The legacy of abuse in Chechnya and OSCE intervention

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Introduction
The 31 August 1996 Khasavyurt agreements brought peace to Russia's breakaway republic of Chechnya, ending the most hideous violations of human rights and humanitarian law committed in Russia since the break-up of the Soviet Union. However, the legacy of abuse in Chechnya lingers: by some accounts, more than 1,400 Chechens and 1,000 Russian servicemen remain missing; mass graves contain unidentified bodies; bartering for individuals continues in spite of an 'all for all' prisoner exchange envisaged in the Khasavyurt agreements; land mines pose a constant threat to civilians; and the complete failure — especially on the part of Russian forces — to hold accountable those responsible for crimes against civilians deepens an already profound Chechen mistrust of the Russian government, sets an ugly precedent for the immunity of the military in both Russian and Chechen societies, and serves to perpetuate the notion that humanitarian law is but a myth. And as it emerges from the war and the cruelty that so tragically characterized it, Chechnya must at the same time establish — in law and practice — civil rights protections.

With its unique mandate in Chechnya, the OSCE should play an important role in settling the legacy of abuse and in laying the foundations for respect for human rights in Chechnya.1 In establishing the Assistance Group (AG) in Grozny, the OSCE made an important contribution to seeking an end to human rights violations in Chechnya. In 1995 the AG worked tirelessly to facilitate peace negotiations; in 1996, the group spoke out frequently and sharply against abusive conduct in the Chechnya war, including in a valuable March 25 report on human rights violations. AG head Tim Guldimann, undaunted by repeated calls for his removal by Russian politicians and commanders, publicly raised concerns about such abuse on numerous occasions. In addition to its work in facilitating post-war negotiations between the Russian and Chechen sides, the AG observed negotiations for prisoner exchanges and the exhumation of mass graves. More recently, the AG has made a concerted effort to secure democratic conditions for the January 27 presidential and parliamentary elections in the republic.

1. This article is based on a Human Rights Watch/Helsinki newsletter, Russia/ Chechnya: Report to the 1996 OSCE Review Conference, November 1996, vol. 8, no. 16 (D)), which was presented to the November 1996 OSCE Vienna review conference. It was intended to reinvigorate Human Rights Watch/Helsinki's call for the OSCE immediately to adopt and implement measures to improve human rights conditions in Chechnya and inspire additional recommendations for action to be taken now and during the December 1996 Lisbon summit.
At the highest level, however, the OSCE Permanent Council failed to press either side on individual accountability for humanitarian law violations, as provided for in the OSCE Code of Military Conduct (hereinafter ‘Code of Conduct’), squandering the unique influence the OSCE enjoys as the only intergovernmental organization with a mandate in Chechnya. Since both sides committed blatant violations of humanitarian law up through the final moments of the war (with the Russian side guilty of them on a scale far greater than the Chechen side), the Code, which clearly sets out for individual accountability, emerged from its first test a well-intended but toothless document.

Much of this article is based on the findings of a field mission Human Rights Watch/Helsinki conducted in Chechnya in mid-October 1996. While the departure of nearly all Russian federal troops and the presidential election campaign have radically changed the political-military landscape, these factors in no way alter the imperative for accountability for past abuse and the need for human rights protections in today’s Chechnya. Following a brief background and description of human rights problems in Chechnya — both those that resulted from the war and those relating to post-war Chechnya — we suggest specific measures for various OSCE institutions to promote accountability and respect for human rights.

Background
Twenty months of war devastated the Russian Federation’s republic of Chechnya, killing between at least 50,000 civilians — about five percent of the republic’s pre-war population of 1.1 million. Statistics on the number of deaths of Russian servicemen vary: according to an October report, 3,826 Russian troops were killed, 17,892 were wounded and 1,100 were missing in action. A more recent report issued by the Memorial Human Rights Center, which conducted long-term research compiling lists of the dead and missing, 4,379 Russian servicemen died, 703 were missing or held prisoner, and 705 were reported AWOL. In addition, 1,432 Chechens, remain missing. From the very beginning, the war was characterized by massive, appalling violations of humanitarian law. The Russian side indiscriminately and disproportionately

2. The Code was adopted, ironically, the Budapest summit just before the war in Chechnya broke out in December 1994.
3. According to Gen. Alexander Lebed, Associated Press, 3 October 1996 - 9:26 a.m. EDT.
4. See Memorial’s excellent work, The Unknown Soldier of the Caucasus War, Moscow, 1997. Sergei Osipov, head of the Grozny-based United Commission Department for Prisoners of War, Forcibly Detained and Missing, reported that about 1,000 Russian servicemen were being held prisoner, and between 1,100 and 1,900 were missing. As cited on Russia’s Independent Television (NTV) daily news program Today (Segodnya), 9 January 1997, 10:00 p.m. broadcast.