

# “Glad to be Deceived”: the International Community and Chechnya

By Rachel Denber

*“It is so easy to deceive me, for I am glad to be deceived.”*

- Alexander Pushkin, “Confession” (1826)

The armed conflict in Chechnya, now in its fourth year, is the most serious human rights crisis of the new decade in Europe. It has taken a disastrous toll on the civilian population and is now one of the greatest threats to stability and rule of law in Russia. Yet the international community’s response to it has been shameful and shortsighted.

The international community has a moral and political obligation to protect fundamental rights of people in and around Chechnya. It should with a unified voice be prevailing on the Russian government to halt forced disappearances, torture, and arbitrary detention, which Russian forces perpetrate on a daily basis. It should be compiling documentation about abuses into an authoritative, official record. It should be vigorously pressing for a credible accountability process for perpetrators of serious violations of international humanitarian law, and should think strategically about how to achieve this when the Russian court system fails to deliver justice. And it should stop Russia from forcing the return of displaced people to areas where their safety and well-being cannot be ensured.

But none of this has happened. The international community has instead chosen the path of self-deception, choosing to believe Russia’s claims that the situation in Chechnya is stabilizing, and so be spared of making tough decisions about what actions are necessary to stop flagrant abuses and secure the well-being of the people of the region.

The year 2003 saw no improvement in the international community’s disappointing response to the Chechen situation. All the international community could muster were well-intended statements of concern that were never reinforced with political, diplomatic, financial or other consequences.

Chechnya was placed on the agenda of the U.N. Commission on Human Rights, the highest human rights body within the U.N. system, but even there a resolution on Chechnya failed to pass. No government leader was willing to press for specific improvements during summits with Russian President Vladimir V. Putin. In late 2002 the Russian government closed the field office in Chechnya

of the Organization for Security and Cooperation in Europe (OSCE). And to date the Russian government had still not invited U.N. special rapporteurs on torture and extrajudicial executions to visit the region. And unlike in other armed conflicts in Europe, few foreign missions in Russia sought to gather first-hand information about continuing human rights abuses.

It did not have to be this way. Events of the past decade have shown that however flawed their policies might be in many respects, concerned states and intergovernmental bodies can play a significant role in addressing human rights violations. Even in the Balkans, where the international community failed to stop horrific abuses as they were occurring, concerned states eventually supported the creation of the International Criminal Tribunal on the former Yugoslavia, a significant and likely long-lasting contribution to security and human rights in the region. Hundreds of OSCE monitors deployed to Kosovo in November 1998 were able to create official documentation of massacres and other human rights abuses.

To be sure, there are important political obstacles to affecting Russia's behavior in Chechnya. Because it is a permanent member of the United Nations Security Council, Russia was able to shield Chechnya from serious U.N. scrutiny, save for the U.N. Commission on Human Rights in 2000 and 2001. The U.S. and European governments have broad political and economic agendas with Russia, ranging from strategic missile defense to energy security to Russian policy in the Middle East. But none of these factors can justify or fully explain the international community's reluctance to promote human rights protections in and around Chechnya, or why Russia never has had to face significant consequences for abuses by its troops.

International disengagement on Chechnya became more marked after the September 11, 2001 attacks in the United States. Russia, which had since 1999 called the conflict in Chechnya a "counter-terror operation," soon began to argue that the war in Chechnya was its contribution to the U.S.-led global campaign against terrorism. Russia succeeded in further shielding the conflict from scrutiny in international forums and in Russia itself.

Western governments have emphasized the need for Russia to find a political solution to the conflict. But they fail to see the role that continuing abuses play in prolonging it. For this reason, the policy of disengagement is shortsighted. As abuses continue, and as there continues to be no credible accountability process, Chechens appear to be losing what faith or hope they may have had in the Russian government. Disengagement, particularly now, is untimely. Russia has spared little effort to present the situation as stabilizing. But it has proven incapable of ending the conflict; instead, in 2003 it began to spill into neighboring Ingushetia, with Russian forces perpetrating the same abuses there as they have in Chechnya.

In the long term, disengagement on Chechnya is a disservice to human rights in Russia. Having faced no diplomatic or other consequences for its crimes in Chechnya, the Russian government has certainly learned an important lesson about the limits of the international community's political will in pursuing human rights.

Unchecked patterns of abuse by Russia's forces in Chechnya will eventually affect the rest of Russian society. Tens of thousands of police and security forces have done tours of duty in Chechnya, after which they return to their home regions, bringing with them learned patterns of brutality and impunity. Several Russian human rights groups have begun to note a "Chechen syndrome" among police who served in Chechnya—a particular pattern of physical abuse and other dehumanizing treatment of people in custody. Russians already face serious risk of torture in police custody. The Chechnya experience is thus undermining efforts to promote the rule of law in Russia's criminal justice system.

## **Human Rights Abuses in the Chechnya Conflict**

Russia's second armed conflict in Chechnya in the 1990s began in September 1999. Russia claimed it was a counter-terror operation, aimed at eliminating the chaos that had reigned in Chechnya since the end of the 1994-1996 Chechen war and at liquidating terrorist groups that had found haven there. Five months of indiscriminate bombing and shelling in 1999 and early 2000 resulted in thousands of civilian deaths. Three massacres, which followed combat operations, took the lives of at least 130 people. By March 2000, Russia's federal forces gained at least nominal control over most of Chechnya. They began a pattern of classic "dirty war" tactics and human rights abuses that continue to mark the conflict to this day. Russian forces arbitrarily detain those allegedly suspected of being, or collaborating with, rebel fighters and torture them in custody to secure confessions or testimony. In some cases, the corpses of those last seen in Russian custody were subsequently found, bearing marks of torture and summary execution, in dumping grounds or unmarked graves. More often, those last seen in custody are simply never seen again—they have been forcibly disappeared. Make no mistake, Chechen rebel forces too have committed grave crimes, including numerous brutal attacks targeting civilians in and outside of Chechnya, killing and injuring many. Rebel fighters were also responsible for assassinations of civil servants cooperating with the pro-Moscow Chechen administration of Chechnya. Anti-personnel land mines laid by fighters and Russian forces claimed the lives of federal soldiers and civilians alike.

At the height of the Chechen war in 2000, as many as 300,000 people had been displaced from their homes, with most living in the neighboring republic of Ingushetia. Of these, 40,000 resided in tent camps.

By 2003, the cycle of arbitrary detention, torture, and forced disappearance was well entrenched, and the crisis of forced disappearances appeared to have

become a permanent one. According to unpublished governmental statistics, 126 people were abducted and presumed “disappeared” in January and February 2003 alone. In mid-August, the Chechen Ministry of Internal Affairs said that nearly 400 people had “disappeared” in Chechnya since the beginning of the year. Local officials in 2003 have also admitted the existence of forty-nine mass graves containing the remains of nearly 3,000 civilians.

As noted above, the conflict increasingly has spilled over the Chechen border into Ingushetia, still a haven for tens of thousands of displaced Chechens, and Russian operations there have been as abusive as they are in Chechnya. In June 2003, Russian and pro-Moscow Chechen forces conducted at least seven security operations in Ingushetia, five of them in settlements for Chechen displaced persons. The operations involved numerous cases of arbitrary arrest and detention, ill-treatment, and looting. As with abuses committed in Chechnya, authorities failed to diligently investigate the violations and hold perpetrators accountable.

Russian authorities in Ingushetia also have kept up steady pressure on displaced people living in tent camps to return to Chechnya. Throughout 2003, as in 2002, federal and local migration authorities intermittently cut off gas, electricity, water, and other infrastructure services to several of the camps and removed hundreds of people from camp registration lists, causing them to be evicted. In addition, officials threatened the displaced people with arrests on false charges such as drugs and weapons possession, and impending security sweeps. Migration authorities closed one camp in the middle of winter in 2002, another in October 2003, and as of this writing seemed set to close yet a third; meanwhile, authorities blocked the construction of alternative shelters in Ingushetia.

Closing the tent camps, which at this writing housed more than 12,000 displaced Chechens, and pressuring people to return to Chechnya is part of a larger government strategy to put the Chechnya “problem” back inside Chechnya so that authorities can claim that the situation there is “normalizing.” Such claims, in turn, are used to support Russia’s position that international scrutiny of the republic is no longer justifiable.

## **The International Response**

The international community was poorly positioned to respond effectively to these developments because it had acquiesced in Russia’s efforts to keep outside observers from being deployed to Chechnya. In late 2002 the Russian government refused to renew the mandate of the OSCE Assistance Group, effectively closing the organization’s important field presence in Chechnya. Since mid-2001, the Assistance Group had reported on human rights conditions, facilitated humanitarian relief, and promoted a peaceful resolution of the crisis in Chechnya. Negotiations over renewing the OSCE mandate collapsed after Russia insisted that the mission relinquish its human rights and political

dimensions. To its credit, the OSCE refused. After the closure, the Dutch chairmanship pressed for a new OSCE presence with a human rights component, but did not receive support from other OSCE participating states necessary to make the effort successful.

As already noted, a resolution sponsored by the European Union on Chechnya failed to pass at the 2003 session of the U.N. Commission on Human Rights for the second year in a row. It was rejected in part because the European Union seemed to will it to fail: as in 2002, it used the threat of a resolution only as a bargaining chip to coax the Russian government into agreeing to a much weaker chairman's statement. This strategy was misguided in its optimism, given that the Russian government had ever since the beginning of the conflict vehemently rejected international criticism of its conduct of the war and mobilized diplomatic resources to keep the Chechnya issue out of the U.N. When Russia predictably walked away from the chairman's statement negotiations, the E.U. introduced the resolution but then purposively failed to advocate for its adoption, and refused to share information about its strategy with third party states.

In January 2003, the Chechnya rapporteur for the Parliamentary Assembly of the Council of Europe (PACE) Lord Judd put forward a resolution calling on Russia to postpone a constitutional referendum for Chechnya planned for March, citing the escalating conflict and persistence of human rights abuses and a poor security environment. After a hot debate, PACE rejected this proposal, and instead called on Russia to ensure appropriate conditions for the referendum. Lord Judd resigned in protest. In April, PACE adopted a highly critical resolution on the human rights situation and the lack of accountability in Chechnya.

UNHCR worked hard to ensure protection for displaced persons in Ingushetia in 2002-03, and protested Russian government efforts to force them back. As authorities moved to close camps, UNHCR was able to prevent eighty families from being left homeless in Ingushetia. UNHCR's efforts are admirable. But Russia's intent to close tent camps could not be clearer, and UNHCR's efforts will not be sufficient unless U.N. member states also seek and obtain political commitments from Russia that ensure protection for displaced persons.

At the bilateral level, little apparent effort was made at the highest levels to press Russia to improve human rights protections in the region. President Putin received a ringing endorsement from governments around the world who helped him celebrate the 300<sup>th</sup> anniversary of the founding of St. Petersburg. Chechnya was at the bottom of the agendas in summits with British Prime Minister Tony Blair and U.S. President George W. Bush. Speaking on behalf of the Italian presidency of the European Union, Silvio Berlusconi even went so far as to praise the Chechen presidential elections, which nearly every independent observer said were rigged.

## **Antecedents to Inaction**

Many analysts attribute international diffidence with respect to abuses in Chechnya to changing international priorities after September 11, 2001, particularly the increasing focus on global security. But in fact the antecedents to inaction go much farther back, even to the early months of the war. The international community deserves credit for the strong and forthright criticism it mounted at that time, and for efforts to bring diplomatic pressure to bear to convince the government to rein in abusive troops and allow access to the region. But the effort for the most part was half-hearted and short-lived, ending soon after Vladimir Putin, who became acting president upon Boris Yeltsin's resignation on December 31, 1999, was elected president in March 2000.

In the early months of the war, Russian forces razed Grozny in indiscriminate bombing, killing thousands, arrested thousands more, and summarily executed more than 130 detained persons in post-battle sweep operations. International criticism was sharp. The OSCE in 1999 insisted on a reaffirmation of its mandate in Chechnya, and in April 2000, the Parliamentary Assembly of the Council of Europe suspended Russia's voting rights, restoring them only in January 2001. In late 1999, the EU adopted a decision to freeze certain technical assistance programs because of Chechnya and recommended that embassy personnel travel to the region and gather information on events there. But after Yeltsin's resignation the EU toned down its rhetoric; the recommendation to send in diplomats was never implemented.

The limits the international community set for itself in this early period would set the parameters for years to come. Only the PACE recognized massacres of noncombatants as war crimes. International actors apparently were not prepared to follow through on the consequences that recognizing the massacres as war crimes would entail.

No government or multilateral institution was willing to consider linking financial benefits to improvements on the ground in Chechnya or the creation of a credible accountability process. The World Bank, which arguably had the most leverage and a mandate to withhold aid on human rights grounds, released U.S. \$450 million in structural adjustment loan payments to Russia during the first year of the war, which went directly to the Russian government for unrestricted general budgetary spending.

Multilateral institutions and their member states also resisted pressing for an accountability process that had any international involvement, putting their faith in the Russian government to establish a credible domestic monitoring and accountability process. Council of Europe member states did not act on PACE's recommendation that they file an interstate complaint against Russia with the European Court of Human Rights.

In 2000 and 2001 the U.N. Human Rights Commission adopted strong resolutions condemning human rights abuses in Chechnya and calling on Russia

to invite U.N. thematic mechanisms to the region. But it stopped short of calling for an international commission of inquiry, requiring instead that Russia establish a national commission of inquiry. The Russian government bitterly opposed the resolution, and vowed not to cooperate with its recommendations. At the time, Human Rights Watch and others urged the Commission to call for an international commission of inquiry, which could operate, albeit in a limited capacity, in the face of Russian objections. We had serious doubts that the Russian government would establish a thorough and impartial monitoring or accountability process.

The Russian government established a human rights office in Chechnya, headed by President Putin's special envoy on human rights in Chechnya. A national commission of inquiry was formed, in name only. Neither institution had the authority to investigate or prosecute violations of humanitarian law or human rights law, and neither produced an official record of the abuses committed by both sides of the conflict.

In April 2001, at the request of PACE, the Russian government made available a list of criminal investigations related to the Chechnya conflict. This list revealed the extent of the impunity for crimes committed in the conflict: the vast majority of criminal cases were not under active investigation; no cases had made it to the courts; and there was no investigation into widespread torture, one of the key abuses of the conflict.

The international community had an important role to play in documenting abuses, both to inform policy toward Russia and, ultimately, to produce an official record of the abuses committed in the conflict. In 1999, the EU instructed heads of embassies of its member states to visit the region to gather information on humanitarian assistance. In sharp contrast to its efforts in Kosovo prior to March 1999, the instruction was not implemented, and working-level visits by diplomats to the region were few and far between.

The OSCE's Assistance Group to Grozny was the best equipped institution to lead a documentation effort on Chechnya. It had documented abuses in the 1994-1996 Chechnya conflict, played a crucial role in negotiating an end to it, and was still on the ground as late as 1998. The OSCE subsequently had gained institutional expertise in documenting humanitarian law violations in Kosovo. Its book, *As Seen as Told*, remains to this day one of the most authoritative accounts of the abuses that occurred in Kosovo prior to March 1999. It could not apply this experience to Chechnya, as Russia's prodigious efforts at presenting obstacles caused the Assistance Group to postpone its redeployment until May 2001. And even after its redeployment, the Assistance Group was constrained in its reporting.

In 2000, the Council of Europe seconded experts for Putin's special representative for human rights in Chechnya, but they spent most of the year in

Strasbourg. After a bomb exploded near the experts' passing car in Chechnya in April 2003, they deemed the security situation too volatile to return. Even prior to that date, the work of the experts in Chechnya had been severely inhibited by their limited mandate, which prevented them from freely moving around Chechnya and conducting investigations of key incidents on their own initiative. The reporting of the experts generally contained little information that could not be found in other sources and information on human rights abuses was often of a general nature. The quality of reporting had improved in late 2002, but since April 2003 the experts have been forced to do their work in Strasbourg, which has made it impossible for them to directly monitor the situation on the ground.

As prime minister, Putin had staked his political career on the "counterterror" operation in Chechnya. Under his presidency the government, and he personally, greeted international criticism of the campaign, no matter how mild, with outbursts, threats, and indignation. If the strategy aimed to dampen Russia's interlocutors' enthusiasm for constructive intervention, it was successful. By mid-2000, Western leaders understood that Putin, until then a political unknown, had consolidated power and would lead Russia for at least four more years. They generally ceased to press Russia for concessions on Chechnya. This meant that the international community's most important multilateral achievements on Chechnya—resolutions at the United Nations Human Rights Commission, resolutions by the PACE, and the like—received no reinforcement at the bilateral level, and so went unheeded.

## **Russia, Chechnya, and the Global Campaign against Terror**

By September 11, 2001, the war in Chechnya, its toll on civilians and its broader implications for the rule of law in Russia had fallen off the agenda of many of Russia's interlocutors. After the attacks in the United States, as noted above, Russia cast the conflict in Chechnya as its contribution to the global campaign against terrorism, pointing to links certain Chechen field commanders allegedly had to al-Qaeda.

Russia's cooperation was needed in the war in Afghanistan, and would later be sought in the U.S. war in Iraq. Several heads of state indicated outright that Russia's conduct in Chechnya would be seen in a new light. The horrific hostage-taking by Chechen rebels on a Moscow theater in October 2002 caused revulsion in Russia and throughout the world, and lent credence to Putin's assertions and, in the minds of some, seemed to confirm the existence of links between certain rebel groups and al-Qaeda. A series of suicide bombings in Chechnya and other parts of Russia in 2002 and 2003 killed and maimed hundreds more.

Already made a lower priority, Chechnya practically disappeared from governments' public agendas with Russia. Neither the European Union, its member states, nor the United States has had the political courage to mount strong criticism at key moments, or call publicly for accountability or for U.N. rapporteurs to be allowed to visit the region. Most governments have called publicly and in a coordinated fashion for Russia to desist from compelling displaced persons to return to Chechnya. But after so many years of criticism unmatched by a credible threat of sanction, such words yielded little effect.

In dealing with Chechnya today, governments and multilateral institutions for the most part stress the need for a political solution to the conflict, rather than pressing for an immediate end to human rights abuses, let alone holding Russia and Chechen rebels to account for them. Many argue that the abuses will end only when the conflict ends. The international community should not be reproached for seeking an end to the conflict in Chechnya, but emphasizing this goal over all others overlooks the fact that it is the continuing cycle of abuses that fuel the conflict. To end the conflict, the Russian government has to build in the population of Chechnya an atmosphere of trust in Russia's institutions. But the daily grind of torture, arbitrary detention, and forced disappearances instead sows further mistrust. As people see their loved ones killed or disappeared they have less incentive not to join the rebel effort.

Russia's efforts at finding a political solution—at "normalizing" the situation—are not ending the conflict in Chechnya, but rather making the conflict less visible to the outside world. The constitutional referendum held in Chechnya in March 2003, and the subsequent presidential elections in October, were widely advertised by the Russian government as a final stage of stabilization of conditions in the republic. In reality, the referendum and elections took place against a background of continuing and escalating violence, and independent observers unanimously believed that the elections were rigged. Yet the Russian government has continued to use both elections to convince the outside world that the situation is normalizing through a political process, and to argue that international scrutiny or other involvement is no longer justified.

Ironically, as the Russian government is emphasizing the international implications of the Chechnya operation for the global campaign against terrorism, it is shutting the region to international scrutiny and cooperation. This discredits Russia's partners in the global campaign against terrorism among those inside Chechnya who suffer from lawlessness and abuse at the hands of Russia's forces and Chechen rebels.

As Russian forces enjoy impunity for crimes in Chechnya, and as Russia has escaped any significant diplomatic consequences for such crimes, the Russian government may come to expect nothing less than international disengagement on human rights more generally in Russia. The Russian public may conclude that it is acceptable for the government to be unaccountable for its actions. This will

stunt progress on human rights in Russia for years to come, as the government learns to simply dismiss criticism of its broader human rights record, confident that words, no matter how tough, will never translate into action.

## **The Way Forward**

Russia's sway within the international arena should not hinder a robust response from the international community on human rights abuses in Chechnya. The international community should consider that Russia's involvement in the war against terrorism raises rather than diminishes the stakes of its conduct in Chechnya. Russia's status as a permanent member of the U.N. Security Council, and its ability to remove Chechnya from the U.N.'s agenda, heightens the importance of regional mechanisms—the Council of Europe and the OSCE. To be effective, these institutions require first and foremost the support of their member governments in their bilateral relations with Russia. At the same time, U.N. officials, including the secretary-general, should press Russian authorities to allow U.N. institutions and mechanisms to play a role in monitoring and promoting human rights in Chechnya. This too is a message that must be reinforced in bilateral relations.

Russia's interlocutors should coordinate to deliver a unified message on the need for accountability for crimes against civilians, access to the region by human rights monitors, continued international assistance to displaced persons, and an end to involuntary returns to Chechnya. They should use summits and multilateral meetings as opportunities to press for specific benchmarks—including an updated, detailed list of investigations and prosecutions; invitations to the U.N. special rapporteurs on torture, extrajudicial executions, and violence against women; and binding commitments not to compel displaced persons to return to Chechnya until it is safe to do so, to provide decent and humane shelter to those who continue to be displaced, and to allow for international agencies to continue to provide relief for them. They should press for these benchmarks publicly and forcefully, and make clear that political, diplomatic, and financial consequences will follow should improvements not be forthcoming.

The international community can also help the cause of justice by supporting local organizations that help victims of abuse in Chechnya press their claims with the European Court of Human Rights. Once there is momentum on justice, international financial institutions should make clear that they will make the Russian government's compliance with court judgments a condition for future loan and credit disbursements.

Wishing away the human rights crisis in Chechnya will in the long run will not serve the goal of a peaceful resolution to the armed conflict. It is also a disservice to the thousands of people who have suffered human rights abuses and who are left with nowhere to turn for justice. A robust international response to Russia, one that backs words with action, is a critical part of the solution.

