude. Specifically, Horsman finds fault with the technique of burning off the oil, which he says destroys vegetation forever. Horsman goes on to argue that Komineft is interfering with the cleanup process, and that attempting to hide the conflict will ultimately hurt the environment.

Both reports also touched on the World Bank's $55 million loan for pipeline reconstruction. The World Bank's McKay was less optimistic about that loan, in which "some of the initial work was not satisfactory." Many of Komineft's pipelines have significantly outlived their lifespan, and when the pipeline burst last fall, it was corroded in a dozen different places.

Some of the pipeline relaid with World Bank money had to be pulled up again and replaced because of faulty welding, he said. He could not estimate how much pipeline it was, or how much it cost the World Bank.

Greenpeace's report also refers to the pipeline, saying at a meeting with one of the pipeline monitoring groups Horsman was told that the new, World Bank-financed pipelines were "held together with bubble-gum."

Stalin's Dentist Opens Wide

THE ASSOCIATED PRESS

Stalin and his underlings all had bad teeth and preferred platinum dentures, according to a dentist who treated generations of Communist leaders.

Stalin had only three of his own teeth left at the time of his death in 1953, Alexei Doinikov, the chief Kremlin dentist for several decades, told the daily Komsomolskaya Pravda.

"Weak teeth are a sign of a strong hand," the newspaper's Friday headline read.

Lavrenti Beria, the dreaded head of the Soviet secret police during Stalin's rule, had "extremely weak and shaky" teeth which were in terrible condition, Doinikov said. Not a single dentist would risk working on him alone, fearing reprisals.

Army commander Marshal Georgy Zhukov remained bold even in the dentist's chair. "No painkillers, just tear it out," he said when once offered a drug.

Leonid Brezhnev, the only Soviet leader who had virtually all his own teeth, liked a confidential chat. He once told Doinikov that he was the only one in the Communist Party's ruling Politburo who voted against the Soviet invasion of Afghanistan in 1979. He also liked to recite Russian poetry to his dentist.

Peace Dividend: Mail via Missiles

THE ASSOCIATED PRESS

The infamously slow and unreliable Russian postal system got a ballistic boost this week when a rocket delivered mail to a remote Far East peninsula.

In just 20 minutes, the SS-18 missile delivered 1,270 letters Wednesday to the Kamchatka Peninsula, nine time zones and thousands of kilometers away.

Itar-Tass said the mail was inside the capsule that carried a German minilab into space, then parachuted to the ground.

The missile was launched from a Russian nuclear submarine in the Barents Sea off Murmansk, home port of the Northern Fleet.

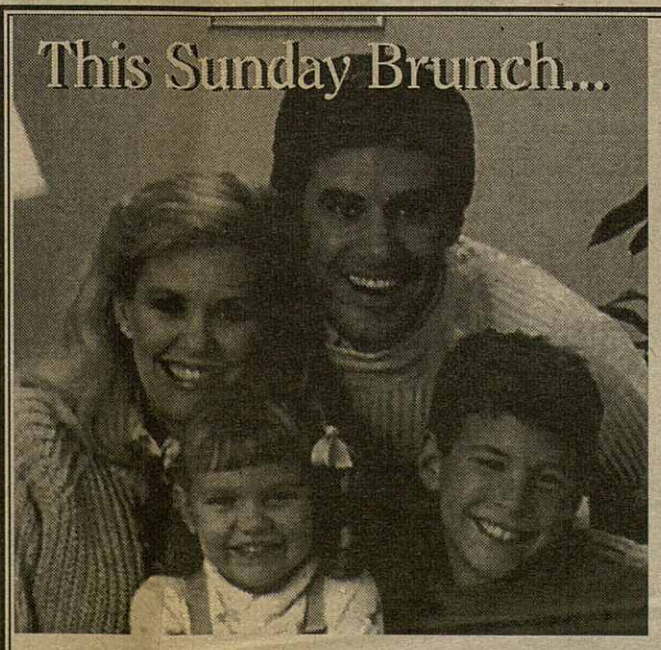
The news agency said the mail was being stamped and delivered Friday along with special certificates saying it had been delivered by ballistic missile.

The letters were in special envelopes showing a missile blasting off and emblazoned with the Russian and German flags. Itar-Tass said 170 personal letters from Germany were among them.



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Family Brunch on Sunday - life has its little luxuries.

Russia Shuns Allies at NATO Talks

By Jonathan Clayton
REUTERS

BRUSSELS — NATO defense ministers met their counterparts from Central and Eastern Europe on Friday, but Russia, the alliance's main Cold War adversary, shunned both old allies and new friends.

NATO Secretary General Willy Claes opened a meeting of 26 countries taking part in the alliance's Partnership for Peace program, designed to enhance security in post-Cold War Europe, with a call for ever closer links.

He said PFP was "one of the most extensive programs of security cooperation ever conceived.

"Our political and military cooperation has become a permanent feature of the Euro-Atlantic security landscape," said Claes.

But Moscow, unlike most of its former Warsaw Pact allies and the countries of the former Soviet Union, was one of the few countries not represented by a minister or deputy minister.

Defense Minister Pavel Grachev instead accompanied President Boris Yeltsin to a key meeting in Sochi on the Black Sea. His place was taken by Russia's ambassador to Belgium, Vitaly Churkin.

A letter informing NATO diplomats of Grachev's absence was only received at NATO's Brussels headquarters late Thursday.

Later, in scenes more reminiscent of the era of East-West rivalry, U.S. Defense Secretary William Perry cooled his heels at a planned breakfast meeting to which no stand-in turned up.

Senior U.S. officials expressed disappointment that no meeting took place, but said they did not consider they had been snubbed.

"We were hoping to have a meeting with Grachev. I checked with Ambassador Churkin this morning and he told me he had assumed that since Grachev was not here a separate bilateral meeting was off. I told him in fact that I would have liked to have had a separate meeting with him," U.S. Assistant Secretary of Defense Ashton Carter said.

NATO sources said Perry later told the meeting he regretted Grachev's absence, but hoped "he would be able to come to future meetings."

Churkin also shrugged off suggestions of a snub. "An ambassador is an important representative of his country, don't you think?" he said when asked why Moscow did not at least send a junior minister.

Senior U.S. defense officials said they did not see Grachev's absence as indicating a lack of commitment to the security partnership. "The proof will be in the pudding for each member of PFP but not in attendance at meetings like this," Carter added.

Russia adhered to the treaty last year, but only agreed to go ahead with its individual program under the scheme last week after months of stand-off over NATO's plans to expand east.

Stop War, Duma Tells President

COMBINED REPORTS

The State Duma on Friday urged President Boris Yeltsin "as Russia's president and supreme commander" to stop the war in Chechnya, Interfax reported.

The appeal by the lower house said that "six months ago the incursion into Chechnya began with [Yeltsin's] endorsement," and that since then "the losses sustained by the Russian Army have surpassed 5,000 men" while civilian casualties "made up tens of thousands," the agency reported.

Duma deputy Yuly Rybakov of the Russia's Choice faction, who wrote the draft appeal, said the casualties in Chechnya were double those suffered by Russia in 10 years of war in Afghanistan.

The appeal warned Yeltsin that "he bears the entire responsibility for the continuation of the carnage," Interfax said.

Yeltsin himself, in an interview with Izvestia said the campaign in Chechnya was drawing to a close.

"I think that the last strongholds of illegal [Chechen] armed formations will be blocked in the near future," he said in the interview published Friday. "The level of combat activities will consequently go don."

In Chechnya, Russian forces, pushing Chechen rebels from the lowlands, said Friday they had sealed off the four main regions where secessionist forces still hold out, Interfax said.

The agency quoted a senior military source as saying the rebels, forced back toward the mountains, were now hemmed into areas around the southern villages of Shatoi, Nozhai-Yurt, Bamut and Dargo.

Rebel leader Dzhokhar Dudayev is using as his base a bunker near Shatoi, about 50 kilometers south of the capital Grozny, after the capture by Russian troops of his former base at Vedeno.

Dudayev pledged Tuesday to fight on against Russian troops.

(MT, Reuters)



O. KOROLEV / FOR MT

But Is It Art? Eccentric artist and avant-garde fashion designer Andrei Bartenev brought plastic sheeting and unorthodox makeup to the catwalk in his "Ballet Studio" fashion show at the Mayakovsky Theater.

Domingo Pulls Out of Petersburg Gig

By Carlotta Gall and Linda Jones
THE MOSCOW TIMES

Placido Domingo has canceled a gala concert at St. Petersburg's Mariinsky Theater, dealing another blow to the theater's prestige after Franco Zeffirelli pulled out from a production last week.

Domingo's performance at the Mariinsky on June 19 was to be a highlight of the theater's program for the White Nights' Festival, St. Petersburg's bid to attract international stars to celebrate the city's famous summer beauty.

The theater put a brave face on the news, stressing that Domingo had dropped out "on doctor's orders." The Mariinsky's principal conductor, Valery Gergiyev, said that Domingo's absence should in no way be seen as a snub.

The world-renowned tenor had been forced to pull out of six other dates across the globe over the coming weeks because of his doctor's concerns about his throat, Gergiyev said.

"Placido Domingo is very sorry that he is unable to appear in St. Petersburg. It is an event which he had been very much looking forward to but he has been told to rest," Gergiyev said.

But the news, following Zeffirelli's cancellation and reports that José Carreras may also pull out of a concert at the Philharmonia, has raised questions about the city's ability to attract top stars.

Dmitry Morozov, editor of Mariinsky Teatr, the theater's newspaper, denied money was the reason for the cancellations. "Domingo has caught a cold and has also had to cancel performances in Vienna and Britain," he said.

The concert would go ahead without him, he said, and the theater was on the verge of securing the young, much-acclaimed French-Italian Roberto Alagna to take Domingo's place.

Alagna, the latest heartthrob of the international opera set, would certainly save the day, but the Mariinsky's own Galina Gorchakova, a world-renowned soprano in her own right, was also ready to step in, too, Morozov said.

Gergiyev himself is a top attraction. He has been hailed as "the best genius Russia has now," and "a worthy successor to the giants of the past, Herbert von Karajan and Leonard Bernstein," by Norman Lebrecht, author of "The Maestro Myth."

But Gergiyev, despite invitations to conduct all over the world, says he has turned down permanent offers as he wants to continue building up the Mariinsky. Just back from a successful week in London conducting the Royal Philharmonic Orchestra, he will be conducting both the gala concert and the three performances of a La Scala-Mariinsky co-production of Aida.

Zeffirelli had agreed to direct the production, but news that he would not come after all rocked the theater last week. Music circles were abuzz with reports that Zeffirelli had said the Mariinsky was not capable of staging Verdi's grandest opera.

However Gergiyev said Zeffirelli had canceled because of his frantic schedule.



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Ukraine: Cholera Cases Swell to 20

THE ASSOCIATED PRESS

KIEV — The number of cholera cases in Ukraine has swelled to 20 over the past four days and officials are blaming tainted drinking water for the disease's spread.

The first cases were reported Monday, when three people in the city of Nikolayev were hospitalized in critical condition, according to Health Ministry official Vitaly Movchanyuk.

"Five patients are on the verge of death," Movchanyuk said.

Movchanyuk said fish carrying the cholera bacteria were discovered in the Yuzhny Boug river, which supplies drinking water to 3 million Ukrainians.

In Moscow, officials said two cases of cholera had been reported recently, and the State Health Inspectorate has drafted new controls on foodstuffs, water and reservoirs, Itar-Tass said.

Muscovites were warned to buy only food with quality certificates and to avoid buying food and drinks from street vendors.

IN BRIEF

Who Shot V.I.?

■ MOSCOW (AP) — Russian prosecutors have reopened the case of a revolutionary who made a failed attempt to kill Lenin, a newspaper reported Friday.

Fanny Kaplan, a socialist revolutionary who shot and wounded Lenin in August 1918, was executed shortly after the shooting.

The Prosecutor General's Office has decided to review her case, having seen conflicting evidence in the files, the daily Segodnya said.

Galina Vesnovskaya, who heads rehabilitation efforts for the Prosecutor General's Office, said Kaplan had very weak eyesight and would have had difficulty hitting Lenin.

The newspaper said reopening the case could cause divisions.

"Some people would ask to leave the old guilty verdict as it was," it said, "while others would only regret that Fanny Kaplan hadn't had a proper marksmanship course before her attempt."

Lenin never fully recovered after the shooting, and suffered a number of strokes until his death on Jan. 21, 1924.

Mir Readies for Guests

■ MOSCOW (AP) — Two Russian cosmonauts plan to make their sixth spacewalk outside the orbiting Mir station next week to prepare for a visit by the American shuttle Atlantis later this month, space officials said Friday.

A solar panel on a newly arrived laboratory at the space station failed to unfurl along with three others.

The panels will supply energy needed during the U.S.-Russian spaceflight.

Valery Lyndin, a spokesman for the space Mission Control center, said the spacewalk is scheduled for Thursday.

"The cosmonauts will also have to carry out a number of other jobs, including the removal of a detector of space rays," Lyndin said.

UN Helps Drug Battle

■ VILNIUS, Lithuania (Reuters) — The UN is to fund Lithuania's police force to help them fight drug smuggling gangs who are increasingly using the country as a gateway to Western Europe.

Lithuania's cash-strapped police force will receive $540,000 from the UN International Drug Control Program to improve its drug enforcement capability, a UN official said.

"Lithuania is clearly being targeted by drug smugglers as an East-West gateway," UN Development Program spokesman Remigijus Tranas said Thursday.

Lithuania has well-established trade links with cannabis-growing and heroin producing countries in central and southwest Asia, the UNDCP said.

Girl Flies to U.S. for Op

■ CHARLESTON, West Virginia (AP) — A 13-year-old girl from the city of Kaliningrad, north of Moscow, will fly to West Virginia for life-saving surgery to remove a brain tumor and possibly regain her sight.

Forty-three members of a Russian-West Virginian exchange foundation met Yelena Shilova on April 22 at her school in a Moscow suburb.

"As they went into the school for the blind, they met a mother who said, 'Can you help my child?'" said Dr. Virginia Simmons, a director at the foundation.

Kaliningrad city officials raised the money for the airfare. West Virginians are donating food, lodging and healthcare costs, Simmons said. She estimated the cost at $500,000.

The neurosurgeon who is scheduled to perform the operation has expressed hope that he can restore a large part of the girl's vision.

Newsweek Took Bribes Says Laar

By Christian Lowe
The Moscow Tribune

A former Estonian prime minister has claimed that *Newsweek* magazine took bribes from the Estonian government in return for printing flattering articles on the country's economy, *Izvestia* reported this week.

Mart Laar, Estonia's premier until September last year, alleged that *Newsweek* was paid five million Estonian Krona ($450,000), to present a favourable view of Estonia and its economy over a six-month period. A meeting of government officials approved the payment, putting it down in official records as a loan. Laar alleges that other foreign media also expressed interest in striking such a deal. *Izvestia* took the allegations from an article in the *Homikuleht* newspaper, in which Laar is quoted. *Homikuleht* went into receivership this Monday.

Andrew Nagorski, *Newsweek*'s correspondent for Russia and the Baltic states, was startled by the allegations. "I don't know what got into this guy (Laar). To suggest that we would re-work a piece to make it flattering to anyone is nonsense. This guy should watch what he says."

Nagorski recalled visiting Estonia to prepare an article on Estonia's economy for *Newsweek*'s March issue last year. He also interviewed Laar, then still prime minister, for *Newsweek*'s April issue. On neither occasion was there any discussion of bribes, Nagorski told *The Moscow Tribune*.

In the same year *Newsweek* did publish an advertising supplement on the Estonian economy paid for by the country's Foreign Ministry. The supplement however, was clearly marked as advertising and the magazine's editorial staff were not involved in its production.

Estonia's Moscow Embassy could not refute Laar's comments outright. "It was so long ago that I cannot say for certain," said Press Attache Ehtel Halliste. "I can however say that *Newsweek* is highly respected, and part of the free press and so there was nothing to be gained by trying to influence it."

Former prime minister Laar, now a deputy in the Estonian Parliament, said that the *Newsweek* deal was arranged by a special Public Relations section within the Ministry of Foreign Affairs. It was, he said, an unqualified success since the exposure in *Newsweek* set off a "chain reaction" of positive publicity in other Western media, including Britain's *Times* and *Financial Times*. *Izvestia* reported that Estonia's PR offensive continues with the Foreign Ministry recently inviting Russian journalists on an all-expenses-paid visit to Estonia. There have been many previous such invitations, *Izvestia* notes.

The publication by *Izvestia*, a newspaper whose editorial often reflects the government line, may be the latest salvo in the war of words between Russia and the Baltic States. Russia's government feels sour grapes at the generally positive portrayal of the Baltic States in the international press. Russia, in contrast, has frequently been mauled by *Newsweek* and other titles, most recently over its handling of the Chechnya conflict.

Girl to Get Life-Saving Surgery

CHARLESTON, West Virginia (AP) — A 13-year-old girl from Kaliningrad, Russia, will come to West Virginia for life-saving surgery to remove a brain tumour and possibly regain her sight.

Forty-three members of Russia and West Virginia, a Partnership for Exchange foundation, met the teen-ager April 22, at a Moscow suburb school.

"As they went into the school for the blind, they met a mother who said, 'Can you help my child?'" said Virginia Simmons, a director at the foundation.

Volunteers from the West Virginia Schools for the Deaf and Blind in Romney will meet Elena Shilova and her mother Alfia Shilova at Dulles International Airport on Sunday.

Kaliningrad city officials raised the money for airfare. West Virginians are donating food, lodging and health care costs, Dr. Simmons said. She estimated the cost at $500,000.

Dr. David Weinswig, a neurosurgeon at St. Mary's Hospital in Huntington, will perform the surgery.

After he saw the girl's X-rays he told a fellow physician, "Not only can we save this child's life, but I think we can restore a lot of her vision," Dr. Simmons said. Russian doctors said they could not perform the surgery.

"This is like a miracle story for me," Dr. Simmons said. "If you can do this for one child, all the work, all the hardships, everything you've done is worth it."

"There are lots of children we care about not only in Russia, but in West Virginia," Dr. Simmons said. "This child, we knew we could do something for. It was the right time and the right people."

Finns at Risk from Radioactive Water

By Matti Huuhtanen
The Associated Press

HELSINKI — Thousands of Finns are risking their lives daily by drinking or washing with radioactive well water, researchers said on Friday.

Water from some 5,000 wells drilled into the bedrock contain dangerous amounts of radioactivity, in some cases 250 times more than the safety level, according to the Finnish Centre for Radiation and Nuclear Safety.

"We believe that up to 60 Finns die annually from using water contaminated by radioactivity," said Laina Salonen, a researcher at the state-run centre's Natural Radiation Laboratory.

"Water from these wells is more dangerous than the fallout from Chernobyl or nuclear tests of the 1960s," she added.

After the 1986 Chernobyl nuclear power plant accident, radiation levels in Finland temporarily doubled, but were well within safety levels, radiation officials said.

Finland has an estimated 100,000 wells drilled into the mainly granite bedrock which has high concentrations of radon, a colourless, radioactive gas, as well as smaller amounts of uranium.

The highest levels of radioactivity — of up to 77,500 becquerels per litre — were measured in wells in southern Finland. The maximum safety level is 300 becquerels per litre.

"These radioactivity figures are world records," Salonen said. "Granite areas in Sweden, Canada and the United States also have high concentrations, but mostly well below half our levels."

Most Finns get their drinking water from treatment plants at urban centres where radioactivity is removed. But thousands use water from wells in small towns, villages, and on farms. Also, holidaymakers at summer cabins are subjected to dangerous levels of radioactivity from well water.

Wells which are dug into soil and natural springs were found to contain insignificant amounts of radioactivity, Salonen said.

"Water from these wells is more dangerous than the fallout from Chernobyl or nuclear tests of the 1960s."

Radon is released from water into the air from where it enters the lungs through breathing. It has been a recognised health hazard in poorly ventilated cellars of many Finnish homes where it seeps in through the walls from the bedrock.

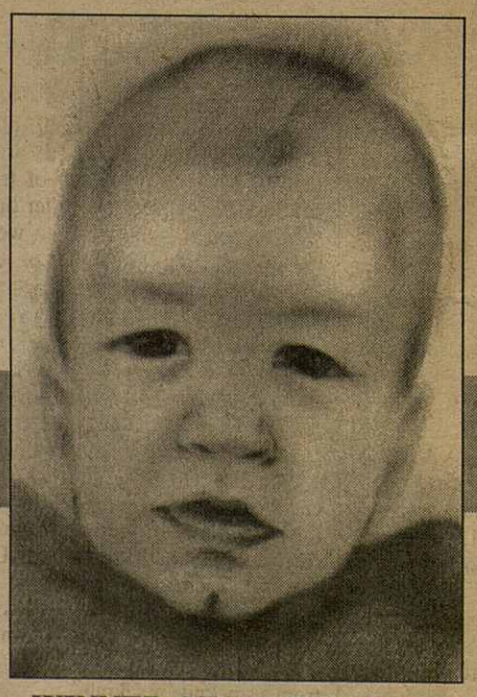
More than a third of some 2,000 annual lung cancer cases are attributed to radon in Finland with a population of 5 million, according to health officials.

For years, radiation officials have provided kits for the measurement of radon in houses. Now, they have kits for measuring and removing radioactivity in water.

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NEWS BRIEFS

Officials Reduce Sakhalin Dead to 1,841

MOSCOW (AP) — Rescuers stopped looking for bodies in the rubble of a remote oil town on Friday, nearly two weeks after a major earthquake destroyed the Sakhalin Island community of Neftegorsk.

Authorities in Moscow revised the death toll in the quake, saying that 1,825 bodies had been recovered. An undetermined number of others died after being taken to hospitals.

On Thursday, Yekaterina Ageyeva, a spokeswoman for the Ministry for Emergency Situations, said the confirmed death toll was 2,164. A ministry spokesman on Friday offered no explanation for the lower figure.

Russia's New Ballistic Letter Carrier

MOSCOW (AP) — The infamously slow and unreliable Russian postal system got a ballistic boost this week when a rocket delivered mail to a remote peninsula in the Far East.

In just 20 minutes, the SS-18 missile delivered 1,270 letters Wednesday to he Kamchatka Peninsula, nine time zones and thousands of miles away. The ITAR-TASS news agency said the mail was inside the capsule that carried a German mini-lab into space, then parachuted to the ground.

The missile was launched from a Russian nuclear submarine in the Barents Sea off Murmansk, home port of the Northern Fleet.

Cholera Cases on the Rise in Ukraine

KIEV (AP) — The number of cholera cases in Ukraine has swelled to 20 over the past four days and officials are blaming tainted drinking water for the disease's spread.

The first cases were reported on Monday, when three people in the city of Nikolayev were hospitalised in critical condition, according to Health Ministry official Vitaly Movchanyuk.

Movchanyuk said fish carrying the cholera bacteria were discovered in the Yuzhny Boug river, which supplies drinking water for 3 million Ukrainians. He said he believed the sewage-tainted river was responsible for the latest outbreak of the disease.

Of Communist Leaders And Bad Teeth

MOSCOW (AP) — Soviet dictator Josef Stalin and his underlings all had bad teeth and preferred platinum dentures, according to a dentist who treated generations of Communist leaders.

Stalin had only three of his own teeth left at the time of his death in 1953, Alexei Doinikov, the chief Kremlin dentist for several decades, told the daily *Komsomolskaya Pravda* on Friday.

Nikita Khrushchev, who denounced Stalin's "personality cult," cared for his teeth and was open enough to chat politics with his dentist.

When the dentist once asked whether he wanted to have the edges of his teeth polished, Khrushchev replied: "No, the Secretary General must always have sharp teeth."

150 Metres of Railway Track Stolen

MOSCOW (Izvestia) — Everything these days can be stolen, but to dismantle and run off with 150 metres of narrow-gauge railroad track in the village of Lepsara outside St. Petersburg requires certain technical capabilities and engineering aptitude.

Police have determined that the crooks used an engineer employed at a local business to pull off the daring act. He is now being prosecuted by authorities.

From Political Youth Union, an Able Voice

By Andrea Smith
The Moscow Tribune

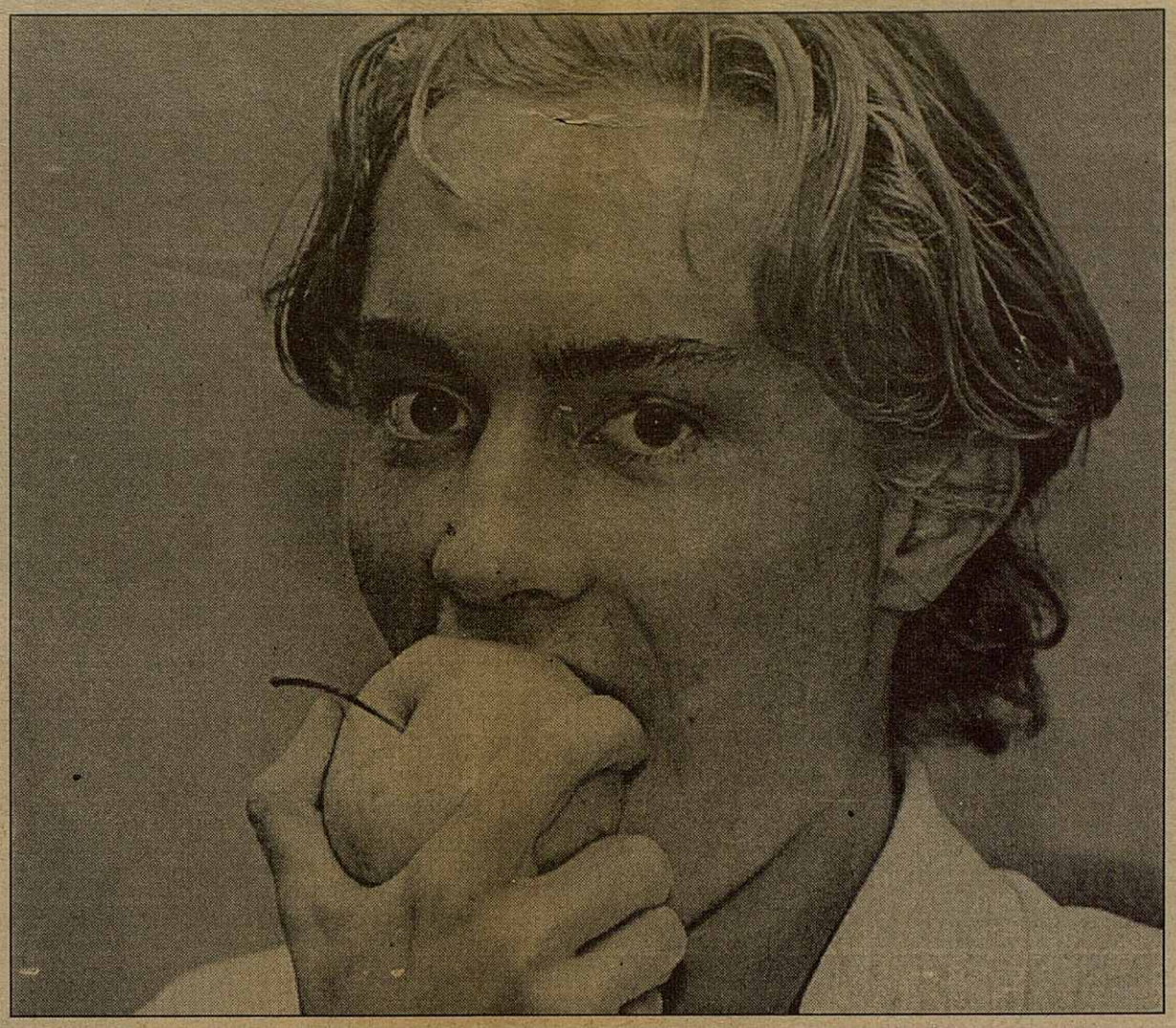


Photo by Vladimir Suvorov/The Moscow Tribune

Eric Lobakh, a Yavlinskyite and Yabloko Youth Union head, takes a bite out of his party's namesake.

Way up on the 26th floor of the Moscow Mayor's building, 20-year-old Eric Lobakh enthuses about "the Big Apple," but it's not New York he has in mind.

He is thinking of something much larger and closer to home: the future of Russia.

"Big Apple" in little-apple parlance is Grigory Yavlinsky's democratic reformist party Yabloko, and it is in it that Eric places his hope.

A young Yavlinskyite, Eric is the chairman of the executive committee of the Yabloko Youth Union, whose 3000-strong membership gives it a claim to being the biggest youth organisation of any affiliated with Russia's numerous political parties.

Casual in a student's attire of pullover and jeans, Eric is more than serious enough about politics, spending half his day either at the Mayor's building or at the State Duma, where the Youth Union also has an office.

"If you understand democracy in its pure sense, I think Yavlinsky is the only pure democrat — if you go from the concept 'the power of the people,'" he says. "Because if you take others, [Boris] Fyodorov or [Yegor] Gaidar, they all have some sort of ideological pretentions [to democracy].... But you can't trace the institute of "people's power" in these parties."

Established in autumn of last year as a network of regional organisations, the Youth Union was the initiative of students who approached Yabloko and suggested an alliance.

The Union remains somewhat in the shade of the larger political apple tree, collecting signatures and distributing literature to cultivate support for Yabloko.

However, according to Eric, the organisation is also to a certain extent independent of Yavlinsky. The group now numbers 40 organisations across Russia — in some cases where Yavbloko is not present (Novosibirsk, for example). It will run its own candidates in the 1995 parliamentary elections.

"Close and parallel" is how Eric defines the relationship. At a minimum the Union will support one State Duma candidate and several for the regional dumas — in Moscow (where the Union candidate will be Grigory Melamedov, a 29-year-old political analyst at Yavlinsky's think tank Epicenter), Saratov and perhaps St. Petersburg.

"We have the support of Yabloko, and of course we'll support their candidates. We have agreed on [them]. Naturally we won't be competing. So in some regions the candidate will be from either the Youth Union or the big Yabloko."

Eric, who is in the third year of his studies at the Justice Ministry's International Law Institute, claims he doesn't yet entertain political ambitions: "I just want to get a good education."

This while working extensively for the Union at no salary — he has other jobs for that. It is a daunting task. The Yavlinsky fan, who will in any case have to wait a year before he reaches the minimum age requirement of 21 to run for State Duma, admits all his work for Yabloko means he spends a lot of time studying on the weekends. "I go to bed pretty late," he says.

Yavlinsky has been more than willing to accommodate youth, given the fact that young Russians hardly participated in the last elections.

"Russian youth are apolitical, they don't go to elections," Eric says. "You don't have to be a professional politician, but you should vote for the people who can get Russia out of a crisis."

Russians Prepare for Assault on Chechnya

By Gulnora Khasanova
Agence France Presse

NOVY ATAGI, Russia — Russian tanks and armoured personnel carriers massed in southern Chechnya on Friday in preparation for an assault on the Chechen rebels' main defensive position in the mountains.

A force of 40,000 men was poised to strike at the village of Shatoi in the extreme south of the tiny Caucasus republic, where just a few thousand Chechen independence fighters were believed to be taking up positions, a Russian officer told AFP.

Long columns of tanks and infantry transporters could be seen near Novy Atagi, about 25 kilometres from Shatoi, the rebels' main bastion after six months of resisting the Russians.

Chechen forces retreated into the Shatoi valley and its surrounding mountains after losing their mountain stronghold town of Vedeno to the Russians last weekend.

But the Russians are waiting for the weather to clear up before launching the attack on Shatoi, to be able to make the use of air power, the officer said. Russian jets and helicopter gunships are used daily in combating the Chechen rebels and the separatists have no dependable anti-aircraft weapons.

"The offensive on Shatoi will not take place until its good weather because this attack should begin with aerial bombing. At the moment it's very bad weather, there are a lot of clouds," the officer said.

The officer said there were about 10,000 people still living in Shatoi but that many were fleeing back into the plains in anticipation of the battle. A Chechen rebel source told AFP that there were 5,000 fighters in Shatoi, although other estimates have been as low as 3,000.

In the last 10 days, Russian troops have seized the initiative against the outgunned and outnumbered separatists,taking steps to isolate the remaining guerrilla groups from each other.

Fighters loyal to President Dzhokhar Dudayev only operate in four separate areas across the extreme south, a high-ranking Russian officer was quoted as saying by Interfax news agency.

Fighters in southeastern Chechnya "have lost the ability for organised military activities," the officer said.

Russian troops are attempting to close off the last escape routes for the fighters from the mountains into the neighbouring republic of Daghestan and back into the southern plains, he said.

Parliament Passes New Election Law

MOSCOW (AFP) — Russia's lower house of parliament on Friday adopted a new compromise electoral law defining the way deputies will be elected to the chamber in a poll later this year, Interfax news agency said.

The law, adopted by 264 votes to 45 in the State Duma, ends weeks of deadlock between parliament and President Boris Yeltsin over how the December 1995 election should be conducted.

The new law provides for half the 450 deputies returned to the parliament to be elected on a proportional basis and the other half by majority vote, as in the 1993 general election.

But in a key compromise measure, the law also states that only 12 of the 225 proportionally elected candidates can be put up from central party organisations, with the remaining 213 coming from parties' regional and local caucuses.

The added clause, part of a preliminary agreement reached by president and parliament on Thursday, will go some way to appeasing Yeltsin, who wanted to promote a voting system that would favour leading local political figures at the expense of the Communist and nationalist opposition.

The 1993 general election saw a spectacular breakthrough by the extreme nationalist Liberal Democratic party of Vladimir Zhininovsky, which topped the proportional ballot.

Last month the Russian president moved to change the electoral law by vetoing plans for equal numbers of deputies to be elected under the two electoral systems to stop extremists gaining more seats through a proportional system.

But on Wednesday he withdrew his opposition and accepted the principle of equal numbers after serveral hours of discussions at a conciliation committee at the Duma.

The committee, made up of representatives of the Duma, the Federation Council (upper house) and the presidency, agreed that to be registered a candidate needed to collect 5,000 signatures and a party 200,000.

Civil servants and employees of the media will be allowed to stand while keeping their jobs. The previous electoral law made them choose between politics and their jobs.

This clause is likely to be welcomed by the centrist bloc of Prime Minister Viktor Chernomyrdin, whose new party, Russia, Our Home (NDR), is drawn chiefly from the ranks of the government nomenklatura.

But deputies on Friday refused to raise the minimum level of voter turnout from 25 per cent to the threshold of 50 pe rcent demanded by Yeltsin.

United Nations High Commissioner for Refugees

A bimonthly Newsletter issued by the UNHCR Regional Office in Moscow

NUMBER 4

April 1995

UNHCR IN THE CIS NEWSLETTER

WHAT YOU CAN FIND IN THIS ISSUE

- Chechnya emergency operation
- First processing centre for non-CIS refugees in Russia
- UNHCR activities in the CIS
- CIS conference
- UNHCR presence in the CIS

Chechnya emergency operation

The United Nations Consolidated Appeal for Persons Displaced as a Result of the Emergency Situation in Chechnya, covering a six-month period from 1 January to 30 June 1995, was launched in Geneva on 23 March.
The present Consolidated Appeal calls for donor funding of US$ 22.9 million:

- **UNHCR** – US$ 10,385,000 for multi-sectoral assistance (distribution of domestic items, food, shelter, water, sanitation) and protection;
- **WFP** – US$ 4,315,660 for food distribution and logistics;
- **UNICEF** – US$ 5 million for health, distribution of domestic items and special assistance to Children in Especially Difficult Circumstances;
- **WHO** – US$ 695,000 for immunization, epidemiological surveillance, medical supplies and training;
- **DHA** – US$ 178,000 for coordination.

The Appeal is also a reflection of the concern of the UN Secretary-General over the humanitarian situation in the Chechen Republic of the Russian Federation. This Appeal aims at rendering assistance to 220,000 internally displaced persons (IDPs) who have sought refuge in the neighbouring republics of Ingushetia, Daghestan and North Ossetia as a result of the fighting in Chechnya and other earlier conflicts in the region.

The situation of internally displaced persons (IDPs) from Chechnya, principally in Ingushetia and Daghestan, remains very serious. The vast majority of IDPs are women and children. In Daghestan, for example, over half the registered persons are children under 18. In collective centres women and children live in conditions where food, clothing and medical care are scarce. Host families shelter over 90% of IDPs. They increasingly cannot cope. At present there are no permanent solutions in sight for the affected people. Warm weather which exacerbates the continuing strain on resources by threats of disease and epidemics affects the population. Most displaced persons have no jobs. Most displaced children do not attend school. Some overcrowded collective facilities such as the railway cars and the sports hall in Nazran will become disease traps if the people are not moved. The danger of diphtheria, hepatitis, tuberculosis and plague is already said to be threatening Grozny, with ominous implications for neighbouring republics.

UNHCR is carrying out the following activities:

1. Shelter (supported by water and sanitation) is the priority sector for UNHCR. In this area of activity where few other agencies are involved the needs are particularly great. Collective centre facilities in Ingushetia and Daghestan have reached their limit. Renovation of 50 collective facilities is part of the UNHCR shelter programme for Daghestan.

2. Provision of domestic needs is UNHCR's second priority. Here UNHCR will focus on Ingushetia, as through inter-agency agreement UNICEF will provide similar items for Daghestan. UNHCR is concentrating on the provision of hygienic kits, bedding and clothing which are all essential for the daily existence of displaced persons.

3. In food and health UNHCR is complementing the efforts of WFP, UNICEF, and WHO. Recent reports from Ingushetia indicate deterioration of the food situation at village level and in collective centres. Local food supplies and funds of host families are scarce. The need to keep food in the pipeline is fundamental, and the WFP plan to supply bulk is becoming more urgent on a daily basis.

Implementing arrangements are established with:

Agency	Areal Sector of Activity
– Médecins Sans Frontières Belgium	water and sanitation
– Relief International	domestic needs, water and sanitation
– EquiLibre	community services
– Danish Refugee Council	telecommunications
– Ingushetia Department of Capital Construction	shelter, water and sanitation
– Ingushetia Migration Service	shelter
– EMERCOM	logistics and overall coordination

In addition, UNHCR is in cooperation with:

– Children's Fund	community services
– Ingushetia Commission for Refugees	community services and overall coordination
– Daghestan Construction Unit of the Department of Irrigation and Water Supply	water
– Daghestan Migration Service	registration
– Federal Migration Service	registration

UNHCR RO Moscow organizes biweekly meetings in Moscow, attended also by IOM and ICRC. These meetings are important occasions for briefing diplomatic missions and NGOs on the status of the emergency response. Weekly meetings have also been introduced at field level in Nazran and Makhachkala. Press briefings are held and press releases are issued regularly.

The overall role and impact of the Department of Humanitarian Affairs, with its representative in Moscow, have facilitated all aspects of coordination, and helped achieve progress in the operation.

The status of relief distribution by UN agencies since the beginning of the operation is as follows:

DISTRIBUTION REPORT					
ORGANIZATION	ITEM	UNIT	INGUSHETIA/ NORTH OSSETIA	DAGHESTAN	TOTAL
UNHCR	Blankets	pcs	37,690	4,220	41,910
	Kitchen sets	sets	760	0	760
	Plastic sheeting	pcs	2,465	0	2,465
	Soap	kg	17,287.4	3,990	21,274.4
	Stoves	pcs	112	0	112
	WHO kits	kits	1	0	1
	Wheat flour	kg	8,605	36,650	45,255
	Hygiene kits	kits	5,573	0	5,573
	Plastic cans	pcs	800	300	1,100
	Mattresses	pcs	500	6,614	7,114
	Clothes	pcs	22,629	7,575	30,204
	Towels	pcs	0	16,550	16,550
	Sugar	kg	0	7,175	7,175
	Vegetable oil	ltr	0	4,120	4,120
WFP	Humanitarian daily rations (HDR's)	rations	142,200	170,550	312,750
	Pasta	kg	23,529	46,297	69,826
	Wheat flour	MT	0	145.5	145.5
UNICEF	Health kits	kits	7	20	27
	Blankets	pcs	6,965	7,840	14,805
	Beds	pcs	0	495	495
	Clothes/children	pcs	0	17,040	17,040
	Plastic cans	pcs	3,500	1,000	4,500
	Baby puree	bottles	0	35,180	35,180
	Baby biscuits	tons	0	8	8
	Soya flour	kg	0	7,850	7,850
	Cholera kits	kits	0	36	36
	Oral rehydration salt	sachets	0	20,000	20,000
	Chlorhexidine	ltr	0	960	960
	Small medical equipment	tons	0	56	56
	Water pumps	pcs	0	4	4
	Measles vaccines	dose	0	50,000	50,000
	Polio vaccines	dose	0	100,000 of DT 90,000 of Td	100,000 90,000

First processing centre for non-CIS refugees in Russia

The refugee reception centre in Ocher (Perm Region) is the first processing centre (called "camp" by Russian authorities) existing on the Russian territory, for asylum-seekers from outside the CIS.

From 27 February to 2 March 1995, a UNHCR RO Moscow mission visited the centre. The purpose was to assess the legal/protection and social situations in the centre, as well as to find out what kind of assistance was needed and how cooperation could be established with the administration of the camp, and with local and regional migration services.

As of 1 March 1995, the centre hosted 82 asylum-seekers from far abroad and a few families of IDPs from Chechnya. According to the Director of the centre, its total capacity is approximately 150 to 200 persons.

The actual caseload of those currently living in Ocher can be divided into three categories:

- a group of Iraqi Kurds, whose claim to refugee status was rejected in December 1992. This group consists of 18 persons. They arrived in December 1994 from Serebrianki, the only previously existing Russian Government accommodation centre for non-CIS refugees (since the Iraqis were moved to Ocher, Serebrianki is reported to be used for accommodation of forced migrants and refugees from CIS countries).
- a group of asylum-seekers from Moscow, who were sent to the centre after they were pre-registered and then registered by the Moscow Migration Service. This group consists of 3 Ethiopians (one couple and one single male), and 28 Afghans (4 families). Another group of Afghans (33) arrived on 1 March 1995 (7 families). All of them had lived in the Ocher district even prior to the establishment of the centre.
- a group of IDPs from Chechnya (mostly ethnic Russians). They started to arrive in February 1995. The centre is only a brief temporary solution for them, pending identification by the FMS of other places of residence.

As soon as asylum-seekers are registered as such by the Moscow Migration Service (and this will also apply to other cities with a restricted *propiska* system), they are informed that they will be resettled to Perm and are given a short briefing on the situation there. They are also informed that their stay in the centre will be limited to a three-month period, during which their status will be determined. The registered asylum-seekers sign a document, which says that they agree to proceed to the accommodation centre in Ocher.

In case an asylum-seeker refuses to proceed to Ocher and prefers staying in Moscow, he or she is considered as having withdrawn the application for refugee status and is subject to deportation.

After signing the document, the asylum-seekers receive from the Migration Service money to buy train tickets to Ocher. They meet at the railway station with representatives of the Moscow Migration Service and Ministry of the Interior, who accompany them to their final destination.

As the centre in Ocher is the first processing centre for non-CIS refugees existing in Russia, UNHCR will try to maintain regular contacts with the local migration service and the administration of the centre. Legal training is planned for the local and regional migration services. Information will be disseminated among asylum-seekers on their legal status.

According to the Federal Migration Service (Division of External Migration), by 1 January 1995 twenty-five regional migration services of the Russian Federation have registered applications from 583 asylum-seekers (1,482 family members) on the territory of the Russian Federation from outside the CIS. They are mainly citizens of Afghanistan, Ethiopia and Iraq. The migration services accepted to process 525 applications (1,364 persons). Forty-eight applications for the refugee status (98 persons) were rejected. So far, only 10 cases (20 persons) were registered. The RO has not been able to obtain the names of the recognized or rejected persons yet.

UNHCR activities in the CIS

AZERBAIJAN

The number of foreign NGOs, cooperating with UNHCR, continues to increase. The newcomers

are: Dakonie, EquiLibre, Finn-Aze Friendship, Premiere Urgence, Radda Barnen, World Learning and Word of Light. Altogether there are more than twenty-four local and foreign NGOs involved in regular assistance activities.

Agreements with a number of NGOs have been signed for some projects and activities to be implemented. A contract for 314 prefabricated classrooms was awarded to the Turkish company which had earlier supplied the first 200 units. The components are expected to start arriving in April. Final site selection of two-thirds of the units has been completed. The World Food Programme (WFP) has offered 50 empty shipping containers to UNHCR which may be used for classroom or shelter projects.

The following domestic needs items were distributed in March: tents (100), tool kits (91 set), plastic sheets (100 rolls), clothes (450), seeds (150 pkts), agricultural tools (150 sets), boots (15,768), wash tubs (1,997) and soap.

ARMENIA

Under the 1994 shelter programme 96 families in Bureghavan, 26 families in Abovian, 100 families in Karen, 110 families in Hyanit, 27 families in Sevan and 35 families in Krasnoselsk have received permanent shelter.

The mechanism for the self-help shelter and repair programmes has been discussed with Swiss Disaster Relief (SDR) and Oxfam, Liaison Office in Yerevan (LOY) implementing partners. This project will benefit 100 families in Yeghegnadzor, 33 families in Vaik, 80 families in Kapan, 58 families in Goris, 150 families in Vartenis and 168 families in Krasnoselsk. The programme was designed for 450 families but an anticipated completion for some 589 families is expected. The maximum sum allowed per family is USD 450.

TAJIKISTAN

QUICK IMPACT PROJECTS

UNHCR continues its Income generation and Quick Impact Projects (QIPs) in Khalton province as well as in Dushanbe. With UNHCR funding, eight soap-making facilities are operational in the district of Kabodian, Kolkhozabad, Shartuz, Bokhtar, Dusti, Jilikul, Kuibyshev and Kalinin. Two more soap-making facilities will be operational in Vakhsh and Pyanj districts by the end of March 1995.

The QIPs for sewing traditional winter coats ("chapans") and sleeping mats ("kurpachas"), as funded by UNHCR and implemented by Relief International, were completed. Some 464 returnee women in Kabodian and Shartuz sewed 990 adult chapans, 1,855 children's chapans and 1,210 kurpachas. These are stored in UNHCR warehouses for future distribution to needy people.

Under a UNHCR funded QIP in Shartuz-Kabodian, returnee women produced 3,284 cloth school bags. Since the project was a success, UNICEF has agreed to order and fund an additional 50,000 school bags from the 464 women originally participating in this QIP. Money earned from this project will go in part to pay back the price of the sewing machines lent to them, so that the women will gradually own the sewing machines. Some 860 shirts were also produced under another QIP by returnee women in Shartuz-Kabodian. Relief International is implementing this QIP.

FIELD ACTIVITIES

The UNHCR shelter reconstruction programme is successfully implemented in various regions of Tajikistan.

During 1994, UNHCR has received the following contributions for repair/construction of destroyed houses and other sectors:

DONORS	AMOUNT IN USD
United States of America	4,554,000
Netherlands	1,042,780
Japan	1,000,000
Sweden	647,668
Denmark	594,866
United Kingdom	579,806
Finland	536,743
Germany	303,030
Norway	273,973
UN Development Programme	220,000
Switzerland	150,376
Luxembourg	88,496
Russian Federation	61,100
TOTAL	10,052,838

FIELD PROTECTION OF RETURNING TAJIK REFUGEES AND IDP's

On 3 February, a government-organized convoy returned 172 IDP's from Dushanbe to the mountainous area of Tavildara. UNHCR participated in the planning of the convoy and supplied fuel for the five buses carrying the IDP's.

On 12 February, a government-organized convoy returned 582 IDP's from Dushanbe to Kabodian. UNHCR participated in the planning and supplied blankets to each returnee. At least some of the transported IDP's had been previously repatriated with UNHCR assistance from Afghanistan to Kabodian.

CIS conference

UNHCR's initiative concerning problems of population movement in the CIS and relevant neighbouring States is developing into a major international effort to address these acute issues in a timely, concerted, and comprehensive manner.

The initiative, launched during the summer of 1994, envisages a process consisting of consultations, technical meetings and an international conference which is intended to lead to an agreement on a comprehensive programme of action and establishment of an implementing framework.

The initiative has received broad-ranging support. Many Governments, other UN agencies, international organizations and NGO's have expressed their readiness to participate in the proposed process. Among those who have welcomed UNHCR's initiative particularly are the International Organization for Migration and OSCE/ODIHR (Office of Director of the Democratic Institute on Human Rights) as well as the European Union and Working Group on the CIS of the Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia.

In October, UNHCR's initiative and comprehensive approach was endorsed in a conclusion adopted at the 45th Session of the Executive Committee of the High Commissioner's Programme. UNHCR subsequently decided to establish a small secretariat jointly with IOM and OSCE/ODIHR to handle the substantive and administrative workload related to the process.

By the autumn over half of the CIS countries including Russia, Ukraine, Belarus, Armenia and Azerbaijan, had agreed to participate in the proposed process, and UNHCR stepped up its efforts to obtain a commitment to participate, in principle, from those countries which had not yet replied. For this purpose, in October, UNHCR and IOM undertook a joint mission to the Baltic States to promote the initiative.
During the final months of 1994 UNHCR was busy conducting further consultations to establish a broad consensus on the agenda and general course for the proposed process, and working on the preparatory documentation.

UNHCR held a series of regional consultations in the CIS region, in cooperation with IOM. These consultations were held in Ukraine (23–24 February), Belarus (27–28 February) and Moldova (3 March). A sub-regional meeting was organized in Bishkek, Kyrghyz Republic, for the five Central Asian States (1–3 March). The meeting in Bishkek was the first of its kind to involve all the Central Asian States in a discussion of the problems connected with refugees and various types of population movements in the sub-region. Consultations have also taken place in Armenia, Azerbaijan, Georgia and in the Baltic States through UNHCR's Regional Representatives.

As a result of these missions Governments were able either to draft or complete the country reports to be submitted for the Experts Meeting, scheduled for mid-May 1995. All countries have recognized the need for the conference and expressed their willingness to support the initiative. They were interested in addressing, *inter alia*, the following issues at the conference: illegal immigration, returnees, deportees, terminology, prevention of mass population movements, questions of coordination with respect to migration and migration policy, and inconsistent migration/refugee legislations.

A conference is expected to launch a programme of action for the region, which would include measures to prevent unnecessary movements and address the consequences of past, present and future displacements. Such a programme would flow from a declaration based on existing international law principles.

It is envisaged that a preparatory international meeting could be held early in 1995. It would be followed by a series of sub-regional or thematical meetings, to be concluded by the international conference on the situation in region. It could be held no later than March 1996.

UNHCR presence in the Commonwealth of Independent States

(information update)

UNHCR Regional Office in Moscow covers the following four countries:

RUSSIA

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MOLDOVA
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c/o UN Office in Ukraine

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Other UNHCR offices in the CIS are:

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UNHCR LIAISON OFFICE IN GEORGIA

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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

ASSEMBLÉE PARLEMENTAIRE

SOUS-COMMISSION DES DROITS DE L'HOMME

Strasbourg, le 12 avril 1995

Objet: **Visite en Tchétchénie, 1-6 mai 1995**

Madame, Monsieur,

Suite à la réunion de la Commission des questions juridiques et des droits de l'homme le lundi 10 avril 1995, M. López-Henares, Président de la Sous-commission des droits de l'homme, a fixé les dates pour la visite de la Sous-commission en Tchétchénie, du 1er au 6 mai 1995. Les membres devraient arriver à Moscou le lundi 1er mai et quitter Moscou (très probablement) le dimanche 7 mai 1995.

Vous trouverez, ci-joint, un projet de programme pour cette visite, une liste de questions proposée par M. Bindig, rapporteur, ainsi qu'une copie de la lettre que je vous ai envoyée le 20 mars 1995.

Vous pourrez obtenir un visa pour la Russie pendant la partie de session d'avril au Consulat Général de la Russie à Strasbourg. L'Hôtel Metropol à Moscou nous propose un tarif préférentiel de US$ 280 (au lieu de US$ 390) par nuit (petit déjeuner non compris) pour les nuits des 1-3 et 6-7 mai. Si vous souhaitez en profiter, vous êtes prié de faire votre réservation directement auprès de l'Hôtel Metropol (tél: 095 927 6000; fax: 095 927 6059) avec la mention "Council of Europe / Mrs Alayanovskaya".

D'autres renseignements concernant cette visite vous seront envoyés dès que possible. L'ordre du jour vous parviendra en temps utile. Je vous serais reconnaissant de bien vouloir renvoyer le formulaire ci-joint dans les meilleurs délais.

Je vous prie d'agréer, Madame, Monsieur, l'expression de mes sentiments distingués.

Allard A. Plate
Secrétaire de la Commission

Aux membres titulaires et suppléants de la Sous-commission des droits de l'homme

copie: Secrétaires de délégations nationales concernés

Council of Europe
Conseil de l'Europe

Parliamentary Assembly
Assemblée Parlementaire

Strasbourg, France
Fax n° (33) 88 41 27 02

COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS
COMMISSION DES QUESTIONS JURIDIQUES ET DES DROITS DE L'HOMME

Mr, Mrs / M. Mme:
Delegation:
will attend / will not attend[1]: the meeting of the Sub-Committee on Human Rights in Chechnya on 2-6 May 1995
participera / ne participera pas[1]: à la réunion de la Sous-commission des droits de l'homme en Tchétchénie les 2-6 mai 1995
will be replaced by / sera remplacé par:
I have made a reservation at the Hotel Metropol in Moscow: yes / no J'ai fait une réservation à l'Hôtel Metropol à Moscou: oui / non
Signature:
Date:

Please return this form to / Prière de renvoyer ce formulaire à:

Sally-Ann Honeyman
Assistant
Committee on Legal Affairs and Human Rights
Parliamentary Assembly
Council of Europe
F-67075 Strasbourg
Fax: (33) 88 41 27 02

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[1]. Please delete where applicable / Rayer la mention inutile

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SOUS-COMMISSION DES DROITS DE L'HOMME

Visite en Tchétchénie
(2-6 mai 1995)

Eléments pour un programme*

(proposé par M. Bindig, rapporteur)

Lundi 1er mai 1995	Arrivée à Moscou
	Nuitée à Moscou
Mardi 2 mai 1995	Réunions à Moscou avec des membres du Parlement russe, de l'Administration présidentielle, de Ministère des affaires étrangères, de Ministère des affaires intérieures et M. Kovalyov
Mercredi 3 mai 1995	**Matin:**
	Départ pour Nasran (la capitale d'Ingoutchie)
	Après-midi:
	Réunions avec les autorités fédérales russes, les autorités locales ingouches, des ONGs russes (Mémoriale et autres)
	Visite de camps de réfugiés
Jeudi 4 mai 1995	Visite de Grozny et d'autres villes en Tchétchénie (Assionovskaïa, Argoun, Gudermes et/ou Chali)
	Réunions avec les autorités russes, la mission de l'OSCE, le CICR, Médecins sans frontières
	Visite d'un camp de prisonniers de guerre tchétchène (en Tchétchénie)
	Retour à Nasran dans la soirée
Vendredi 5 mai 1995	Visite de Daghestan
	Réunions avec UNHCR, ONGs internationales et russes sur place
	Visite de Mozdok (Ossétie du Nord)
	Réunions avec les autorités russes / Visite de prison et de "camps de filtration"
	Retour à Nasran dans l'après-midi - réunions finales (y compris des réunions avec les dirigeants tchétchènes et représentants de M. Dudayev)
Samedi 6 mai 1995	Départ à Moscou et aux capitales nationales

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* Approuvé par la Commission des questions juridiques et des droits de l'homme le 10 avril 1995 à Paris

4

SOUS-COMMISSION DES DROITS DE L'HOMME

Droits de l'homme en Tchétchénie

Propositions de M. Bindig, rapporteur

La Sous-Commission, pendant sa visite, devra vérifier que les droits de l'homme sont respectés (Directive 506 (1995)).

Elle doit examiner les cinq points essentiels suivants:

1. **Aide médicale et humanitaire** (du CICR et d'autres organisations (internationales))

Arrive-t-elle à sa destination?

2. **Les combattants**

Qu'arrive-t-il aux combattants tchétchènes qui se rendent ou qui sont fait prisonniers par les troupes russes? Et aux soldats russes en captivité?

3. **Conditions de détention**

- Visite de prisons, "camps de filtration" et autres lieux où des personnes sont détenues, y compris des contacts libres avec des combattants tchétchènes détenus pour la Sous-commission

4. **Réfugiés**

- Leur situation. Visite de camps de réfugiés

- Leur permet-on de rentrer chez eux?

5. **Les tribunaux**

S'ils existent - fonctionnent-ils? Les combattants tchétchènes qui sont considérés par les russes comme des criminels, ont-ils la possibilité d'avoir un procès équitable?

Qui sont les juges? Qui les nomme? Y-a-t-il des avocats?

La sous-commission pourrait - éventuellement - examiner les points suivants (moins essentiels):

1. **Démocratie**

Quelles mesures ont été prises pour (re)introduire la démocratie en République de Tchétchénie et au niveau des autorités locales?

2. **Les media**

Qui gère la radio et la télévision?

Quels sont les journaux quotidiens ou hebdomadaires? Qui les rédige? Qui sont les journalistes? Contacts à établir.

*****

Première étape: Des informations sont à demander aux autorités russes, OSCE, UNHCR, ONGs telles AI, le CICR, Human Rights Watch et "Médecins sans frontières".

Comme deuxième étape, la Sous-commission pourrait essayer d'obtenir des informations sur place pendant sa visite.

5

COUNCIL OF EUROPE — CONSEIL DE L'EUROPE

ASSEMBLÉE PARLEMENTAIRE

SOUS-COMMISSION DES DROITS DE L'HOMME

Strasbourg, le 20 mars 1995

Objet: Visite en Tchétchénie, 10-13 avril 1995

Madame, Monsieur,

Le Bureau de l'Assemblée, lors de sa réunion à Londres le 15 mars 1995, a autorisé la visite de la Sous-commission des droits de l'homme en Tchétchénie, du 10 au 13 avril 1995, sous réserve qu'un cessez-le-feu soit intervenu dans cette région d'ici-là et que les autorités russes accordent un visa d'entrée à tous les membres de la Sous-commission.

La décision définitive sera prise par le Président de la Commission en fonction de ces divers éléments. Toutefois, j'aimerais, dès à présent, vous communiquer les informations suivantes:

Bien qu'aucune vaccination ne soit obligatoire pour se rendre en Tchétchénie, celles indiquées ci-après sont vivement recommandées et seraient à faire dans les meilleurs délais:

Polio }
Diphtérie } Pour ces trois vaccins, une seule injection suffit.
Tétanos }
Hépatite B

D'autres maladies, telles que l'hépatite A, le typhus et le choléra, peuvent être évitées en consommant l'eau avec une extrême prudence (il existe également des vaccins). En Tchétchénie, il est déconseillé de boire de l'eau non bouillie et d'absorber des aliments ayant été au contact de l'eau courante (tels que fruits ou salades). Nous vous recommandons instamment d'emporter des tablettes pour purifier l'eau (ou des bouteilles d'eau) ainsi qu'un peu de nourriture (chocolat, biscottes, biscuits, fruits secs) et quelques médicaments de base (y compris des antibiotiques).

Pour tout renseignement complémentaire, n'hésitez pas à contacter Mme Kleinsorge, secrétaire adjointe, ou moi-même.

Si cette visite était annulée, une réunion de la Commission plénière se tiendrait à Paris le 10 avril 1995, à 9 h 30. J'espère être en mesure de vous donner davantage de précisions dans les meilleurs délais.

Je vous prie d'agréer, Madame, Monsieur, l'assurance de mes salutations très distinguées.

Allard A. Plate
Secrétaire de la Commission

A tous les membres titulaires et suppléants de la Sous-commission des droits de l'homme

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Téléphone : (33) 88 41 20 00 Télex : 870 943 F Télécopie : (33) 88 41 27 81

COMITÉ FEDERAL

Los 'guerristas' piden el partido para Guerra

Exigen que González se ocupe sólo del Gobierno

JULIÁN LACALLE
Madrid

La mayoría de los 'guerristas' que intervinieron en la reunión del Comité Federal del PSOE celebrada ayer, y en concreto Francisco Fuentes, hombre de confianza del extremeño Juan Carlos Rodríguez Ibarra, pidió a Felipe González que a partir de ahora se ocupe fundamentalmente del Gobierno y deje el partido en manos del vicesecretario general, Alfonso Guerra, "como señalan los propios estatutos del partido".

No fueron tan "feroces" los 'guerristas' en el Comité Federal de ayer, aunque se pasaran la semana con múltiples declaraciones críticas contra Felipe González, que no se plasmaron realmente en sus intervenciones. No era la primera vez que sucedía así y por eso a nadie extrañó ese grado de incoherencia.

La ausencia de Alfonso Guerra, que se fue a Sevilla en la noche del viernes, en las reuniones previas al Comité Federal ya hacía presagiar que la posición crítica de los 'guerristas' era algo efímero.

Sólo Carlos Sanjuán y José Félix Tezanos mantuvieron el tipo y realizaron un discurso crítico y duro respecto al resultado electoral y la situación del partido.

"Hemos sustituido la organización por el liderazgo", dijo Carlos Sanjuán, en lo que pudo interpretarse como una crítica a la forma en que está dirigido el PSOE, donde la única 'ideología' es el 'felipismo' y las decisiones no se debaten, sino que se dejan al capricho de Felipe González.

Fue Carlos Sanjuán quien habló sin ningún tipo de ambages del "descalabro electoral" que ha sufrido el PSOE en las elecciones del pasado domingo, y atribuyó la derrota a causas internas del partido.

En esa línea intervino también José Félix Tezanos, quien señaló que no se podían maquillar los resultados desde la Ejecutiva ni ir a "ejercicios estadísticos no serios".

Junto a Sanjuán y Tezanos fue Francisco Fuentes, el hombre de confianza de Ibarra, el que criticó la forma de actuar de Felipe González ante la última Ejecutiva. Censuró el almuerzo de los barones con Serra y pidió a Felipe González que deje la organización del partido en manos de Alfonso Guerra.

Otras intervenciones destacadas fueron las de Ángel Martínez Sanjuán, Jaime Blanco o el propio alcalde de La Coruña, Francisco Vázquez. En estas intervenciones se pidieron cambios a Felipe González, pero no se concretó. No se supo si se referían al Gobierno o al partido. El 'ganador' Francisco Vázquez recalcó que se había perdido el voto de los jóvenes y que había que replantearse numerosas cuestiones en el partido.

Desde luego quedó patente que los 'guerristas' son "menos fieros de como los pintan", y sobre todo en un momento en que la crisis del partido tiene en su origen un elemento externo: el descalabro electoral de los comicios autónomicos y municipales.

Las cinco soluciones de Borrell

Por la tarde, lo más destacado del Comité Federal fue la intervención de Borrell, quien propuso cinco objetivo para mejorar la situación del PSOE: en las relaciones con CiU, preservar la independencia de los dos partidos; acabar con los falsos debates en el partido (sucesión de González); reorientación de los principios de la socialdemocracia; insistir en la idea del cambio del cambio y recuperar la cohesión interna y externa del partido.

Destacaron también las intervenciones de Jordi Sole Tura, Marco, Múgica y Joan Raventós. Alguno como Marco se quejó del comportamiento de la Ejecutiva con la crisis de Aragón. Múgica pidió cambios en el Gobierno, aunque no fue demasiado bien recibido su discurso.

Todo terminó con unas declaraciones públicas de Ciprià Ciscar, en el sentido de que Felipe González va a "liderar" la recuperación y movilización del partido para ganar las próximas elecciones.

LAS FRASES

F. FUENTES
"Guerra tiene que dirigir el partido, como señalan los estatutos"

C. SANJUÁN
"Hemos sustituido la organización por el liderazgo"

J.F. TEZANOS
"No se pueden maquillar los resultados desde la Ejecutiva"

F. VÁZQUEZ
"Hay que replantearse la pérdida de voto de los jóvenes"



KIKE PARA

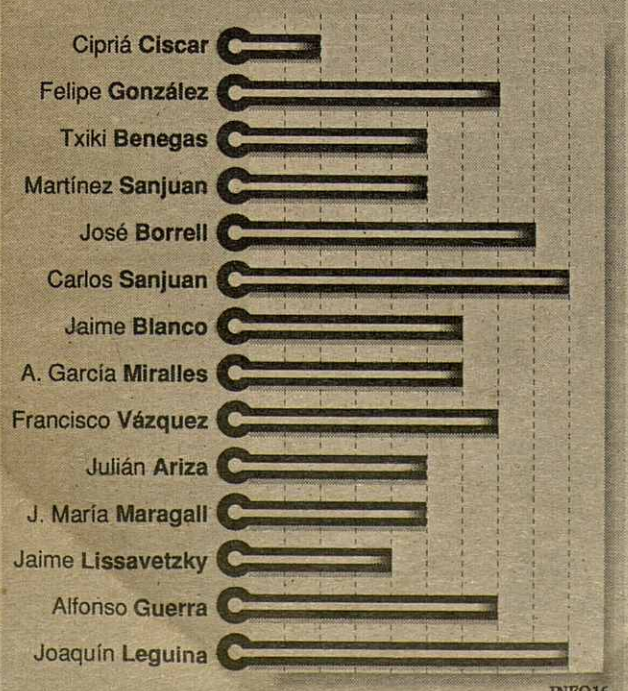
CRÍTICAS Maragall, a su llegada ayer al Comité Federal, criticó que el apoyo de Pujol "sea una póliza a tres días"

PACTOS PUNTUALES Y CON CONTRAPARTIDAS

José María Benegas explicó ayer al Comité Federal del PSOE que la política de pactos del partido es la de llegar a acuerdos puntuales y con contrapartidas, no de intercambio de ayuntamientos o comunidades, sino de programas o proyectos políticos y áreas de gobierno.
Ciprià Ciscar hizo ayer un llamamiento a IU para que ayude a frenar al PP, para permitir "gobiernos de progreso". Eso se conseguiría, según Ciscar, apoyando a la fuerza de izquierda más votada.
Según Ciscar, el PSOE está dispuesto a apoyar a IU en aquellas circunscripciones o municipios donde haya sido la fuerza más votada, pero exigió a IU un comportamiento similar en Andalucía, donde hasta ahora la formación de Anguita se ha alineado con el PP en ocasiones frente al PSOE.
Como señaló Benegas en la reunión del Comité Federal, IU debería pronunciarse claramente sobre la política de pactos que va a seguir. De todas formas no se entiende muy bien los llamamientos de Ciscar y Benegas a IU, cuando Felipe González les dijo a sus compañeros del Comité Federal que Julio Anguita tiene un discurso muy reaccionario. Y tampoco tiene demasiado futuro la estrategia del PSOE de conseguir cierta estabilidad para Manuel Chaves en Andalucía, y utilizar esa comunidad como moneda de cambio en la negociación con IU.

El termómetro del Comité Federal

La temperatura durante las intervenciones



INFO16

LA ANÉCDOTA

Demasiado coche oficial

Cuando se celebra un Comité Federal del PSOE en la calle Ferraz resulta escándaloso el desfile de coches oficiales, con inquilinos que a veces no conoce nadie. Ayer hubo comentarios jocosos con esta cuestión, ya que algunos observadores de este fenómeno apuntaban que "cada vez va a haber menos moqueta y coche oficial en este partido".
Una nota agradable la puso Jordi Solé Tura, ex ministro y 'gente importante' en el PSOE, que llegó a la calle Ferraz en un taxi y, a pesar de ser catalán, no pidió justificante. Entre tanto coche oficial ver descender de un taxi a Solé Tura fue algo refrescante y una bocanada de aire fresco entre tanta parafernalia, que al final se diluye a la hora de los discursos y de dar la cara ante el secretario general.

Canibalismo político en Rusia

Una constelación de grupos lanza su campaña con vistas a las elecciones legislativas y presidenciales

PILAR BONET, **Moscú**

Rusia ha comenzado la campaña para las elecciones legislativas (a la Duma Estatal o Cámara baja del Parlamento) y presidenciales que serán clave para el futuro de la democracia en este país. El canibalismo político está a la orden del día entre los numerosísimos grupos y movimientos dispuestos a competir. Con la reciente formación del bloque Nuestra Casa Es Rusia (NCR), la élite en el poder, con el jefe del Gobierno, Víctor Chernomirdin a la cabeza, ha demostrado que va a defender su territorio con uñas y dientes para quedarse donde está hasta el próximo siglo.

En abril, el presidente Borís Yeltsin dio la señal de salida de la campaña electoral al anticipar la formación de dos bloques —uno de centro-derecha y otro de centro-izquierda—. Para el día que se anunció la formación de NCR, prácticamente todas las administraciones regionales a lo largo y ancho de la inmensa Rusia habían recibido —por el sistema de mensajería oficial del Gobierno— los documentos del nuevo bloque, y para entonces también los gobernadores tenían ya instrucciones de formar el nuevo bloque en sus territorios. En algunos casos, fue el propio Chernomirdin quien, por teléfono, dio a los líderes regionales la orden de iniciar la captación de adeptos, practicando, por supuesto, el canibalismo político entre otros grupos ya constituidos.

¿Qué había pasado? Durante sus vacaciones primaverales en Sochi, a las orillas del mar Negro, Yeltsin había aceptado apoyar una estrategia electoral, tal como aconsejaban gentes como Leonid Golovkov y Vladímir Rizhkov, un diligente diputado de 29 años y que es una pieza importante en la formación de NCR.

No era la primera vez que Yeltsin aceptaba identificarse con un movimiento. Sin embargo, el líder nunca se entregó del todo a nadie, y, aún hoy nadie se atreve a pronosticar qué hará el presidente en los próximos meses.

Esta vez, los analistas del Kremlin consideraron la posibilidad de formar un solo bloque, o dos bloques coordinados desde un mismo centro. El presidente se quedó con esta última idea y, al volver a Moscú desde Sochi, convocó al jefe del Gobierno, Victor Chernomirdin, y al jefe de la Duma, Iván Ribkin, que aceptaron los papeles encomendados. Toda la operación había durado menos de tres semanas.

Hasta ahora, sin embargo, sólo Chernomirdin ha logrado formar su bloque. Los gobernadores, sensibles a las directrices claras, se sienten obligados ya a guardar fidelidad al jefe del Gobierno, y así lo demostraron las autoridades de una provincia del interior, que, tras afiliarse a NCR, cancelaron su invitación al ex líder soviético Mijaíl Gorbachov.

Dadas las limitadas competencias de la Duma Estatal (450 diputados), las elecciones tienen un valor indicativo de las tendencias que contarán a la hora de los presidenciales en junio de 1996. Las elecciones no contribuirán a consolidar los partidos políticos, ya que la representación directa de éstos en la Duma se reducirá. Yeltsin quiere que 300 escaños sean elegidos por sistema mayoritario en circunscripciones regionales y 150 por circunscripción federal única de listas de partidos, en lugar de la paridad actual (225 por cada método). El Consejo de la Federación (o Cámara alta) es una incógnita, ya que no está claro si será elegido o designado.

Los múltiples recursos de los gobernadores permiten augurar el éxito del bloque de Chernomirdin en las provincias, donde muchos de los candidatos de NCR figurarán como *independientes*. El éxito, sin embargo, no está garantizado, porque pueden intervenir otros factores como el rechazo de la *nomenklatura* dirigente. "Lo tienen todo, menos el electorado", afirma un observador.

A diferencia de Chernomirdin, Iván Ribkin, que forma parte de la dirección del Partido Agrario (PAR), no ha logrado aún constituir su bloque, aunque ha preparado el terreno, registrando una organización denominada Soglasie (Acuerdo). Ribkin se ha visto obligado a actuar así porque Mijaíl Lapshin, el severo presidente del PAR, prefiere ir solo a las elecciones.

Los bloques de Yeltsin tendrán que vérselas con el Congreso de las Comunidades Rusas (CCR), un movimiento en cuya dirección están el presidente de la Asociación de Productores, Yuri Skókov; el jefe del Partido Democrático de Rusia, Serguéi Glazev, y el general Alexandr Lébed, por cuyo rostro no precisamente bonito compiten grupos de diversa tendencia. Algunos temen que el oficial conecte con los círculos liberales y adinerados partidarios del "modelo chileno" en Rusia.

> Aún hoy nadie se atreve a pronosticar qué hará Yeltsin en los próximos meses

El impacto de los nuevos bloques es difícil de prever, porque anteriores proyectos para englobar a los "partidos enanos" en grandes coaliciones han fracasado tanto en la derecha como en el centro del espectro político y también en los sectores nacionalistas. La parcela más estructurada es la del Partido Comunista de Rusia (PCR), que dirige Guennadi Ziuganov. Las perspectivas de Ziuganov son buenas, a juzgar por el éxito del cosmonauta Vladímir Titov, de afiliación comunista, que ganó recientemente un escaño en una provincia cercana a Moscú.

Con la misma facilidad con que se han unido en bloques, los "enanos" pueden volverse a separar si intuyen que sus intereses están mejor defendidos en otra parte. El Partido de la Unidad y la Concordia de Rusia (PUCR) no ha decidido aún si hace campaña por cuenta propia o dentro del NCR, pese a que su dirigente, Serguéi Shajrai, ha contribuido a crear este bloque. Dicen los analistas que Chernomirdin debe luchar por el electorado de Yegor Gaidar, pero que también debe mantener a distancia al responsable de la reforma económica de 1992. Huir de Gaidar como de la peste parece ser la consigna de Grigori Yavlinski, el líder de Yabloko (Manzana). Este reformista, con una excelente imagen no empañada por las responsabilidades pasadas, teme por los electores que podría perder si se asocia con Gaidar. La fracción de la Opción de Rusia en la Duma, que dirige Gaidar, fue abandonada por Borís Fiódorov, que ha fundado un grupo liberal con el nombre de Adelante, Rusia, y por el ideólogo Guennadi Búrbulis, que ha creado un grupo para competir en provincias.

La mayoría de las fuerzas políticas tendrá que recurrir al repertorio nacionalista, como ya está haciendo el ex vicepresidente de Rusia, Alexandr Rutskoi, que dirige el movimiento patriótico Derzhava. Ello tal vez permita reducir la influencia de grupos radicales como son los nazis de la Unión Nacional Rusa (UNR), dirigida por Alexandr Barkashov, y el partido Liberal Democrático de Rusia, que dirige Vladímir Zhirinovski, que en diciembre de 1993 consiguió casi un 23% de los votos. Los sociólogos pronostican que Zhirinovski no cosechará ahora el éxito de entonces, en parte porque en las elecciones competirán grupos prohibidos en 1993 y, en parte, porque los electores cautivados por las promesas demagógicas se han dispersado hacia otras opciones.

El espectro político ruso

Ultranacionalistas

▶ PARTIDO LIBERAL DEMOCRÁTICO DE RUSIA (PLDR)
Líder: **Vladímir Zhirinovski**
Populismo teñido de fascismo.

▶ UNIÓN NACIONAL RUSA
Líder: **Alexandr Barkashov**
Neonazi.

En este flanco se están formando numerosísimas agrupaciones que es prematuro aún nombrar.

Derechas

▶ LA OPCIÓN DEMOCRÁTICA DE RUSIA (ODR)
Líder: **Yégor Gaidar**
Neoliberales.

Centristas

▶ PARTIDO DEMOCRÁTICO DE RUSIA (PDR)
Líder: **Serguéi Glazev**
Escorado hacia la izquierda.

▶ PARTIDO DE LA UNIDAD Y LA CONCORDIA DE RUSIA
Líder: **Serguéi Shajrai**
Centrista y progubernamental.

▶ YABLOKO
Líder: **Grigori Yavlinski**
Reformistas con especial hincapié en las clases medias.

Izquierdas

▶ PARTIDO COMUNISTA DE RUSIA (PCR)
Líder: **Guennadi Ziuganov.**

▶ PARTIDO AGRARIO DE RUSIA (PAR)
Líder: **Mijaíl Lapshin.**

▶ MOVIMIENTO SOCIAL-PATRIÓTICO *DERZHAVA*
Líder: **Alexandr Rutskoi.**

▶ MUJERES DE RUSIA (MR)
Líder: **Alevtina Fedúlova**
Orientación socialdemócrata.

Bloques

▶ NUESTRA CASA ES RUSIA
Líder: **Víctor Chernomirdin**
Centro-derecha.
Élite dirigente actual.

▶ CONGRESO DE LAS COMUNIDADES RUSAS
Líder: **Yuri Skókov**
Centrista y nacionalista moderado.

▶ BLOQUE DEL JEFE DE LA DUMA ESTATAL
Líder: **Iván Ribkin**
Centro-derecha. Trata de mantener el poder de la élite dirigente actual.

▶ RUSIA DEMOCRÁTICA
Derecha, Quiere unir los restos del movimiento democratizador de fines de los ochenta.

Tres de ellos compiten por un espacio de centro-derecha e intentan captar organizaciones y partidos ya existentes en el centro, tales como UNIÓN DE LOS REALISTAS **(Yuri Petrov)**, FONDO REFORMA **(Stanislav Shatalin)**, FEDERACIÓN DE LOS SINDICATOS INDEPENDIENTES **(Mijaíl Shmákov)**.

La gran incógnita

P. B., **Moscú**

¿Se decidirá Borís Yeltsin a participar en las elecciones presidenciales? Esta incógnita, que previsiblemente no se despejará hasta pasados los comicios legislativos, condiciona todo el proceso político hoy en Rusia.

"Por el bien de todos, Yeltsin no debería participar, pero nadie sabe cuáles son las ideas que pasan por su cabeza", señala un analista próximo al Kremlin, que confiesa su temor a que el líder de Rusia, de 64 años, "pueda dar un día un puñetazo sobre la mesa y hacer saltar por los aires las piezas del juego político".

Hoy por hoy, una parte del equipo de Yeltsin ha comenzado a trabajar para Chernomirdin, que cultiva la imagen de un reformista moderado que se ha mantenido al margen de la guerra de Chechenia. Si este tecnócrata con poca chispa en la comunicación con los auditorios obtiene buenos resultados, podría ser un candidato a la presidencia.

Las primeras estimaciones sobre las perspectivas de voto del bloque NCR van desde un 4% (con lo que no pasaría la barrera del 5% necesario para estar representado) hasta un 20%, según una previsión que haría feliz a Chernomirdin, pero que está muy lejos del modelo mexicano en las raíces de su estrategia electoral. El Centro Ruso de Estudio de la Opinión Pública calcula que el 13% del electorado puede apoyar a Chernomirdin y el 12% a Ribkin.

Si Chernomirdin, un antiguo presidente de la compañía nacional del gas (Gazprom), tiene ambiciones de ser el *número uno* de Rusia, se ha guardado muy bien de mostrarlas. Pero en una reciente entrevista para el canal de Televisión Independiente, muchos creyeron advertir un brillo en sus ojos cuando le preguntaron si pensaba concurrir a las elecciones presidenciales.

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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

ASSEMBLÉE PARLEMENTAIRE

SOUS-COMMISSION DES DROITS DE L'HOMME

Strasbourg, le 17 mai 1995

Objet: **Visite à Moscou et en Tchétchénie (4-10 juin 1995)**

Madame, Monsieur,

La Sous-commission des droits de l'homme se réunira à Moscou et en Tchétchénie et les régions avoisinantes du 5 au 10 juin 1995.

Vous trouverez ci-joint le programme de cette réunion tel qu'il a été proposé à la Délégation russe d'invités spéciaux. Je vous ferai parvenir la version finale par fax dès qu'elle sera disponible. Le projet d'ordre du jour vous sera également envoyé en temps utile.

En ce qui concerne votre séjour à Moscou, du dimanche 4 au mardi 6 juin (deux nuits) et du samedi 10 au dimanche 11 juin (une nuit), une réservation de groupe a été faite à l'Hôtel Metropol à un tarif préférentiel. Vous êtes prié de faire votre réservation directement auprès de l'hôtel (tél: 095 927 6000; fax: 095 927 6059) avec la mention "Council of Europe / Mrs Yanovskaya". Le prix spécial est de $280 (au lieu de $390) par nuit (petit déjeuner non compris).

Pour votre séjour à Vladikavkaz nous avons l'intention de faire des réservations à l'Hôtel Vladikavkaz du 6 au 10 juin (quatre nuits).

Pour des raisons pratiques et de sécurité, la Délégation russe d'invités spéciaux souhaite connaître les noms des membres ayant l'intention de participer à cette visite. Je vous serais donc reconnaissant de bien vouloir confirmer votre participation dans les meilleurs délais.

Je vous prie d'agréer, Madame, Monsieur, l'expression de mes sentiments

Allard A. Plate
Secrétaire de la Commission

Aux membres titulaires et suppléants de la Sous-commission des droits de l'homme

copie: Secrétaires de délégations nationales concernés

Adresse postale: BP 431 R6 F-67008 Strasbourg Cedex

SOUS-COMMISSION DES DROITS DE L'HOMME

Visite en Tchétchénie
(5-10 juin 1995)

Projet de programme

(proposé par M. Bindig, rapporteur)

Dimanche 4 juin 1995

Arrivée à Moscou

Nuitée à Moscou

Lundi 5 juin 1995

Réunions à Moscou:

Matin:

Réunions avec des membres du Parlement russe et de l'Administration présidentielle
[organisées par les autorités russes]

Après-midi:

Réunions avec des représentants des organisations internationales et non-gouvernementales (CICR, IOM, UNHCR, Human Rights Watch, Memorial et autres), et M. Kovalyov
[organisées conjointement par le Secrétariat du Conseil de l'Europe et les autorités russes]

Mardi 6 juin 1995

Matin:

Départ pour Vladikavkaz par vol Aeroflot ou par avion mis à notre disposition par les autorités russes ou affrété
[organisé conjointement par le Secrétariat du Conseil de l'Europe et les autorités russes]

Installation à l'Hôtel Vladikavkaz

Après-midi:

Départ pour Mozdok (Ossétie du Nord) en bus/hélicoptère/avion
Réunions avec les autorités russes
Visite de prison et de "camps de filtration"
[organisées par les autorités russes]

Retour à Vladikavkaz dans la soirée

Mercredi 7 juin 1995

Départ pour Nasran en bus/hélicoptère/avion
Réunions avec les autorités ingouches locales, des ONGs et des organisations internationales
[organisées conjointement par le Secrétariat du Conseil de l'Europe et les autorités russes]

Visite de camps de réfugiés
[organisée par les autorités russes]

Départ pour Gudermes et/ou Bamut en bus/hélicoptère/avion
[organisé par les autorités russes]

Retour à Vladikavkaz dans la soirée

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Jeudi 8 juin 1995

Départ pour Grosny en bus/hélicoptère/avion

Réunions avec les autorités russes, la mission de l'OSCE, le CICR, Médecins sans frontières
[organisées conjointement par le Secrétariat du Conseil de l'Europe et les autorités russes]

Départ pour Argun et/ou Chali en bus/hélicoptère/avion
[organisé par les autorités russes]

Retour à Vladikavkaz dans la soirée

Vendredi 9 juin 1995

Matin:

Visite d'autres villes en Tchétchénie (Assinovskaya et/ou Samashki) en bus/hélicoptère/avion
[organisée par les autorités russes]

[Visite d'un camp de prisonniers de guerre tchétchène (dans la partie de Tchétchénie contrôlée par Dudayev)]
[organisée conjointement par le Secrétariat du Conseil de l'Europe et les autorités russes, si possible]

Après-midi:

Départ pour Nasran en bus/hélicoptère/avion

Réunions avec les autorités russes
Réunions avec les dirigeants tchétchènes et représentants de M. Dudayev
[organisées conjointement par le Secrétariat du Conseil de l'Europe et les autorités russes]

Samedi 10 juin 1995

Départ pour Moscou par vol Aeroflot ou par avion mis à disposition par les autorités russes ou affrété)
[organisé conjointement par le Secrétariat du Conseil de l'Europe et les autorités russes]

[Si un avion a été mis à disposition ou affrété: départ aux capitales nationales]

Dimanche 11 juin 1995

Départ aux capitales nationales

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Council of Europe
Conseil de l'Europe

Parliamentary Assembly
Assemblée Parlementaire

Strasbourg, France
Fax n° (33) 88 41 27 02

SUB-COMMITTEE ON HUMAN RIGHTS
SOUS-COMMISSION DES DROITS DE L'HOMME

Mr, Mrs / M. Mme:
Delegation:
will attend / will not attend[1]: the meeting of the Sub-Committee on Human Rights in Moscow and Chechnya on 4-10 June 1995
participera / ne participera pas[1]: à la réunion de la Sous-commission des droits de l'homme à Moscou et en Tchétchénie du 4 au 10 juin 1995
will be replaced by / sera remplacé par:
I have made a reservation at the Hotel Metropol: yes / no J'ai fait une réservation à l'Hôtel Metropol: oui / non
Signature:
Date:

Please return this form to / Prière de renvoyer ce formulaire à:

Sally-Ann Honeyman
Assistant
Committee on Legal Affairs and Human Rights
Parliamentary Assembly
Council of Europe
F-67075 Strasbourg
Fax: (33) 88 41 27 02

[1] Please delete where applicable / Rayer la mention inutile