

To the Prime Minister of Great Britain and Northern Ireland, Gordon Brown  
Copy to all UK ministries and media

By Said-Emin Ibragimov

Strasbourg, 3 March 2009

Dear Prime Minister,

I address myself to you in the name of the Chechen people, who have no voice in any high-level international organisation and are bereft not only of all generally recognised human rights and freedoms, but also of the right to defend these rights at any level. At the UN and in the Council of Europe, Russia has successfully defended its right to aggression, genocide, crimes against humanity and war crimes against the Chechen people. Meanwhile Chechens who have not reconciled themselves to the political discrimination they suffer, and are struggling -- so far unsuccessfully -- to bring the truth to the attention of high-level organisations and international politicians, risk ending up on a list of 'international terrorists', or simply being killed by order of the executioners of the Chechen people. Having killed or silenced many truth-seekers, these executioners have not succeeded in finally killing Truth itself.

However much international politicians try to close their eyes to the fact, it is entirely clear that the precedent of impunity for crimes against the Chechen people steadily undermines the system of international law that has been created over centuries. A very recent example that confirms this was the conflict in the Caucasus, provoked by Russia, which was successfully brought to an end for the time being thanks to the decisive intervention of the French President Nicolas Sarkozy, which saved many people from potential death and suffering, as per the tried and tested Chechen scenario. Unfortunately, in 1994 and 1999, when Russia twice committed aggression against the Chechen people, there seemed not to be any government heads or leaders of international organisations capable of ending the killing of the Chechen people. Finding themselves dependent on Russia's energy and political interests, they gave an appearance of 'concern' at the violations of human rights in Chechenia, but took no concrete actions towards ending them. In stepping back from their international obligations, about which more will be said below, many of these government heads and leaders of international organisations opened the way for Russia to carry out genocide against the Chechen people with impunity. The Russian political and military authorities, to whom such notions as the supremacy of law, equality of human rights, humanism and humanity are entirely alien in the pursuit of their mercenary ends, were secure in the knowledge that they would escape punishment for these crimes, and were able to act without even a glance at international law.

The Communist functionaries 'repainted' as democrats who took unlimited power into their hands -- controlling the 'vertical of power' in Russia -- were always indifferent to the fate of ordinary people, whether Russian or of any other nationality. This was amply demonstrated when, during the storming of Grozny at the beginning of January 1995, Russian tanks drove over the bodies of their own soldiers; or when Russian aircraft indiscriminately bombed Grozny, in which more than 200,000 Russians lived before the

first war, along with representatives of dozens of other nationalities, none of whom were evacuated. They were condemned to death and suffering by Russian bullets, bombs and shells together with the Chechens. According to the estimates of the Russian film director and politician Stanislav Govorukhin, during the indiscriminate bombardment of Grozny 35,000 ethnic Russians were killed. Evidently this is forgotten by those who hypocritically assert that, while killing vast swathes of the Chechen people, the Russian political and military authorities were 'conducting a struggle against terrorism'.

Any evil, including terrorism, is rooted in injustice. It is with injustice, which is the basic kernel of evil, that I urge us all to struggle through legal methods, so that we should not shed bloody tears over our inaction as happened in the 1940s. The Chechen war showed that international law essentially operates according to a double standard, and in the interests of the strong, not in the interests of justice. When all the world's governments, under the pretext of non-interference in 'Russia's internal affairs', refused to defend the Chechen people from a fascistic regime, they took a step towards the destruction of the established system of international law -- a process which continues with growing force. It is hard to say whether international politicians feel a twinge of remorse at the death and suffering of the Chechen people and the dangerous situation that has developed in the world; but there can be no doubt that history will not forgive such indifference.

In 1992, all Russian armed forces were withdrawn from Chechenia by order of the Russian leadership (without any juridical basis), and a large quantity of weapons was left behind to be appropriated by the population. At the time, I saw this as an insidious plot, and publicly announced that these weapons had been left with the aim of escalating into war. From that moment on, I have addressed myself -- to date, without success -- to the UN, EU, Council of Europe and international politicians with a request to act on the Chechen question in accordance with their commitments to support peace and to observe the principle of the rule of law and human rights laid down in the UN Charter and other international documents. A number of marches have been made making these same demands, covering many kilometres from Grozny, razed to its foundations, through Georgia, Azerbaijan, Turkey, Denmark, Belgium, Luxembourg, Germany and France, totalling over 4,500 km. I myself have carried out 7 hunger strikes, including 4 in Strasbourg, for a total of 238 days. Numerous meetings and other gatherings have been organised calling on international organizations and UN member-states to become intermediaries for a peaceful resolution of the Chechen question. But all these appeals, requests and demands were ignored or silenced in the interests of strong criminals. In my case, the Russian special services have made several attempts on my life, including one involving fire-arms, resulting in two grave injuries.

In the course of the many years since the beginning of Russia's inhuman, aggressive war against the Chechen people, despite the support of many honest people from all around the world, we have still been unable to persuade high-level international organisations and competent politicians to examine the Chechen question from the point of view of international law -- that is, objectively and fairly. **The refusal to do so has given the perpetrators the opportunity to accuse the very victims of these crimes of committing them.** Power-holders and heads of government have not had the courage to adopt, and then stick to, an objective position on the Chechen question, while Russia, ignoring international conventions and deploying forbidden weapons, destroyed peaceful towns and villages, killing innocent civilians. No one has firmly demanded, in a principled manner, that the criminal actions against the civilians of Chechenia should

cease. No one had the courage to take a firm, consistent stance against the criminals in power in Russia, to ask and firmly demand answers to the following questions:

**-- on what juridical basis (from the point of view of the Russian Constitution and generally recognised norms of international law) were two bloody wars unleashed against the Chechen people?**

**-- who is to blame, and who will bear the responsibility for the escalation of these wars of aggression, for their bloody consequences and the enormous material and financial losses they have caused?**

**-- for whom was this war necessary, and why?**

**-- why did the Russian political and military authorities choose precisely the bloodiest, most inhuman path to resolving the Chechen question?**

An answer to these and a series of other questions (which have nothing to do with 'Russia's internal affairs') could clarify a great many things and help to uncover the truth.

Mr Prime Minister, I would like in particular to direct your attention to the fact that many politicians have remained silent in premeditated fashion, which has meant that the Chechen question has not been considered objectively. Further, I would direct your attention to the fact that the basis for Russia's war on Chechenia was a series of Decrees of the Russian President and Resolutions of the Government of the Russian Federation which were **illegal** according to international law and the Constitution of Russia; these decrees have been the origin of the great tragedy of the Chechen people. These were:

**-- the secret, never officially published Decree No. 2137 of 30 November 1994 of former Russian President Boris Yeltsin, which facilitated the application of all available means against Chechenia. It was precisely this illegal Decree No. 2137, in force for 11 days, that brought forth irreversible consequences; it started the engine of war, which then continued to function according to its own unwritten, cruel laws;**

**-- Decree No. 2166 of 9 December 1994;**

**-- Decree No. 2169 of 11 December 1994;**

**-- Russian Government Resolution No. 1360 of 9 December 1994**

To this day, none of these have been annulled, and though they have no legal basis, they continue to operate in practice, allowing the situation to be manipulated. Together with the explosions in Russian cities in the autumn of 1999 -- which, as was discovered in the city of Ryazan, were organised by the Russian secret services with a specific goal in mind -- and the incursion of armed Chechen groups provoked into aiding Dagestani insurgents, these decrees were used by Yeltsin and his successor Vladimir Putin to 'justify' the start of a new criminal aggression against the Chechen people in 1999. All the terrorist acts and state terror unleashed by the Kremlin against the entire Chechen people, no matter who finally carried them out, were ordered by the military and political authorities of Russia, headed by Vladimir Putin. All this is confirmed by the fact that the entire mechanism of lawlessness was set into motion by the aforementioned secret and illegal Decrees and Resolution, which continue to operate whenever the political and military authorities of Russia need them.

**Chapter I: Basic facts confirming the illegality of the Presidential Decrees and Resolution of the Government of the Russian Federation**

## **Article 1 – gross violations of the Constitution of the Russian Federation**

1. – violation of part 3 of article 15, which states that ‘any normative legal acts concerning human rights, freedoms and duties of man and citizen may not be used, if they are not officially published for general knowledge.’ This violation is the basis for confirming the illegality of the aforementioned decrees.

2. - when these Decrees and the Resolution were implemented, an emergency situation was not introduced, as it should have been in accordance with the RSFSR Law of 17 May 1991 ‘On Emergency Situations’, which was later used for the ‘election’ of puppet authorities in Chechenia under de facto emergency conditions. This confirms once again that all Russia’s actions were purposefully thought out in advance.

3. – the Presidential Decrees and the Resolution of the Russian Government were not based on specific constitutional norms. Russia has asserted that Chechenia is a part of Russia and that it is entitled to use its armed forces to resolve internal conflicts; but this contradicts a Decree of the selfsame President of the Russian Federation of 2 November 1993, No. 1833 ‘On the Basic Provisions of Military Doctrine’, and articles 5 and 6 of the law ‘On Defence’; neither the President nor the Government have any constitutional prerogative allowing them to use the armed forces for the resolution of internal conflict; this makes these Decrees and Resolution infringements of the very basis of the constitutional order of the Russian Federation, and confirms that they were issued in premeditated fashion, with the aim of committing the crimes that followed.

4. – these Decrees and Resolution were accompanied by gross violations and illegal curtailment of **rights and freedoms not subject to any limitation, as envisaged in articles 20, 21, 23 (part 1), 24, 28, 34 (part 1), 40 (part 1), 46 and 54 of the Constitution of the Russian Federation**, and also destruction of the social infrastructure on the territory of Chechenia, which directly contradicts the Russian Constitution.

5. – violation of point 2 of article 80 of the Russian Constitution, which states that ‘the President shall be the guarantor of the Constitution of the Russian Federation, and of human and civil rights and freedoms’.

6. – violation of point 1 of article 82 of the Russian Constitution, according to which at his inauguration the President takes the following oath to the people: ‘I vow, in the performance of my powers as the President of the Russian Federation to respect and protect the rights and freedoms of man and citizen, to observe and protect the Constitution of the Russian Federation’.

## **Article 2 - Violations of the purposes, principles and norms of international law**

1 – the following have been violated: points 1, 2, 3 and 4 of article 1, chapter I ‘Purposes and Principles’; article 33 of chapter VI ‘Pacific Settlement of Disputes’; article 73 of chapter XI, ‘Declaration Regarding Non-Self-Governing Territories’, laid down in the UN Charter. It is compulsory for Russia to fulfil them, since the USSR -- of which Russia is the legal successor -- ratified the UN Charter on 26 August 1966.

2. – violation of Article 3, Chapter II of the Statute of the Council of Europe, which states: ‘Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I.’

3. – violations of articles 1, 2, 3, 5, 7, 8, 9, 10, 11, 12; point 3 of article 16; points 1 and 2 of article 17; points 1, and 3 of article 21; and article 28 of the Universal Declaration of Human Rights of 10 December 1948.

4. – violations of articles 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 47, 51, 53, 70, 71, 76, 144, 145, 147 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; there have also been violations of articles 3, 4, 5 and 6, section 1, part 1; article 11, section 2, part 2; articles 32, 33, 34 of section 3, part 2; articles 37 and 41, section 1, part 3; articles 44 and 45, section 2, part 3; section 1, part 4; articles 50 and 51 of chapter 2, part 4; articles 52, 53, 54, 55, 56 of chapter 3, part 4; articles 68, 69, 70, section 2, chapter 4, part 4; articles 74 and 75, section 3, part 4; articles 76, 77, 78 and 79, chapter 2, section 3, part 4 of the First Additional Protocol; and of parts 1, 2 and 4 of the Second Additional Protocol.

5. – violations of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, which entered into force in Russia on 4 January 1957.

6. – violation of the principles expressed in the Declaration on the Rights of the Child of 20 November 1959.

7. – violation of articles 1, 2, 3, 4, 5, 6 of the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960.

8. - violation of Resolution 1803 (XVII) of the UN General Assembly, of 14 December 1962, on ‘Permanent Sovereignty over Natural Resources’.

9. – violation of paragraphs 1, 2 and 3 of article 1, part I, and of article 2, 4 and 5 of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966, which entered into force in Russia on 18 September 1973.

10. - violations of article 1, part I, article 2, part 2, articles 6, 7, 9, 14, 15, 17, 19, 20, 23, 24, 26 of part III of the International Covenant on Civil and Political Rights of 16 December 1966.

11. – violation of the UN Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage of 16 November 1972.

12. – violation of all 12 articles of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 9 December 1975.

13. – violation of the UN Convention on the Prohibition of Military or Any Other Hostile

Use of Environmental Modification Techniques of 10 December 1976, which entered into force in Russia on 5 October 1978.

14. – violation of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980, of the Second Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, and the Third Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons, which entered into force in Russia on 2 December 1983.

15. – violation of paragraphs 1, 2 and 3 of article 2, part I; paragraphs 1 and 2 of article 4, part I; paragraphs 1, 2 and 3 of article 5, part I; and articles 6, 7, 14, 15, 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, which entered into force in Russia on 26 June 1987.

16. – violation of all 10 articles of the Declaration on the Right to Development of 4 December 1986, including Article 1 which states:

‘1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

‘2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.’

17. – violation of the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, adopted by UN General Assembly Resolution 42/22 on 18 November 1987.

18. – violation of all 39 principles affirmed by UN General Assembly Resolution 43/173 in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment of 9 December 1988.

19. - violation of the basic articles of the Document of the Conference on the Human Dimension of the CSCE, adopted on 29 June 1990.

20. – violation of chapter 2 (Human Rights, Democracy and Rule of Law); chapter 3 (Economic Liberty and Responsibility); chapter 4 (Security); chapter 5 (Human Dimension); and chapter 6 (Environment) of the Charter of Paris for a New Europe of 21 November 1990.

21. – violation of the Basic Principles for the Treatment of Prisoners, adopted on 14 December 1990 by UN General Assembly Resolution 45/111.

### **Article 3 – Commission of the Gravest Crimes**

#### **3-1 Genocide**

In article 2 of the **Convention on the Prevention and Punishment of the Crime of**

**Genocide**, genocide means 'any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- '(a) Killing members of the group;
- '(b) Causing serious bodily or mental harm to members of the group;
- '(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- '(d) Imposing measures intended to prevent births within the group;
- '(e) Forcibly transferring children of the group to another group.'

According to article 3, 'the following acts shall be punishable:

- '(a) Genocide;
- '(b) Conspiracy to commit genocide;
- '(c) Direct and public incitement to commit genocide;
- '(d) Attempt to commit genocide;
- '(e) Complicity in genocide.'

Article 4 states that 'persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.' Article 357 of the Criminal Code of the Russian Federation also provides for the criminal punishment of genocide.

Over the course of Russia's two wars of aggression against Chechenia, more than 250,000 civilians have been killed, including over 42,000 children, a sum which does not include those who have since died of illnesses and wounds received during the main period of military operations. Tens of thousands of civilians have been wounded or made invalids, have lost their property and livelihoods, have become refugees or been condemned to a poor and miserable existence. During the bombing of civilian towns and villages, the Russian air force used cluster bombs, vacuum bombs, fragmentation bombs, incendiary and other bombs causing massive suffering and large numbers of deaths. A vast number of innocent people were subjected to kidnappings, torture and extra-judicial executions. According to data which significantly understate the reality, 20,000 Chechens are currently languishing in Russian prisons; many of them have been prosecuted on the grounds of arbitrary accusations, or for providing help and support to members of the Chechen resistance, and act that has been re-labelled 'participation in terrorism'. Many towns and villages have been destroyed. Around 80 per cent of Chechenia's historic monuments have been wholly or partially destroyed. In the very first days of the war, the national museum, the Chekhov Central Library, institutes of higher education, schools, hospitals, kindergartens and many other civilian installations were destroyed or seriously damaged by aerial bombardment. As a result of Russia's use of weapons prohibited by international Conventions, colossal damage has been inflicted on Chechenia's ecology, leading to a manifold increase in sickness among the population, above all cancer and related diseases. Tuberculosis, malignant tumours and cardiovascular diseases (including among young people and children) are described by the Health Ministry of Chechenia as potentially reaching epidemic proportions. According to specialists, it will take more than 50 years for the country's flora and fauna to recover from the damage inflicted upon them.

The actions of Russian soldiers in Chechenia fully correspond to the definition of genocide; there is no legal basis on which this can be refuted. But despite the fact that UN member-states which have ratified the **Convention on the Prevention and Punishment of the Crime of Genocide** have quite weighty juridical reasons for

examining and acknowledging the fact of the genocide committed by Russia against the Chechen people in the course of the two wars, not only has this not been done, but the question of the genocide of the Chechen people has not even been officially raised. The UN and its member-states have not fulfilled the responsibilities as laid out in the UN Charter, in particular article 1 paragraph 1, which states as the first purpose of the UN: 'To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace'. Furthermore, Chapter VI on Pacific Settlement of Disputes and Chapter VII on Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression, have both been wilfully ignored.

Throughout the course of these two wars against the civilian population of Chechenia, the Russian air force carried out indiscriminate carpet-bombing and heavy shelling of civilian towns and villages. In doing this, the Russian military and political authorities were wilfully ignoring the **Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War**. Not one of the UN's member-states has fulfilled the obligation laid down in article 1 of this Convention, which states that the 'contracting parties undertake to respect and to **ensure** respect for the present Convention in all circumstances.'

**Russia has, furthermore, violated the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980.** Practically the entire population of Chechenia found themselves potential or real victims of these bombardments, shellings and illegal military actions, which fall under article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide. The right to life, to freedom and personal immunity guaranteed by chapter 2 of the Constitution of the Russian Federation, by article 3 of the Universal Declaration of Human Rights, by articles 1 and 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, not only were not defended, they were gravely violated -- with the silent acquiescence of member-states of the UN, EU and Council of Europe.

#### **Article 4 - War Crimes, Crimes against Humanity**

The war crimes and crimes against humanity committed by Russia in Chechenia during the two wars have been described by the pro-Russian media to the world at large as the 'restoration of constitutional order', the 'battle with separatism' and then with 'terrorism'. The bombings of apartment buildings in Russian cities and the involvement, through provocation, of Chechen fighters in military activities in Dagestan, bolstered the Russian version of events as forming part of an 'anti-terrorist struggle' against 'international terrorism' in Chechenia. Even the unsuccessful attempt by the Russia secret services to carry out another bombing of a 12-storey apartment block in Ryazan could not convince the world's politicians to evaluate the situation more carefully and to acknowledge the fact that the war was being escalated in premeditated fashion, accompanied by Putin's promise to, in the lexicon of the criminal underworld, 'wipe out the terrorists in the outhouse'. The indifference and inactivity of politicians from UN member-states, which have specific international obligations, allowed the Russian military and political

authorities to kill scores of civilians with impunity, under cover of an 'anti-terrorist campaign'. I adduce a few examples out of the hundreds of war crimes and crimes against humanity that have been committed:

-- On 3 January 1995, the Russian air force bombed the central market, the automobile market and the central hospital in the town of Shali. Civilians, including many undergoing treatment in the hospital, were bombarded with cluster bombs, from which 50 people died straight away at the market and 25 in the hospital; 186 people were wounded, many of whom died later.

-- On 21 October 1999, there was criminal, deliberate bombardment of the Central Maternity Hospital, the Central Market and the main post office of Grozny; of a mosque in the village of Kalinin and of the Olympic sub-region with surface-to-surface and Scud rockets. As a result of this monstrous bombardment (the cruelty of which should make the whole world tremble with indignation), hundreds of people were killed and wounded, including women and their newborn children. But the international community, with very few exceptions, remained indifferent to Russia's barbaric 'anti-terrorist' operation (in which newborn babies were counted as 'terrorists'). Despite the glaring nature of the crimes committed by the Russian political and military authorities, many heads of governments made friendly statements to the effect that they did not intend to interfere in 'Russia's internal affairs'. Russia, meanwhile, demonstrating both its impunity and utter disregard for its international obligations, continued coldly to kill people, carrying out carpet-bombing of civilian towns and villages where there was not a single military target.

-- On 29 October 1999, having declared the establishment of a humanitarian corridor for refugees, the Russian military bombed a refugee column on the Moscow-Baku highway near the border between Chechenia and Ingushetia. Once again a large number of civilians were killed, as they attempted to save their own lives.

In the course of the two wars, and to date, war crimes and crimes against humanity continue to take place, with the tacit or even direct approval of many international politicians. These crimes were most manifest with the 'cleansing' operations known as *zachistki*, which in practice were ethnic cleansing, conducted by Russian soldiers on the orders of the political and military leadership in nearly all towns and villages of Chechenia -- in many places several times. During these *zachistki* people are subjected to cruel beatings, humiliation, theft, extortion and arbitrary arrest, after which many disappear, or their corpses are found by relatives bearing the marks of inhuman torture. In a great many cases, the corpses of those tortured and beaten have to be bought back from the Russian military by the relatives. A large number of completely innocent people have been shot on the spot during *zachistki*, or even burnt alive in their homes. A huge number of witnesses can confirm and testify to these crimes. Several of the crimes of Russian soldiers against civilians have been examined and confirmed by the European Court of Human Rights. In this letter, I would like to draw your attention to two out of the hundreds of bloody 'cleansing operations' carried out in Chechenia, which in their cruelty and cynicism can be classed among the crimes of the century:

-- on 7-8 April 1995, a 'cleansing operation' was carried out by Russian soldiers in the village of Samashki. According to the testimony of several eyewitnesses, personnel of the federal military forces without any reason attacked civilians, burnt houses, destroyed property and livestock, carried out extra-judicial executions of villagers. Whether drunk or under the influence of narcotics, they opened fire on civilians and threw grenades into cellars, where villagers -- mostly women, old men and children - had tried to hide. Flamethrowers and thermal grenades were used. A large number of people were killed and wounded, including women, old men and children. Without any

charges being made, 150 people were arbitrarily arrested; the subsequent fate of several of them is unknown. Over 370 houses were burnt.

-- on 5 February 2000 in the village of Novye Aldy two detachments of Russian soldiers carried out a so-called 'cleansing operation'. Troops from the Interior Ministry's OMON section in St Petersburg carried out the operation in the northern part of the village, and behaved inhumanly as they did so, openly declaring that they had orders from their commanders to kill everyone. The soldiers demanded people hand over their money and valuables. Those who had none, or did not have enough, were shot on the spot. Human rights organizations have gathered testimony of rape, as well as the burning of houses with people still in them. Among the large number killed were: Sultan Temirov, whose head was sliced off by the Russian soldiers while he was still alive; Elena Kuznetsova, a Russian woman aged 70; 11 elderly men aged between 60 and 76; the 1-year-old child Khasan Estamirov; and Toita Estamirova, who was 9 months pregnant. The Estamirovs, who lost 5 family members during this 'cleansing operation', now live in the USA as refugees; they submitted a case to the European Court of Human Rights in Strasbourg, which on 12 December 2006 found that the Russian authorities, in killing these 5 members of the same family, violated articles 2 and 13 of the European Convention on Human Rights, which guarantee the right to life and effective legal defence. The Court ordered Russia to pay the Estamirovs 220,000 euros, including 70,000 for 10-year-old Khusein Estamirov, both of whose parents were killed for no reason. But what trials did those members of this family have to endure who had somehow remained alive? And has justice been done by the mere award of 220,000 euros for the killing of 5 innocent people, if the murderers and the commanding officers who gave such horrific orders and sanctioned these 'cleansing operations' remained unpunished?

Moreover, despite the fact that such 'cleansing operations' continue in Chechenia to this day, along with kidnappings, extra-judicial executions and other crimes, only a few manage to secure even this measure of 'justice'; for there are many obstacles on Chechens' path to the European Court. A recent example of this came with the murder of the Chechen refugee Umar Israilov, who had filed a case against Russia with the European Court, but who was killed in Austria on 13 January 2009.

The punishability of war crimes and crimes against humanity is set out in article 6 of the Charter of the Nuremberg International Military Tribunal of 8 August 1945, and confirmed in UN General Assembly Resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, as well as by the Geneva Conventions on the protection of victims of war of 12 August 1949. The crimes committed by Russia include **crimes against families and minors, violent and mercenary crimes against property, crimes against justice, crimes against ecological security, and moral harm as a consequence of crimes against life and health.**

The crimes described in this letter are only a small portion of those which have been committed, and continue to be committed, by the military and political authorities of Russia over the course of many years in Chechenia, which has remained closed off to the outside world, making reliable information all but impossible to obtain. But even this small proportion of crimes, given here as examples, should be sufficient to justify legal recognition of the fact that Russia has committed aggression, genocide, crimes against humanity and war crimes against the Chechen people.

## Chapter 2

**Article 1 - INTERNATIONAL OBLIGATIONS THAT UN MEMBER-STATES, EU STATES AND MEMBER-STATES OF THE COUNCIL OF EUROPE HAVE NOT FULFILLED IN RELATION TO THE CHECHEN QUESTION**

1. - the **purposes and principles** set out in Chapter 1 of the UN Charter have not been fulfilled; in particular point 1, article 1, which obliges, as a basic purpose of the organization, all member-states to: 'maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.'

2. – the non-fulfilment of the purposes and principles of the UN Charter is a consequence of the failure of member-states to recognise the facts of Russia's aggression against Chechnia in 1994 and 1999. UN General Assembly Resolution 3314 (XXIX) (Definition of Aggression) of 14 December 1974 has been wilfully ignored.

3. – The Council of Europe approved Russia's membership on 28 February 1996, at a time when it was carrying out military actions of unparalleled cruelty against the Chechen people. Moreover, the military and political authorities of Russia continued wilfully to ignore the principle of rule of law and gravely to violate human rights, committing serious crimes which in no way correspond to article 3 of the Statute of the Council of Europe, which states: 'Every Member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I.' In accepting Russia's membership, the Council of Europe violated article 3 of its own Statute.

4 – the obligations set out in the **Geneva Convention relative to the Protection of Civilian Persons in Time of War** of 12 August 1949 and in the **Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)** of 8 June 1977, have not been fulfilled; in particular:

a) part I, article 1 of the Convention, which states that 'the High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.'

(b) article 80 of the Protocol, which states that: 'the High Contracting Parties and the Parties to the conflict shall without delay take all necessary measures for the execution of their obligations under the Conventions and this Protocol.'

(c) the commitments envisaged in articles 11, 14, 15, 17, 36, 108, 109, 132 and 133 have not been fulfilled; nor that in article 146 in section 4 of the Convention, which states: 'the High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention'.

5. – the obligations envisaged in article 1 of the **European Convention for the Protection of Human Rights and Fundamental Freedoms** of 4 November 1950 have not been met; article 1 states that 'the High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.'

6. – the obligations set out in the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 have not been met.

7 – the obligations laid down in the **Declaration on the Rights of the Child** of 20 November 1959 have not been met.

8. - the general principles laid down in article 3 of the UN Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage of 16 November 1972 have not been fulfilled; nor have those in point 2, article 1 of the UN Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques of 18 May 1977.

9. – UN member-states have not fulfilled the obligations imposed upon them by the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects; nor those set out in the Second Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, and the Third Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons.

10. – UN member-states have not fulfilled the obligations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, adopted by UN General Assembly Resolution 39/46.

11. - The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, created by the Council of Europe in accordance with article 1 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987, has not fulfilled its international obligations. It has not taken a principled stance when examining questions relating to the kidnapping, torture or extra-judicial execution of citizens of Chechenia. These crimes were so widespread as to have a mass character, and they continue to this day.

## **Article 2 – The Right of the Chechen People to Self-Determination**

1. - Under the pretext of ‘non-interference’ in the ‘internal affairs of Russia’, none of the UN member-states have recognised the Chechen people’s legal right to self-determination, which is one of the basic principles of international law, enshrined in the **Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960, adopted by UN General Assembly Resolution 1514**. Article 4 of the Declaration states: ‘All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.’ These principles are affirmed in other UN covenants and declarations, including:

-- the **International Covenant on Economic, Social and Cultural Rights** and the **International Covenant on Civil and Political Rights** of 16 December 1966; paragraph 1 of article 1 of the latter states that: ‘All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.’ Paragraph 3 of article 1 further

states that: 'the States Parties to the present Covenant . . . shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.'

-- the **Declaration on Principles of International Law** of 24 October 1970, which determines that: 'by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.' This same Declaration further indicates that 'the establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.'

Similar principles are enshrined in the documents arising from the **Final Act of the Conference on Security and Cooperation in Europe** in Helsinki of 1975, the **Concluding Document of the Vienna Meeting** of 1986, the document from the **Copenhagen Conference on the Human Dimension of the CSCE** of 1990 and other documents of international law.

It is almost impossible to credit the legal nihilism of the representatives of the relevant international organizations and politicians of UN member-states. But all governments of the world wilfully ignored the right of the Chechen people to self-determination, as recognised and enshrined in the aforementioned declarations, covenants and generally recognised norms of international law which deal with the principle of territorial integrity in relation to the right to national self-determination. In fact, **the principle of territorial integrity is directed exclusively towards the defence of the state from external aggression**. It is precisely this to which the formulation in paragraph 4 of article 2 of the UN Charter refers: 'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.' Likewise that in the Declaration on the Principles of International Law: 'Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.'

2. - Given the fact that all Russia's hostile actions against the Chechen people began after the Chechen people declared their independence, the question of whether or not the Chechen people has the right to self-determination -- to which the answer has been given above -- is above all one of principle. In order to remove all doubts and manipulations by the Russia side with regard to the Chechen people's right to self-determination, it is necessary to answer one more question: **according to the definition under international law, are the Chechens a people, and a people colonised by Russia?** The Chechens are an autochthonous people of the North Caucasus, i.e., a group of people that has been formed over the course of history, united by common origins, linguistic and cultural traditions, possessing their own territory and clear markers of ethnic identity, as well as a lengthy historical existence. As a result of the Caucasian Wars of 1785-1864 and the military invasions of 1994 and 1999, the Chechen people were colonised by Russia.

The answers to aforementioned two questions should preclude any further manipulations by the Russian political and military authorities, and provide the key to no

less important questions: do the Chechen people have the right to defend itself from armed attack by Russia? What legal terminology is applicable in this case -- separatism, terrorism or a popular struggle for the liberation of the Chechen people? Are the aggression, genocide, crimes against humanity and war crimes committed by Russia against the Chechen people 'Russia's internal affairs'? Yet these questions were not raised, and Russia made full use of the opportunity this afforded it. The Chechen people found itself at the epicentre of a 'network war' between a handful of influential UN member-states; this largely explains the attempt to forget about the crimes committed against the Chechen people, in spite of the great danger of the precedent this sets for the future.

Under Russian pressure, the UN and Council of Europe have ceased to examine the Chechen question, referring to the notion that the situation in Chechnya is stabilising, and that the reconstruction of Grozny is proceeding apace -- a city that is being rebuilt on the bones of people either murdered or buried alive. Yet of what process of stabilisation can one speak, when no new peace agreement has been concluded with international intermediation to replace the previous accords, breached by the Russian side -- the Treaty on Peace and the Principles of Interrelations between the Russian Federation and the Chechen Republic Ichkeria of 12 May 1997. Who can guarantee that there will not be another round of killing targeting the entire Chechen people? Who can predict the future actions of the Kremlin and its protégés, who are ready to carry out any criminal order issued by their masters? Can the criminals who have gained untold wealth and power on the blood of the Chechen people really have recognised their inhuman actions, and now be willing to use the funds they stole to restore the very towns and villages they destroyed in the first place? Can one really say that stability has been established for those languishing in Russian prisons on charges of terrorism or assisting terrorists because they defended their homeland from aggressors, or gave what assistance they could to this effort? Can we really expect any understanding of the fate of these people, subjected to torture and humiliation, to come from those who express their opinions without any basis in fact or legal proofs, and then go home to their families to sleep peacefully? Can the opinions of such people really soothe the pain of the wounded or invalided, or those who have lost relatives, loved ones, friends and their livelihoods? Can we call all this stabilisation, when the kidnappings, torture and killings of civilians continue to this day, and when people live in fear?

There can be no stability without justice. As long as criminals remain unpunished and have the opportunity to create new situations of bloodshed, no one will be able to sleep securely or be sure of the future of their friends, loved ones, children and grandchildren, even in Europe. According to reliable information, the criminal regime in Chechnya has a long list of those marked out for politically motivated, extra-judicial killing. In Europe alone there are hundreds of people on this list -- and as the police in Strasbourg have informed me, I am also included on the list. Several people on this list have already been killed, including in Europe, which suggests that those who ordered these killings feel themselves to be utterly immune from punishment. This is connected above all with the fact that none of the member-states of the UN has filed a case with the international court against Russia for violations of human rights in Chechnya, pointing to the fact that Russia has not ratified the Rome Statute of the International Criminal Court. But according to paragraph 1 of article 93 of the UN Charter, 'all Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice'.

The Parliamentary Assembly of the Council of Europe has passed several Resolutions

recommending that member-states of the Council of Europe file a case against Russia at the ECHR for violations of human rights in Chechnia, but not one leader among all these heads of states possessed the necessary courage or will-power to do so. Mr Prime Minister, historical justice must be done with regard to the Chechen people, if the world's statesmen truly intend to uphold the principles of maintaining peace, the rule of law and the defence of human rights and freedoms, without double standards. Someone among currently serving heads of government should show the courage and will required to take a decisive step in this direction, so that the blood and tears of innocent people may no longer be shed in Chechnia, and to avoid setting a precedent of impunity for other parts of the world. Article 33, section II of the European Convention for the Protection of Human Rights and Fundamental Freedoms states that 'any High Contracting Party may refer to the Court any alleged breach of the provisions of the Convention and the protocols thereto by another High Contracting Party.' This not only permit the filing of an inter-state case against Russia for grave violations of human rights in Chechnia, it in essence incorporates this into the obligations of member-states of the Council of Europe.

**Mr Prime Minister, I draw to your attention the fact that this letter has the status of a legal document. On the basis of the facts and references to legal norms it contains, it accuses the political and military authorities of Russia of committing grave crimes against the Chechen people, and also accuses the member-states of the UN, EU and Council of Europe of non-fulfilment of their international obligations. All the references to legal documents made in this letter are inter-related in their significance; these references have been made in this form in order to permit their legal basis to be evaluated. The text of these accusations will also be sent to all heads of government and ministries of other UN member-states.**

**Mr Prime Minister, I request a meeting with you, at any time that is convenient to you, so that I might have the opportunity to provide, in person, legal arguments backing the accusations made in this letter against Russia and UN member-states. I am also prepared to appear before any legal commission to testify on this matter.**

**Respectfully yours,**

**Said-Emin Ibragimov**

**President of the international association "Peace and Human Rights"  
Former Communications Minister of Chechnia**