

An appeal to the Human Rights Ombudsman of the Russian Federation Vladimir Lukin

We, the undersigned representatives of human rights organisations who have for many years worked in different hotspots of the North Caucasus region, welcome your statements about the need to set up an international tribunal in order to bring to justice all those 'guilty of the mass destruction of the towns and villages [of South Ossetia], those who gave the orders, and those who carried them out', resulting in the 'deaths of hundreds – or more - civilians, innocent people, children and women.' We express our support for your proposal. We hope it has not been dictated by short term political considerations. We would like to believe that it reflects your sincere commitment to the principles of human rights, international humanitarian law and international criminal justice as well as your readiness to assist in the prosecution of war crimes wherever they occur and irrespective of the nationality and citizenship of the suspected perpetrators and their victims.

We would like, moreover, to remind you that South Ossetia is part of the Caucasus and that the present military conflict is one of many military conflicts which have afflicted this long suffering region for the last fifteen years. Grave violations of humanitarian law and of the fundamental human rights to life, to freedom, to personal immunity, to protection against torture and violent treatment have been committed and are still being committed in some parts of the Caucasus. In fact in some cases the same forces, and even the very same individuals that are being mentioned in military communiqués today, were involved in committing those violations.

For example, in October-November 1992 with the full support of the Russian Armed Forces, Ossetian paramilitary units, including detachments transferred from South Ossetia carried out an ethnic cleansing operation in Vladikavkaz and the Prigorodnyj District in the Republic of North Ossetia-Alania. Hundreds of Ingush – elderly people, women and children – were subjected to a torturous death. Hundreds of thousands were driven out of their homes and their villages. Even today, so many years later, no-one mentions the humanitarian catastrophe which these people have endured for so many years, nor the prospect of punishing those who committed, ordered and master-minded those crimes, or collaborated in them, or those who refused to take steps to stem them or to punish the culprits. The national justice system has proved incapable of bringing criminals to justice, and the country's leadership incapable of returning people to their places of permanent residence.

Even greater crimes were committed in the course of the armed conflicts on the territory of the Chechen Republic. In the period between October 1999 and February 2000, fire from Grad rocket launchers, artillery and air bombardment, including vacuum bombs and warheads with cluster bomb munitions, reduced the city of Grozny with its half a million inhabitants that

had avoided total destruction during the first military campaign in Chechnya to rubble. People of all ages – though citizens of the Russian Federation – met their death under the ruins of their homes or died from shell fragments and bullets. Similar fates befell residents of dozens of other villages and townships of Chechnya: Elistanzhi, Katyr-Yurt, Gekhi-Chu, Komsomolsky and many others.

Columns of refugees trying to leave the military conflict zone, together with those in markets, maternity hospitals, mosques, schools and other places where civilians were concentrated, also experienced air and artillery bombardment. There were also massacres of civilians accompanied by rapes, robberies and the destruction of civilian houses and property. In later years the republic sank into a climate of the managed and systematically applied state terror. People were kidnapped and murdered during the so-called cleansing operations, which were in fact cruel punitive measures against the civilian population. Frequently, though not always the perpetrators were inspired by ethnic hatred – as testified by hundreds of eye-witnesses. A system developed in Chechnya – still in operation today – whereby forced disappearances, torture and extra-judicial killings were an integral part of a nominal law enforcement system which was in fact a system of repression and terror. There are death squadrons in operation today, as well as illegal prisons and undisguised official filtration (concentration) camps.

During the second Chechen war the Chechens suffered human losses comparable to those of a people which has survived genocide. Namely, from a population of one million, many thousands of people were killed, several thousand disappeared without trace after having been detained by various army and police forces, though the latter were allegedly trying to 'establish constitutional order and to curb aggression' (using today's fashionable terminology).

The facts and the circumstances of thousands of crimes have been registered in the documents of human rights, humanitarian and other public organisations which operate in the region. The OSCR, the Council of Europe, the UN Human Rights Council and other interstate bodies have many times voiced their deep concern about the gross violations committed by the Russian side. The European Court of Human Rights has already confirmed the factual evidence of the blatant crimes collected by the human rights activists and has found the Russian Federation guilty of violation of the most fundamental of rights – the right to life. The truth of the claims presented by human rights activists and international organisations is supported by statistical data from the Office of State Prosecution of the Russian Federation which started criminal and investigative procedures in the majority of these cases.

However, as a whole the law enforcement system and the justice system of the Russian Federation have demonstrated their inability to carry out an objective investigation of these crimes. At best the state prosecution organs tried without much success to identify individual perpetrators, and to find those who had pulled the trigger. Commanders and heads of units involved in

massacres or mass strikes against the civilian population, like Caesar's wife have invariably remained beyond suspicion. The issue of their responsibility as top officials who had ignored their duty of stemming and punishing offences was not addressed by the Russian justice system. Consequently, the most brutal of crimes have remained unpunished.

We would like to remind you about some of them: the shelling of the central market, the central post office, the mosque and the maternity hospital in Grozny on 21 October 1999 by the 'ground to ground' tactical missiles, when 140 people including 13 pregnant women and 15 newborn infants died in the attack; attacks on refugees attempting to flee the conflict zone through the so-called 'humanitarian corridors' provided by the Russian government (29 October 1999); the massacre in the village of Alkhna-Yurt (December 1999) and in the Staropromylsovky district of Grozny (January-February 2000); the killings of unarmed civilians in the village of Novye Aldy (5 February 2000); the bombing of Aslambek-Sheripovo declared a 'security zone' (14 and 17 February 2000). The list could continue, and we could include many more Chechen towns and villages subjected to punitive cleansing operations in the later years of the conflict.

The military communiqués from Georgia mention the Russian general Anatolii Khrulev and the 58 Army of the North Caucasus Military District which he commanded before being injured. There are good reasons to conclude that both the commander and his armed units had taken part in the atrocities against civilians in the Chechen Republic in 1999-2000.

For example, when Anatolii Khrulev, then a colonel, was appointed to the post of the commandant for the Caucasus-1 checkpoint on the administrative border between Chechnya and Ingushetia, he forced a column of many thousands of refugees and a Red Cross convoy to turn back to Grozny, knowing and having grounds to know that he was sending the people to a certain death. This was despite an earlier promise by the Russian authorities to create a humanitarian corridor. Dozens of civilians were killed and injured that day as a result of missile strikes by Russian aviation on the civilian column in the district of Shaami-Yurt.

The 58 Army detachments took part in the Katyr-Yurt operation during which 150 civilians, including women and children, were killed as a result of the indiscriminate conduct of fire. In its conclusion on the 'Isaev versus Russia' case The European Court of Human Rights pointed to the evidence that the operation bore all the hallmarks of a collective punishment of the civilian population.

The adduced facts, corroborated by a considerable number of witness statements, are sufficient to establish the degree of participation by Russian generals and other officers in the named crimes. However, many of them, rather than being listed with the accused, are involved in conducting 'peacekeeping operations' on the territory of another sovereign state. As you have justly pointed out: if the 'offenders are not punished, the military crimes will be repeated with increasing frequency'.

Taking all this into account, human rights organisations have repeatedly demanded that a judicial body be set up to investigate crimes committed in Chechnya. Their calls have been heard. In its Resolution 1323 of 2 April 2003 the Parliamentary Assembly of the Council of Europe stated that the 'international community should consider a possibility of setting up a tribunal for war crimes and crimes against humanity committed in the Chechen Republic'. Yet all efforts to this effect have been blocked by the Russian government and Russian diplomats.

It seems now that the situation is beginning to change and that the Russian authorities have changed their suspicious stance towards the institutions of international justice. Your own proposal has been reiterated by the RF Foreign Minister and also by members of the Federal Assembly, journalists, political analysts and many others.

Thus we have two suggestions of our own to put to you.

Firstly, we ask you to initiate immediately the ratification by the Russian Parliament of the Roman statute of the International Criminal Court. It is the International Criminal Court which is in fact the International Hague Tribunal which Minister Lavrov mentioned in his statement of 12 August when he talked about the need to 'investigate crimes committed by the Georgian authorities in South Ossetia'. No other existing court has the necessary powers to do it. Yet for many years Russia has refused to ratify the Statute of this Court or to recognise its jurisdiction.

Secondly, we request that you should initiate the creation of a special ad hoc international tribunal empowered to investigate crimes committed since 1991 during the military conflicts on the territory of the North Caucasus, thus supporting the PACE Resolution 1323. We are ready to present all the documentary evidence in our possession on the actual circumstances of crimes committed by all parties to these conflicts and to continue to cooperate with you, the Russian authorities and the international community on this issue.

We are confident that both these initiatives would contribute to the triumph of the principles of human rights, humanitarian law, of the inescapable punishment for war crimes (which the representatives of the Russian authorities have been stating with such pathos in recent days), as well as to improving our country's reputation in the international arena.

We await your reply.

Yours truly,

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