

CURRENT SITUATION AND FUTURE OF CHECHNYA

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

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FIRST SESSION

SEPTEMBER 16, 2003

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SEPTEMBER 16, 2003

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC**

The Commission met in 334 Cannon House Office Building, Washington, DC, at 1:30 p.m., Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman; and Hon. Benjamin L. Cardin, Ranking Member.

Witnesses present: Amb. Steven Pifer, Deputy Assistant Secretary of State for European and Eurasian Affairs; Anna Politkovskaya, journalist and author; Robert Bruce Ware, Associate Professor, Southern Illinois University; The Lord Judd, Member, House of Lords, Former Rapporteur on Chechnya, Parliamentary Assembly of the Council of Europe.

HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. I am told that some of our fellow Commissioners are en route. Ben Cardin, our ranking member, will be here momentarily. I would like to begin because I know your time is very precious and scarce. Thank you, Mr. Secretary, for being here.

Ladies and gentlemen, we welcome you to this hearing entitled Chechnya: Current Situation and Prospects for the Future. The situation in Chechnya is the most egregious challenge to international humanitarian law in the OSCE region. In clear violation of the OSCE Code of Conduct and articles of the Geneva Conventions, elements of the Russian military and security organs have employed brutal methods to suppress Chechen separatism, methods virtually guaranteed to drive a despairing civilian population into the arms of a radicalized resistance. Even the Moscow-supported authorities in Chechnya have confirmed that there are 49 known mass graves in Chechnya containing some 3,000 bodies. According to reliable sources, including those same authorities, hundreds of persons have disappeared after being detained by Russian forces. Some were returned to their families after a ransom was paid to their captors. However, most have not.

Let me emphasize that there should be no illusions about certain elements of the Chechen resistance. They have murdered hostages, kidnapped civilians for ransom and used them as shields during combat operations, and embarked on a campaign of inexcusable assassination and suicide bombings against civilian targets. Three organizations in-

volved in the Chechen resistance have been formally linked by the U.S. Government to international terrorism. One prominent Chechen rebel leader, Shamil Basaev, has been designated by Secretary of State Colin Powell as “a threat to U.S. security and citizens.”

But, to what extent is Russia reaping a harvest of terror that it has sown through its own brutal policies? I would quote a very salient commentary written by the distinguished commentator Fareed Zakaria in the August 28 edition of *Newsweek*. He wrote, “Over the past 10 years, Russia’s military has had a scorched-earth policy toward Chechnya. The targets are not simply Chechen rebels, but through indiscriminate warfare, ordinary Chechens. And over time, the Chechen rebellion has become desperate, more extreme and more Islamist.”

Meanwhile, the Russian Government declares that the situation in Chechnya is normalizing, and that the counterterrorism operation is over, but it appears to be a tenuous claim, if that. Besides the ever-present possibility of clashes between Chechen guerrillas and Russian security forces, violence has broken out between rival Chechen groups, and the Chechen militia of the pro-Moscow administration has shown a capacity to abuse fellow Chechens, including in the lead-up to elections scheduled for early October.

Despite this atmosphere of insecurity and violence, and clearly in anticipation of the upcoming presidential vote in Chechnya, Moscow is attempting to coercively repatriate thousands of internally displaced persons who have fled from the war zone to neighboring Ingushetia. In fact, reports indicate that the Bella Camp was closed last week, leaving its roughly 1,000 inhabitants with few options other than to return to war-torn Grozny.

Many of us on the Helsinki Commission and other concerned individuals and human rights organizations have protested, and will continue to protest, against these unconscionable moves. Co-Chairman Campbell, Ranking Member Cardin, Commissioner Feingold and I have written the President and asked him to raise these concerns with President Putin when they meet later this month.

While I understand and approve of our cooperation with Russia in the war against international terrorism, the situation in Iraq, human trafficking, and other areas of vital interest to our citizens, I do believe that the administration needs to be more active in persuading Moscow to cease its counterproductive policies in Chechnya and consider seriously how best to best secure a just and humane peace in Chechnya. One step Moscow could take is to allow the OSCE Assistance Mission to resume operations. At the same time, the administration should use every appropriate opportunity to impress on the Chechen resistance the necessity to disavow not only terrorist groups, but any tactics that violate international humanitarian law.

Against this background, our witnesses are uniquely qualified to look at the situation in Chechnya today and provide us with their insights and their thoughts on the prospects for the future. I do want to express my regret that Dr. Ruslan Khasbulatov, one of the leading Chechen political figures in Russia, who had been invited to testify today, was unfortunately unable to join us for this hearing.

I would like to begin with our first witness. We welcome him, Ambassador Steven Pifer, who is deputy assistant secretary of state in the Bureau of European and Eurasian Affairs. From January 1998 to October 2000, he was U.S. Ambassador to Ukraine. His assignments to the

State Department include the Office of European Political and Security Affairs and the Office of the Coordinator for the New Independent States. He has also served at the National Security Council as Special Assistant to the President and Senior Director for Russia, Ukraine and Eurasia.

**HON. STEVEN PIFER,
ASSISTANT SECRETARY OF STATE
FOR EUROPEAN AND EURASIAN AFFAIRS**

Mr. Secretary, thank you for being here and please proceed, as you will, with your testimony.

Amb. PIFER. Mr. Chairman, thank you very much for the welcome. I appreciate the opportunity to appear here today to talk about the situation in Chechnya, and U.S. policy toward the Chechnya conflict. With your permission, Mr. Chairman, I would like to submit a written statement for the record and then just briefly summarize them in opening comments.

Mr. SMITH. Without objection, your full statement will be made a part of the record.

Amb. PIFER. Unfortunately, I am not able to present a very good picture of the situation in Chechnya. It continues to be bleak. We see continued fighting, casualties mounting on all sides, including among the civilian population; a disturbing increase in resort to terror tactics, and human rights violations by all participating in the fighting. This includes Russian security forces, Chechen security forces under Chechnyan administrative head Kadyrov and violations by the Chechen separatists as well.

U.S. policy continues to rest on three pillars. First, while we support Russia's territorial integrity and we support Russia's right to defend itself against terrorism, we condemn the violations of human rights. We call for an end to human rights violations and we call for the Russian authorities to bring those responsible to account. This is not just a human rights issue. It is also a political issue. As you said, Mr. Chairman, it is counterproductive because these human rights violations have the effect of increasing those who go over to the side of fighting in Chechnya.

The second element is our continued call for a cessation of all fighting in Chechnya and a process that will produce a sustainable political settlement. That we see as the only real way to peace and stability in the Chechnya region.

The third element is humanitarian assistance to mitigate the suffering of those in Chechnya and in surrounding regions affected by the conflict. The United States remains the largest single provider of humanitarian assistance. We provided about \$22.3 million in fiscal year 2003 and we expect to do a like amount this year. This assistance goes to United Nations agencies, the Red Cross, and also to international nongovernmental organizations for distribution in Chechnya and in areas around Chechnya.

Looking over the last 9 months, one new factor that we have seen in the Chechnya issue is an attempt by the Kremlin to try to find a political process. This was based on the March referendum that was held in Chechnya and includes the elections scheduled for Chechen president in October, and for the Chechen legislature in December. Senior Rus-

sian officials briefed us about this process in January. At the time, we welcomed that because we had not previously seen a political effort by the Russians to find a solution, and this seemed to be such an attempt.

We also told the Russians that we hoped to be supportive of the process, but we did, and we have over the last 8 months, raised particular concerns about specific issues. For example, in the run-up to the March 23 referendum, we did raise concerns with the Russians about plans for voting by Russian security forces in the referendum, people who had come into Chechnya from outside. We also raised concerns about conditions for voting by internally displaced persons in refugee camps in Ingushetia.

As the Russians later announced, ancillary steps were taken, such as amnesty, compensation for damage committed in Grozny and Chechnya, and the negotiation of a treaty between Moscow and Grozny that would delineate authorities between the central Government of Russia and the Chechen administration. We pressed the Russians to follow through in a serious way. Unfortunately, on several counts we have not seen serious follow-through.

The next step in the process is the October 5 presidential election in Chechnya. We have urged the Russians to do what they can to ensure a free and fair process, but I must say that at this point we have concerns about that process. Over the last 2 months, we have seen the number of candidates shrink from 13 to 9. Four major candidates have removed themselves. Three have withdrawn; one was excluded from the ballot on a technicality by a Chechen court. It has had the result of removing the primary challengers, the primary serious challengers, to Chechen administration head Kadyrov, who by most polling is one of the most unpopular figures in Chechnya.

We are also concerned in that Mr. Kadyrov controls most of the media outlets in Chechnya, so it is difficult at this point to see that the electoral process that will conclude on October 5 will provide a process or an outcome that will be seen by a large number of Chechens as credible and legitimate. Failing that, we are not sure that this election can make a contribution to the process of finding a political settlement.

Turning to the human rights situation, it remains grim. Although we do not have accurate numbers, we continue to receive multiple credible reports from a variety of organizations, including both Russian and international NGOs, of disappearances, atrocities, torture, and extrajudicial killings. We understand that the number of *zachistki*, the security sweeps where whole towns were surrounded and then many military-age males were taken into custody, had been reduced over the last year. However, they continue. This is not just a problem of Russian security forces. Increasingly, we hear of abuses being committed by the Chechen forces under Kadyrov, and also the Chechen separatists continue to commit abuses.

On one positive note, there was in July the decision by a court to convict Colonel Budanov for the cold-blooded murder of a Chechen woman, although the sentence was relatively lenient for this type of crime. We hope this is indicative of a more serious and aggressive effort by Russian military and civilian authorities to bring to account those who commit human rights violations, but it is too early to tell.

On the question of internally displaced persons, we estimate that some 220,000 remain today; 80,000 of whom are still in Ingushetia. We continue to receive reports of pressure on those to return, and we continue to stress that any return of refugees must be voluntary.

As I said at the opening, one of the disturbing increases that we have seen in the last 10 months is that of increased resort by the Chechens to terror. This was seen at the Dubrovka Theater incident in Moscow in October of last year, the bombing of the main administration building in Grozny in December, and other terrorist acts. We call and continue to call on the Chechens to renounce terrorism and to distance themselves from those who support and advocate terrorism.

I would put down a note here that we do not share the Russian assessment that the Chechen conflict is simply and solely a counterterrorism effort. We think it is a much more complex question. While there are terrorist elements fighting in Chechnya, we do not agree that all separatists can be equated as terrorists.

Mr. Chairman, with that grim overview, I do want to reaffirm that U.S. policy goals remain to press for a political settlement and observance of human rights norms. I believe that Chechnya will be one of the difficult issues on the agenda when President Bush hosts President Putin to Camp David in about 10 days. I wish I were able to report better news about the situation in Chechnya, but I think it is difficult at this point to be optimistic or to offer an optimistic forecast as to how events there might develop.

With those opening comments, Mr. Chairman, I would be happy to answer questions.

Mr. SMITH. Thank you very much, Mr. Ambassador. A couple of questions. As I indicated earlier, some of the Commissioners will be here momentarily. It is unfortunate they did not get to hear your opening. Hopefully, they will read your prepared text that lays out in very fine detail what it is you think needs to be done and what is happening on the ground.

I do have a question on the forced repatriation of people from the camps. You just mentioned there are reports of pressure. We insist that it be voluntary. At this point, it would seem not to be the case in the extreme; that people are being coerced back into a war-torn area. You also indicated in your statement that when the president is host to Putin, he will be raising Chechnya. Can you tell us, will the IDPs be a focus along with the atrocities? Is the President going to push this really? It seems to me that when he has that captive audience, the president of Russia, that is the time so say hey, we are not kidding; this is really extremely important, and the international community is not going to go away, and certainly the U.S. is not going to put this one under the rug. It is just far too important.

These people go back to a very unsafe environment, and obviously the accountability that needs to be there for crimes against humanity or war crimes. It seems to me that, although there are misgivings about how it might operate, the international criminal court certainly would be a venue, notwithstanding the U.S. position on it, to look at and to investigate exactly what has gone on in Chechnya. If not that, this is still another question, should we be looking at, again notwithstanding our emerging friendship with Russia, that there is a need for a regional criminal court type of investigation to hold both sides accountable. Obviously, atrocities have been committed on both sides.

Amb. PIFER. Thank you. Let me try to take those in three parts.

First on the question of forced returns of refugees. We were very disturbed at the end of 2002 when there were outright closures of three refugee camps. At that time, we weighed in directly with the Russian Government. We also went in jointly with the European Union and other international organizations to reiterate the point that any return of refugees had to be voluntary.

We took some encouragement when shortly thereafter President Putin publicly declared that there should be no forced returns, that returns should be voluntary. Although I have not seen the one report that you referenced about the closure of a camp last week, my information is that we have not seen any overt closures of camps this year. However, we do continue to receive multiple reports of pressure on people to return, although it probably is not as blatant as it was at the end of 2002. This does remain an issue with us, and we continue to make the point to the Russians that returns must be voluntary.

How President Bush will address this issue at Camp David—we will ensure that he will have a very good briefing on the full range of issues, including the question of internally displaced persons. My colleagues on the NSC staff who work Russia have all been very closely involved in Chechen policy. In fact, a number of the communications that have been conducted have been staff members of the National Security Council talking to their counterparts in the Russian presidential administration. So I believe the NSC staff has a full understanding of the problems there, and I think we will be able to prepare the President. I always find it risky to predict exactly how a conversation will develop, and I could not really say how the President will raise this issue with President Putin, but I do believe that it will come up at Camp David.

On the question of how we handle the crimes being committed there, one alternative, yes, might be some sort of a regional court, although I think probably the better route, the more direct route is to continue to press the Russians to do the right thing on this, and that is both Russian military legal authorities and Russian civilian prosecutors need to pay serious attention to human rights violations. They need to go after the perpetrators. Unfortunately, the record in this case is not all that good. Again, we do not have full statistics, but all too often we hear of investigations opened, but then not pursued in a serious way. Part of our concern here is not just the human rights issue, but the message that is being sent to the Chechen population is one that we feel is counterproductive in terms of how they view Russia, and in terms of pushing them and encouraging them to go and join those who are fighting against the Russians.

Mr. SMITH. Was the will to prosecute and convict Budanov, was that basically because of international pressure? Is that an isolated incident or is it likely that others who have committed atrocities will be held to account?

Amb. PIFER. Certainly, the Budanov case was the one that garnered the most public attention in the last couple of years. It was certainly a case that was clear on its merits, where you had an outright confession by Colonel Budanov that he had committed the murder. It is hard for us to estimate how much impact international pressure had on this. We are encouraged that what we believe the right decision was taken by the court. At this point, though, it is too early for us to tell whether this

is just a single example or whether this portends a more aggressive pursuit of other people in the security forces or in the military who may have committed human rights violations.

Mr. SMITH. In your statement, you report that, in connection with the October 5 elections in Chechnya, the “most serious challengers have either withdrawn from the race or been disqualified, and that the U.S. Government is concerned that the political process the Russians began with the referendum last March is being slowly undermined.” Can you give us any insight as to why Russia would go through what seems to be a charade now of setting up an election only to sabotage it themselves?

Amb. PIFER. This is one question that we ourselves do not understand. But as you mentioned, 2 months ago the field of candidates was 13, including 5 who were seen as serious candidates that included Mr. Kadyrov, who is now the only one of the 5 still in the race. Three withdrew, although one alleged that he would have faced pressure to withdraw had he not voluntarily withdrawn. Then the fourth candidate, a businessman by the name of Mr. Saidullaev, was found invalid and was removed from the ballot on a technicality by a Chechen court. Now, he plans to appeal.

The concern that we have is if you look at some of the polling, and admittedly polling is more an art than a science in this region, somebody like Mr. Saidullaev consistently outpolled Mr. Kadyrov. So it does raise questions about the field being managed in a way to a specific outcome. Again, our concern here is 1) about the process, but 2), and perhaps what is more important, is if the result and the process are not seen by the Chechen people as credible and legitimate. We feel that undercuts the ability of this election to contribute ultimately to a political settlement.

Mr. SMITH. Can I just ask you about Arjan Erkel and his disappearance obviously a year ago in August? What are we doing to secure his release? How close are we? Do you have expectations that this is something that President Bush is likely to bring up when he meets with Putin?

Amb. PIFER. The case of Mr. Erkel is one that we follow very closely. He is a Dutch national, so our embassy in Moscow actually coordinates very closely with their Dutch counterparts on this. In coordination with the Dutch over the summer, our embassy did make an approach to the Russians asking for a reinvigorated effort to locate Mr. Erkel and secure his release. I have met here in Washington with representatives of Doctors Without Borders and actually will meet again later this week, so we will have a clear understanding as we approach Camp David of the situation.

Mr. SMITH. I appreciate that. I hope that will be raised. I think one of the hallmarks of conversations with governments that have less than desirable human rights is always the backup, the generic concern with individuals. It certainly has worked. This Commission for years, we always had a list of people that we were concerned about when we talked to the Russians or the East Germans or the Romanians or whoever. So I do hope that would make a list.

We have had one hearing and we are planning on having another hearing on Thursday dealing with missing persons in the Balkans. The International Commission for Missing Persons is doing all that it can do, whether it is for Kosovar Albanians or for ethnic Serbians who are

missing in that part of the world. What is being done regarding missing persons in that Commission or anything else that you know about regarding Chechnya?

Amb. PIFER. At this point, we do not see much serious effort by the authorities to move forward on the question of disappearances. It remains one area of human rights violations that is very much of concern. We know that some nongovernmental organizations are trying to do things in this area, but their ability to operate in Chechnya, given the very difficult security situation there, is somewhat limited.

So this is one where I do not think we have seen much progress. It is an issue that we think needs to be addressed.

Mr. SMITH. Is the intended consequence of arresting or incarcerating or mistreating people like from Doctors Without Borders, is that what they intend to do, so that others will not be willing to come in and do their human rights and humanitarian work? You wonder why a person like Mr. Erkel suddenly is swept away. It sends a message, because obviously that organization and other organizations are going to be loathe to put their people at risk, and it has a chilling effect.

Amb. PIFER. Mr. Chairman, I think that is exactly right. One thing we have already seen, because of the security situation in Chechnya with the approach of the elections on October 5, with the bombing yesterday in Magas. We are already seeing some of the NGOs that operate in Ingushetia reassessing their security posture. So certainly the inability of NGOs and people like Dr. Erkel to operate and perform humanitarian tasks in an open manner, the inability to do that is one that is very discouraging to other NGOs who might be making very valuable contributions on the humanitarian front.

Mr. SMITH. Do you have any insights as to whether or not any of the IDPs have been coerced into prostitution and trafficked, as maybe an effort by the Russian mob, to exploit those people? We know that in other camps that has been a regular, regrettably sad feature, that certain women, especially young women, are literally abducted out of the camps and sold into human slavery. Is there any evidence of that in Ingushetia or anywhere else?

Amb. PIFER. Certainly, trafficking is a problem more broadly for Russia. I have not seen specific information suggesting that specific problem of moving people out of the refugee camps and trafficking them for purposes of sexual slavery, although I do not exclude it. That may be just an issue of imperfect knowledge on our part.

Mr. SMITH. Could I ask you to look into that on behalf of the Commission?

Amb. PIFER. I would be happy to.

Mr. SMITH. Many of us are very well aware that Russia, although it is a tier two country in its rating on the tier one, tier two, tier three under the trafficking list, and is only tier two because of expectations that they may soon pass a new law on trafficking. It would be very helpful to know if this kind of trafficking is happening, and especially if there is complicity by the Russian military. That would be very useful to know that so that we can start to fight it, if indeed it is happening. This is hypothetical on my part. I do not know, and if you could get back to us with that information it would be most helpful.

I have one final question before asking my ranking member for any comments he might, Mr. Cardin. We were very disappointed to hear that the OSCE, should it return to Chechnya, has been told by Moscow

that monitoring of human rights will not be part of its portfolio. Is that what you have heard, and how can that get turned around? Otherwise, it seems to me it is a mission without a mission.

Amb. PIFER. This is an issue that goes back really to the end of last year, when there was a very hard and unfortunately losing fight to maintain the OSCE assistance group in Chechnya. The Russians took a fairly strong position against continuing that mandate. At the end of the year, we were unable to reach agreement, and the assistance group ceased operation in March.

The Dutch, who are currently the OSCE Chairman-in-office, have been conducting discussions with the Russians on reestablishing some OSCE presence in or near Chechnya. But so far, those negotiations have not proven successful. The Dutch intend to continue that effort. For our part, we would very much like to see part of that mandate resume operations, the ability to watch and monitor human rights issues. Though at this point, I cannot make a confident prediction that there will be an arrangement with the Russians to that effect.

Mr. SMITH. Just finally, what are the current estimates as to the enormity of the loss of life? How many people have lost their lives in Chechnya through war and/or displaced?

Amb. PIFER. Right. It is very hard to come by specific numbers. I will give you a range, for example, for Russian military personnel in the current conflict, as opposed to the conflict in 1993 to 1996. The official estimate is about 6,000 Russian soldiers killed. We have seen Russian NGO estimates of the numbers closer to 12,000. Somewhere in that range is indicative of the losses that the Russian security forces have taken. In terms of the number of Chechens, both Chechen fighters and Chechen civilians, we do not have an accurate number, but I would say it is probably in the tens of thousands.

Mr. SMITH. And how does that compare to the war in the mid-1990s?

Amb. PIFER. Can I check that? I am not quite sure how the numbers balance out. I would have to go back and check.

Mr. SMITH. If you could provide that for the record, that would be very helpful.

Amb. PIFER. We will do that.

Mr. SMITH. Mr. Cardin?

**HON. BENJAMIN L. CARDIN, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Thank you very much, Mr. Chairman. Mr. Ambassador, it is a pleasure to have you here. I apologize I was not here for your testimony, although I did have a chance to read your statement. We share your concern in regard to the circumstances in Chechnya. Our delegation to the OSCE Parliamentary Assembly has authored resolutions in this regard. We have had bilateral meetings with our Russian counterparts to urge them to take a responsible position for the human rights issues in Chechnya. We share your concern in this regard and want to work with you to raise the awareness of what is happening in Chechnya.

My question to you is, can you give us an assessment as to how much impact we are having with the Russian Federation on this issue? How much they are concerned about the opinions of the United States or how high of a priority this is placed in their bilateral relations with us?

Also, it seems to me that we get support from some of our European friends when we raise the issue, but have we seen our European colleagues independently raise the issues of what is happening in Chechnya in order to try to reverse the deteriorating impact that is occurring in that region?

Amb. PIFER. Thank you for that question. We do raise the issue of Chechnya with the Russians at a variety of levels, from the President down to our embassy in Moscow, which pushes the issue regularly. We have also raised it in the contacts that our NSC colleagues have with their counterparts in the Russian presidential administration.

It is hard to estimate how much impact it has. I think we do have some influence, and I believe that the Russians are not blind to the fact that this remains a difficult issue on the bilateral U.S.-Russia agenda, but exactly quantifying that influence is difficult to do. I would note that it was interesting to us that in January of this year, before the Russians proceeded very far with this new effort that was based on the referendum in March in Chechnya, and the elections to be held this fall, they did have a senior official come to Washington specifically to discuss their concept of how to move forward on Chechnya. I use that in part as a sense that they are sensitive to our concerns and our views on the issue, but exactly how much influence we have is difficult to say. I suspect our influence is more at the margins than at the center.

On the question of European support, we have seen some cases where European countries have been fairly organized in raising the Chechnya question. We have had good cooperation traditionally with the European Union at the U.N. Commission on Human Rights. We also in some specific cases, and I had mentioned earlier, that in the case of December of last year when following the closure of three refugee camps, we were able to organize through our embassy a joint U.S.-E.U. *démarche* that also included representatives from other international organizations. So we were able to have a multiplier effect by going in to give a message that was not just the American message, but really a Western message.

So we do look for opportunities working with our European colleagues to try to strengthen the message that we are conveying to the Russians about the need to find a political settlement and to end human rights violations.

Mr. CARDIN. I appreciate that. I think we need to look for opportunities here that we can elevate the importance of resolving these issues. This has been going on for too long, way too long, and there has been deterioration of late. We need to get an accounting of what is happening in that region. I agree with Chairman Smith that one of our priorities is to get an OSCE mission there. It is not going to do any good unless it has the mandate to look at human rights, to be evenhanded, but to look at the human rights issues so that we can get some objective eyes on the ground that can report to the international organizations about what is happening there.

I think that should be one of our top priorities. I would hope that in the bilateral discussions that we reinforce the efforts of the Dutch to get that mission started again. We talked about that in our Rotterdam meetings, and there was clearly a lot of support for the mission to be reinstated in Chechnya. But it is also important that it have the authority to carry out its mission. There is no sense in having people there unless they can do what is necessary to be done.

We do look forward to looking for new opportunities to try to advance the issue in the Chechnya region.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Cardin.

Let me just finally ask, Mr. Ambassador, you mentioned the meeting that is going to be held in Warsaw. Will Chechnya be an issue that is raised robustly there? Will it be raised at all with regard to both the refugees, the IDPs and the ongoing issue of human rights abuse?

Amb. PIFER. I have not seen the specific agenda for that meeting, but let me take that issue back. I know Ambassador Pamela Smith who will be heading our delegation is a very strong spokesman on human rights issues, and this may be an opportunity for us to have a discussion.

Mr. SMITH. I would hope so, and I would certainly urge you, obviously. That is why we are having this hearing, because we think there is not enough by us or by the administration, frankly, being done on this issue. Part of the concern is that, since September 11, in seeking partners against terrorism, with the more identifiable foes being al Qaeda, Hezbollah, Hamas and the like, that somehow since the Chechens have committed some atrocities themselves, some horrible, horrific atrocities, that we then gloss over what the Russian military is doing, has done and will continue to do unless they are reined in.

It seems to me that we need to speak with absolute clarity, and again with the upcoming meeting with President Bush and Putin, my concern would be that in further forging that partnership somehow this whole issue of Chechnya has the possibility, I would not say probability, of becoming an asterisk or an irritant that needs to be raised almost in an obligatory way, rather than in a way that says we are serious about this.

I would just ask you to take that.

Amb. PIFER. Mr. Chairman, I very much appreciate and share your concern on that. Although we want to work with Russia as a partner in the struggle against global terrorism, that does not relieve the Russians from the requirement to observe human rights norms in their conduct of military security operations in Chechnya. While we do see a Chechen terrorist element operating, we have continued to tell the Russians that in dealing with that, they need to curb human rights abuses and bring those responsible to account.

On the question of how this will come up at Camp David, I cannot tell you exactly how it will be raised, but I am very confident that it will come up. One thing about the relationship between President Bush and President Putin is that while both do want to form a stronger partnership between the two countries, the relationship does allow for the discussion of difficult issues such as Chechnya, and it has come up in virtually every session that they have had over the last two years.

Mr. SMITH. That is very encouraging. Friends do not let friends commit human rights abuses. It seems to me that one hallmark of a true friendship is that kind of transparency and the ability to say, "Cease this; it is in your own interest, not just the interest of innocent people who lose their lives or limbs. It is in your own interest, short-, intermediate- and long-term, to stop it."

I do thank you for that. We will have some written questions, if you do not mind, that we will submit to you, and if you could get back to us in a timely fashion we would appreciate it.

Thank you.

Amb. PIFER. Thank you very much.

Mr. SMITH. Mr. Ambassador, we appreciate it.

I would like to ask our second panel of witnesses if they would make their way to the witness table. Before doing that, I just want to note the presence of Larry Uzzell who is the editor of the *Chechnya Weekly*. He is with the Jamestown Foundation. I have known Larry since 1978. He has been an indefatigable warrior on behalf of human rights, and particularly in the area of religious freedom. Larry, thank you for being here and thank you for your good work.

I would like to welcome the Right Honorable Lord Judd of Portsea, who is a member of the British House of Lords and previously represented Portsmouth in the House of Commons. He is also a former director of OXFAM. Lord Judd has served as the rapporteur for Chechnya to the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe, or PACE, and also Co-Chaired the Joint PACE-Duma Working Group on Chechnya. He resigned as rapporteur in January of 2003 in an attempt to encourage the Russian Federation to postpone the March, 2003 Chechen constitutional referendum.

We will next hear from Ms. Anna Politkovskaya, who is a journalist and author from Moscow. As a special correspondent for the bi-weekly *Novaya Gazeta*, her dispatches are read by more than 7,000 readers. She received the 2000 Golden Pen Award from the Russian Union of Journalists, as well as awards from the OSCE Parliamentary Assembly and Amnesty International for her coverage of the Russo-Chechen War. A compilation of her dispatches from Chechnya, dating from 1999 and 2000, has appeared in English under the title *A Dirty War: A Russian Reporter in Chechnya*, published by Harvill Press.

Finally, we will hear from Dr. Robert Ware who is currently an associate professor of philosophical sciences at Southern Illinois University, Edwardsville. Since 1996, he has conducted field research in the North Caucasus, and has published numerous articles on the politics and religion of the Caucasus in both scholarly journals, as well as major U.S. and overseas media outlets. He has been an invited speaker at many lectures and seminars worldwide.

Right Honorable Lord Judd, if you could begin? I am sorry. I have been advised that you would rather close.

Anna, if you could begin?

**ANNA POLITKOVSKAYA,
JOURNALIST AND AUTHOR**

MS. POLITKOVSKAYA [through interpreter]. Thank you for this opportunity to speak to you.

I will not repeat what was said by the previous speaker about the current situation in Chechnya. I would like to address the issue of the October 5 elections that are about to happen.

On the one hand, it was the tragic event of the capture of a whole theater in Moscow that occurred in October of last year, and the authorities once again were faced with a decision that had to be made about what to do about Chechnya. On the other hand, President Putin got tired of having to answer questions from his international colleagues about the legitimacy of Maskhadov as the President of Chechnya.

Instead of using the tragic events at the Dubrovka to start a meaningful and fruitful process of ending the war, the president elected to launch something that is called a political process that led to the announcement of the elections in October. It is the past practice of political manipulation. Why? Because while there still existed a constitution in Chechnya, the decision was made to have a referendum on creating another constitution without abrogating the previous one. In other words, it was a mechanical replacement of one constitution by another without really finding out the will of the people. So according to this constitution, the new constitution that is called the constitution of March 23, again mechanically, a new president would replace the previous one.

In other words, the powers that be created a situation of existence of double powers in Chechnya in the double constitution. It basically gave the people of Chechnya a choice of being "good Chechens" and therefore have the right to live, or being "bad Chechens" and therefore opening themselves to the possibility of being exterminated.

From my point of view, this is a totally unacceptable position for serious politicians if they care for the fate of their country and their state.

The next step in this process was a public open declaration by President Putin that we, Russia, are in favor of and support free and democratic election in Chechnya and will accept any choice, any person that the people of Chechnya would elect. This, as is clear now, did not happen because all viable candidates that could have participated in the presidential election now have been removed.

In preparation for this election, the only remaining candidate, Kadyrov, has been given pro-opportunity to create huge armed units. What this amounts to is that coming from the top in Moscow, from the Kremlin, a sponsorship of an all-out "Chechen against Chechen" war has been given. By the end of this summer, it became clear that Chechnya is filled up to the brim with arms and armed forces, much more so than it was in 1999 and the year 2000. Even considering that there is a state of war there, the number of armed bands or units or formations exceeds any reasonable amount, even in a situation like that.

Under these circumstances, the only reasonable goal and question that is to be raised is the demilitarization of Chechnya, but what is actually happening, what is on the planning board is a further militarization of Chechnya. Kadyrov, who has now control over a whole army financed by federal means, terrorizes the population of Chechnya to an even greater extent than was done by the federal troops who have been doing this up to now.

Kadyrov has no authority in the eyes of the Chechen people. He does not have the respect that would allow him to win in regular elections. In the meantime, the federal government has increased the number of federal troops in Chechnya to 86,000. According to Russian law, these 86,000 federal troops can vote in the Chechen elections, and that is one-third of the votes that can be cast in the elections there for the president.

My opinion is that the opportunity or resources given to President Putin after the tragic event in Dubrovka have been used by him in the worst possible way. The constitution of March 23 does not safeguard a single human being, a single person in Chechnya. Our people cannot

consider it as a defense for them. All those people in Chechnya who either supported or worked for the other candidates now face the necessity to become refugees and to leave the country.

So how can one under such circumstances say that we, the Russians, are winning the Chechen war? What does victory mean under those circumstances? I consider it a disaster.

Mr. SMITH. Thank you very much.

Mr. Ware, if you could proceed?

**ROBERT BRUCE WARE,
ASSOCIATE PROFESSOR, SOUTHERN ILLINOIS UNIVERSITY**

Dr. WARE. Thank you, Mr. Chairman. I have prepared a written statement that I would like to submit.

Mr. SMITH. Dr. Ware, without objection, your statement and that of any of our other witnesses, if they have a longer version, we clearly would make a part of the record.

Dr. WARE. I have made that available and it is out on the table outside the door for anyone who is interested. What I want to do today is just present some brief supplementary remarks.

The people of Chechnya have suffered a great deal. Some of them have excellent reasons for cherishing separatist sentiments. But we should make no mistake, the current war in Chechnya is not a separatist conflict. Chechnya had achieved *de facto* independence in 1999 when the neighboring republic of Dagestan was invaded from Chechen bases by Islamist militants bent on the forcible conquest of Dagestan. The fighting resulted in numerous deaths among Dagestani civilians and displaced 32,000 people from their homes and villages.

These Dagestani IDPs endured under conditions of severe deprivation for 8 months prior to the arrival of even the most rudimentary international relief. That was because all major relief and rights organizations had fled the region by the end of 1997 due to the relentless toll of the hostage industry that was based in Chechnya. Western human rights organizations never documented or took any serious interest in the Dagestani IDPs that resulted from those incursions.

Following those incursions, Russia had a moral obligation to protect its citizens in the region. Indeed, by 1999 federal protection was long overdue since thousands of Russian citizens in the region, especially those in the Muslim republics of the North Caucasus, were suffering under the predations of the hostage industry and almost daily cross-border raids from Chechnya.

Basically, what that involved was more than 1,000 people kidnapped from territories surrounding Chechnya, held hostage in Chechnya, brutalized, tortured, mutilated on videotapes that were sent to their impoverished families for purposes of the extortion of exorbitant ransoms.

By 1998, there was a palpable sense of terror in the region as a result of those circumstances. Human rights and relief organizations did not come to the region to help with these problems. Instead, all major organizations fled the region and abandoned the people of the region to face these massive and sustained human rights abuses without any support whatsoever. No human rights groups held hearings about these abuses. From the time that Russian troops left the region in 1996 until the time that they returned in 1999, few journalists ventured into the region, so the world knows little about what happened during those years. After Dagestan was invaded, Russia finally began to protect its citizens and

do something about these problems. After Russian troops returned to the region, the region became somewhat safer. That was when the journalists returned to the region. That was when the relief groups returned to the region. That is when the rights groups returned to the region.

It seemed that no one was interested in the massive human rights abuses that were perpetrated in the region from 1996 to 1999, but after Russian troops returned to the region the world was suddenly interested in human rights abuses in the region again. So the world has heard little about the massive human rights abuses that occurred in the Northeast Caucasus from the end of 1996 to the end of 1999, but the world has heard much about human rights abuses that occurred in the Northeast Caucasus from the end of 1999 to the present.

Now, this hearing takes up the important task of investigating and airing the human rights abuses that are taking place in the region today. This is vital work that should be prosecuted with vigor and with greater effectiveness than achieved to this date. But our work today will have little effect if we attempt to abstract the human rights abuses that are occurring in the present from the human rights abuses that occurred in the past. We will achieve the end that we all desire only if we balance our understanding of the present with our understanding of the past.

As the people of South Africa have reminded us, there is no end to human rights abuse, there is no peace, and there is no reconciliation without truth. There is no truth when you look at only one side of the problem. Here are four truths that emerge when we begin to take a balanced look at human rights abuses in the Northeast Caucasus. First, my survey research in Dagestan has found that most Dagestanis view Chechnya as a threat and that most Dagestanis look to the Russian Federation for assistance.

Second, while the return of Russian troops to the region has resulted in many horrible human rights abuses, it has also reduced some kinds of human rights abuse and opened channels for the relief of others. For example, the Dagestani Bureau of Statistics has reported significant reduction in crime and dramatic reductions in kidnappings since Russian troops returned to Chechnya. Many people who were being held as hostages or slaves in Chechnya have been freed. The return of Russian troops to the region was followed by the return of human rights and relief organizations that had fled the region at the height of the hostage industry. One of those organizations was the OSCE.

So while the abuse and suffering have occurred continuously in the region on a massive scale, it was only with the return of Russian troops that people in the region began to receive international relief and international attention to their rights, such as that which we have here today.

The third truth is that human rights abuses that are being committed in Chechnya today are not being committed by one side, but by all sides. There are many mass graves in Chechnya and there can be little doubt that Russian federal forces are responsible for many of them, but there is also little reason to suppose that Russian federal forces are responsible for all of them. All sides have resorted to the horrible practice of kidnapping their adversaries. Before the Russian military returned, thousands of Chechens were kidnapped by other Chechens.

The fourth truth is that people who invaded Dagestan were Islamist terrorists who sought to forcibly conquer the people of Dagestan and impose a medieval Islamist regime that would have resulted in the massive deprivation of human rights. In 1999, Chechnya was rapidly converting itself into a militant Islamist state. That has been stopped.

When we get to a more complete and balanced view of the situation in Chechnya, we see that there are no simple truths and no easy answers. It is true that Russia has committed horrendous abuses in Chechnya and made horrible mistakes for which Russian leaders must be held responsible. It is also true that whatever happened in Chechnya in the last 4 years would have been horrible, and that the people of Chechnya should be held to their fair share of responsibility for this.

The horrible truth about Chechnya is that it has not been a question of having massive human rights abuses on the one hand, and on the other hand having no human rights abuses. In Chechnya, one set of massive human rights abuses have been followed by another. If we are to reduce or eliminate human rights abuses in Chechnya, then we must consider both sets of human rights abuses together. One-sided criticism of Russia does not help the people of the region. It undermines Russian moderates, encourages Russian hardliners, and provides an opportunity to ignore legitimate criticism from the outside.

A balanced understanding of the last decade in Chechnya indicates that it is no more possible or desirable to return to the conditions of Chechnya's *de facto* independence in the late 1990s than it is to return to the conditions of centralized subordination in the late 1980s. In the last decade of Chechnya's history, there has been a cavalcade of extremism that has brought nothing but death, destruction and instability. Extremists must be excluded from Chechnya's future. Chechnya's future lies with a new generation of moderates that has been coming to the fore. Partly as a consequence of widespread exhaustion and desperation, many Chechens share a spirit of moderation and are prepared to work within the framework of the Russian Federation. In the long run, a new spirit of moderation will save Chechnya. This moderating trend is currently being supported by a decrease in cleansing operations by federal forces in Chechnya that has been on the decline throughout the current calendar year. It is being encouraged by the transfer of authority from Russian authorities to Chechen officials who are now largely in control of their own administration in Chechnya. That is to say, the Chechen nationals are.

The process of moderation in Chechnya is also in principle being encouraged by the political process that is under way involving the selection of a Chechen administration. However, in practice I would agree with the previous speaker's remarks that the details of the Chechen constitution which have been put into play are likely to give rise to intra-Chechen conflict; that is, to move the conflict from conflict between Russians and Chechens to intra-Chechen conflict, and I do see that as a very bad thing. I think this is the wrong constitution for Chechnya. I also completely agree that this is not a democratic election that is about to take place in Chechnya, and that its consequences are also likely to be destabilizing.

Finally, I agree with previous speakers who have emphasized that it is not only a severe human rights problem to close the refugee camps or even to pressure refugees to leave those camps. I would also like to add that even from a Russian perspective it does not make sense because

there is likely to be an increase of terrorist activity in Chechnya in the next year. The more people that there are in Chechnya, the easier it will be to commit such acts, the more devastating those acts will be. So it seems that even from a Russian perspective this would be a mistake.

That concludes the remarks that I intended to make. Could I comment just briefly on a couple of the questions that you asked to the other speakers, for example, Arjan Erkel? Since Arjan Erkel was kidnapped in Mahachkala in August 2002, I have followed the incident very closely and made inquiries of my own. I must say that the situation, when one examines it closely, is much more complicated than has come up thus far in this hearing.

When one looks carefully and when one talks to people in Mahachkala about the situation, one finds that in fact there are speculations about personal motives and professional motives, as well as political motives. My own inclination would be to eliminate at this stage in the game, since it has gone on so long, some personal and professional motives that have been suggested for his disappearance. I certainly do agree with the implication earlier that Russian security forces might have been involved in this. There is some evidence suggesting that they were, and that is indeed very distressing.

However, some considerations make it very hard to believe that Russian security services are currently holding Arjan Erkel. The evidence suggests equally that the people who are holding him may be interested in manipulating Russian authorities.

So it is not easy to see what is happening there. This case is full of anomalies. I think that while it is very important, and while I certainly would very strongly emphasize that the case should be raised in conversations with Russian officials and should be brought forward with the strongest possible emphasis by meetings such as this, I am going to suggest that there is really a great deal of uncertainty about what is happening here. While concern should be expressed, care should be taken.

Thank you.

Mr. SMITH. Thank you very much for your testimony and for your commentary on Dr. Erkel.

Lord Judd, if you could proceed?

**THE LORD JUDD, MEMBER,
HOUSE OF LORDS,
FORMER RAPPOREUR ON CHECHNYA,
PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE**

Lord JUDD. Mr. Chairman, my last visit to the Chechen Republic was in January. It was in the aftermath of the terrorist attack action at the Moscow theater in October 2002, and against the civilian administrative headquarters in Grozny in December. Like subsequent atrocities, including the attack at Znamenskoe, violence of that kind has no place in meeting the needs and aspirations of the Chechen people. Obviously it should be condemned without qualification, whoever is ultimately found responsible.

However, that applies to all violence. State violence, abductions, disappearances, unlawful killings, beatings, torture, and harassment by members of the Russian security forces, whether officially condoned or not, are every bit as unacceptable as other forms of violence. They strike at the moral credibility of government.

Hence the frustration in the Parliamentary Assembly of the Council of Europe with the continuing absence of convincing evidence that allegations of crimes by the security forces are being rigorously pursued. This frustration, it should be said, is not simply with the Russian Government. It is also with other member governments of the Council of Europe for their failure to bring adequate pressure to bear. Hence also the frustration that the Russians have failed to make public the reports by the Council's own Committee on Torture.

The human situation in the Chechen Republic remains grim. While schools are open, parts of severely war-damaged hospitals are in operation and some agricultural activity can be seen, the economy remains shattered. Displaced people who have returned to Grozny are desperately worried about their personal security and about help with reconstructing their devastated homes. The atmosphere is tense and security personnel are everywhere. I traveled in and out of the republic on my last visit surrounded by troops in a small armored convoy.

There is obviously no military solution to all this. The political process is indispensable. It is only with a political solution that human rights can be guaranteed and the humanitarian well-being of the people can be assured. Otherwise, we may all be involved in sticking fingers in the holes in the crumbling dike.

However, there are no shortcuts to this. There has been a prolonged, devastating, cruel and bloody civil war. Before any new constitution has any hope of being effective, there will have to be a great deal of dialogue and attempted reconciliation. This cannot be limited to the more acceptable power brokers and co-opted intellectuals. It has to involve the widest possible cross-section of the Chechen community. The Russian authorities, however, were determined to drive ahead with their referendum on a new draft constitution on March 23. This was, in my view, so premature, so ill-conceived, and in effect so cynical and potentially counterproductive that I felt compelled to make claim that I was unable to continue in my role as rapporteur.

Some argue that the constitution can be amended, but by whom? It seems that the right to do this is limited to those elected under its provisions. It is also worth noting that the draft speaks of, quote, "affirming our historical unity with Russia and its multinational people." That wording begs many key questions at the heart of the bitter conflict. Well, the referendum took place. Ninety percent of those who were registered to vote voted; 96 percent voted in favor. I ask myself, whatever happened to the other 4 percent?

Why is the constitution for me so deeply disturbing? First, the constitution has to be the outcome of the process. It has to be forged. There has to be a sufficient consensus. While there are without doubt fighters in the republic who are close to al Qaeda and who have no interest in what any reasonable person would regard as a political settlement, there are others who, whether rightly or wrongly, are fighting for what they perceive is the honor and identity of their people faced with insensitive oppression. If a settlement is to be viable, there must be a genuine attempt to win at least some of these people back into a political process. No serious attempt has been made to do this. The acute danger is that they will therefore be further alienated and driven into the arms of the extremists.

Quite apart from the fighters, little attempt, so far as I can see, has been made to draw into the process any significant players at all who are not already at least marginally part of the Russian Government's game.

Second, there must be a credible franchise. Was the census on which the referendum was based genuinely comprehensive? Who precisely was able to vote? What was the position of Chechens living outside the republic? Which service personnel were able to vote and why? There is little indication that these questions and others have been transparently addressed. I was told of areas where those undertaking a census had not visited. It was explained to me by the authority that only those soldiers permanently stationed in the republic would be allowed to vote. However, it proved impossible to elicit a clear definition of what "permanently stationed" meant.

As late as the end of January, some officials said that displaced people would be able to vote in their camps, with what integrity of ballot still to be seen. But others said they would be taken back to the republic in buses to vote. As for the Chechens in Moscow or beyond, the answers were conspicuous by their absence. All the cards were in the hands of the Russian administration.

Third, the context in which the referendum was held was all important. There should have been debate and evaluation, pluralist and independent media, freedom of association, and freedom for political parties were needed. There should have been adequate public information. Yet this context was just not there. In January, in camps for displaced people in Ingushetia, it was impossible to find anybody who had seen a copy of the proposed draft constitution, let alone who had been invited to a meeting to discuss it.

Fourth, there should have been sufficient non-menacing security for people to feel freely able to participate. My last visit was limited to Grozny. God knows what life is now like further afield, but even in Grozny the right conditions did not exist. Indeed, I was asked whether I would feel able on security grounds alone to recommend sending observers to the referendum. My reply was that it was far too dangerous. Where observers were most needed, it would have been most dangerous. If it were too dangerous for observers, how realistic or safe was it for the people themselves to participate in the referendum? It is tragic, in my view, that the authorities have resorted to the referendum techniques employed by too many dictators in the 20th century.

By their rushed, ill-prepared referendum, without the necessary political and security environment, the authorities have made, I fear, a terrible mistake. Far from promoting the peace they say they seek, they may have made it impossible to achieve. The challenge of the Chechen Republic is central to the stand against global terrorism. President Putin is 100 percent right when he claims that in the republic, Russia is at the world's front line. Even in the midst of the gruesome realities of that conflict, a meaningful political process can be generated which leads to a lasting and viable solution. It will send a powerful message to the wider world about how whatever the bitterness, reasonable politics can produce the basis on which to build for the future.

By contrast, if there is a failure to promote a meaningful political process, the message to too many in the wider world will play right into the hands of the extremists. It will strengthen their claim to be the only true friends of the excluded and deprived. It will undermine still further

the hundreds of thousands of moderate and wise Islamic people who seek to build bridges, rather than to hurdle into a new dark age of irreconcilable confrontation.

Of course, we want to see Russia as a major responsible partner in the global community. But if partnership with Russia is to work, it has to be based on candor. The partnership will have precarious foundations if in a desire not to jeopardize other policy objectives, be they Iraq or the global coalition against terrorism, we play down concern about aspects of Russian policy that are quite simply wrong. In the case of the Chechen Republic—and I am sorry that I use strong wording, but I would abuse your hospitality at this hearing if I did not say exactly what I felt—in the case of the Chechen Republic, it is inexplicable folly to hold back on criticism when by their policies and methods of implementing them, the Russians are perversely recruiting for the global terrorists.

Mr. Chairman, I feel I must just say a word on the current situation, if I may with your leave. Over the 10 weeks to the beginning of August, Russian officials confirmed no less than 17 separate Chechen ambushes and 9 attacks, resulting in the downing of two military helicopters and the deaths of at least 113 Russian soldiers and interior ministry troops. On 10 June, Radio Liberty reported the deployment to Chechnya of 1,000 elite Russian paratroopers. Later that month, Associated Press reported that the Ministry of Defense in Russia had canceled scheduled withdrawal of a heavy artillery battalion. Last month, *The New York Times* reported that in the previous 4 months there had been an acceleration in suicide bombings, particularly in Moscow and North Ossetia, with seven separate attacks, six allegedly by Chechen women, together resulting in 165 people killed.

There have also been attacks apparently specifically targeted at military personnel directly involved in the aerial bombardment of Chechnya, for example at the military hospital at the important Prokhladny military base, well within Russian territory. These bombings could well be part of the offensive strategy announced by Basayev in June. He claimed to have recruited for special action women who had been raped or who had lost close relatives. It should be noted that Aslan Maskhadov has totally dissociated himself from the Basayev action and issued a decree in May ordering Chechen units not to attack civilian targets and to abide by articles three and four of the Geneva Convention.

On 11 August, according to Agence France Presse, the NGO Mothers of Russian Soldiers Committee in Russia estimated, contrary to what we have heard this afternoon, that more than 12,000 Russian troops have died in Chechnya since 1999. If this is right, and I suggest the mothers are likely to be calculating rather closely, it is possible that Russia will have lost more troops in Chechnya since 1999 than the Soviet Union lost in a decade in Afghanistan.

Disturbingly, the conflict seems to be spilling over more seriously into Ingushetia with attacks by fighters on Russian personnel and convoys and raids like those in Chechnya by the Russian forces on villages. The Russians are reported to be determined to close all internally displaced people camps in Ingushetia by October. The pressure is alleged by some close to the situation to be assisting the recruitment of young people by the fighters. Dr. Salambek Maigov, until recently Maskhadov's

representative in the Russian Federation, has claimed that such young recruits have more than doubled the ranks of one rebel leader, Gelayev, in the western sector near the border with Galashki.

The human rights and security situation can be judged by the Russian nongovernmental organization Memorial's estimate that the per capita murder rate in Chechnya now exceeds that of the entire Soviet Union during the height of Stalin's purges. According to *Le Monde*, documents leaked to the press by the Kadyrov administration in Chechnya last April indicate an average of 109 extrajudicial executions by federal authorities in Chechnya every month.

Public opinion in the Russian Federation is reflecting great unease. Last month, a leading polling agency calculated that only 28 percent of 1,585 respondents in 40 administrative regions supported continued military action, while significantly 57 percent favored direct political negotiations with the Chechen resistance. Last September, the same polling organization found a year ago in a poll that only 37 percent favored the political approach, while 39 percent favored increased military action to annihilate the Chechen fighters.

This must, in my view, be a dilemma for President Putin as the date for the Russian Federation's presidential elections approaches, in view of the great play he made of his military muscle in Chechnya in his last election campaign. Meanwhile, next month there is to be the presidential election in Chechnya, about which we have heard. Putin clearly wants to control this. Despite assurances that the multi-candidate election was the name of the game, in the cause of demonstrating democracy, all serious opposition to the Putin candidate, Mr. Kadyrov, currently the head of administration in Chechnya, is being manipulated, promoted, even intimidated out of the campaign.

Aslambek Aslakhanov, the representative of Chechnya in the Duma, and the most popular rival candidate to Kadyrov, is the latest to be offered and to accept a high-ranking alternative job by Putin. Many believe he would have secured twice as many votes as Kadyrov, perhaps as much as 25 percent of the total poll. As far as I could make out last week, and I do not know whether he is still in the running this week, the only significant remaining contender is Malik Saidullaev, a rich Chechen resident in Moscow. All, Mr. Chairman, all my anxieties about the referendum and the context in which it was held inevitably apply to this election as well.

If the security situation remains bad, the human rights and humanitarian situation remains grim. Since April 2000, the European Court on Human Rights, Europe's supreme court on human rights, has received directly some 200 individual complaints. This resulted in 100 files being recorded, as some complaints concerned the same events. Of these, some 55 have been officially opened. The information in others is as yet insufficient for registration. Six complaints have already been found admissible by the court, and some others have been officially referred to the Russian Government.

Alarming, and I find this very disturbing, there are well-authenticated reports of intimidation and worse, disappearance and killings, of applicants to the European court and their families. It seems the court stands ready to pursue these as soon as it has adequate information.

Also of considerable relevance, Mr. Sulumbek Maigov, until recently Mr. Maskhadov's representative in Moscow, has ceased to operate. The circumstances are unclear, but may be related to Russian, including

FSB, pressure and action following his last visit to Washington. Indeed, I understand that he was specifically pressured not to come to the American committee's conference that was held today, and he may not be alone in having had such pressure. This week in London the extradition court case concerning Akhmed Zakayev is likely to be concluded. I know and have met and talked with this man. I will be glad to answer questions about him, together with questions on any of the other matters about which I have spoken.

Thank you, Mr. Chairman, for your indulgence.

Mr. SMITH. Lord Judd, thank you very much for your very comprehensive testimony. For all of your testimonies, they are very helpful, enlightening, provocative at times, but very important contributions to this issue that really does not go away, but does not get the kind of scrutiny for a variety of reasons that it ought to be getting, not the least of which is our focus on terrorism, to the exclusion of other types of terrorism and activity and human rights abuse that just goes under-focused upon.

It is not without precedent. Even before we had 9-11, we convened a series of hearings in the first Chechen war. We had Yelena Bonner testify and many other distinguished people, including people from the Russian Government who were involved with human rights. I will never forget how scathing their criticism was, not just of what was going on in Russia, but of the U.S. response to it, referring to the war as analogous to the United States Civil War where two disagreeing people were just fighting it out, rather than what we know to be a scorched-earth, almost take-no-prisoners type of operation.

Dr. Ware, I think your point is well taken about stressing the atrocities that have been committed by both sides. It is not just the Russians. We say that over and over again, but I do not think we can say it enough. I noted the comment that was made earlier about the 86,000 federal troops that are there. I am wondering, if you could, Ms. Politkovskaya, if you could tell us, are those 86,000 going to vote? Do they have the requisite criteria for residency, even though they probably are augmented in and out at the will of the military?

Secondly, and all of you might want to touch on this, Mr. Kadyrov, we all expect him to win. What will Chechnya look like if he does win? What does it look like if he does not? If you could perhaps spend a little time talking about this, because I think that is the most likely. We see fewer Russian operations and more of the operations by this army that you spoke about earlier, that is emerging, so perhaps you might want to touch on that.

Dr. Ware?

Dr. WARE. With regard to the Kadyrov administration, first of all it looks to me as if perhaps Moscow has vacillated in their support of Kadyrov in recent months. For example, his name was put on the list of representatives to the United Nations, which looked for a while like it might mean an honorary exile. So it has not been clear. And also the United Russia party declined to support Kadyrov. That is essentially Putin's political party, and it declined to support Kadyrov. So it was not always clear that Moscow was backing Kadyrov.

But clearly, what has happened has not been consistent with a democratic outcome in the election. It looks as if the long-term plan is to use the referendum and the elections to get an administration set up in Chechnya, and then to continue transferring authority and to start transferring funds through that administration in order to give rise to

a new group of more moderate Chechen elites who will crystallize around that financial flow and provide a new basis for political organization in Chechnya. My opinion would be that in the long term, looking beyond 5 years, that strategy is likely to work in terms of providing some kind of stabilization to the situation in Chechnya. But this particular constitution and this particular election are not going to be legitimizing and I am afraid are not going to be stabilizing.

Lord JUDD. Could I just add a word? I think this is a very central issue. First of all, if my analysis is accepted about the invalidity of the referendum, by definition the election cannot be acceptable because it is a consequence that follows on from the referendum. It would be very unfortunate if we started by the back door to authenticate the referendum by recognizing an election not having recognized the referendum's validity.

But my feelings are deeper than that. I have visited Chechnya eight times in the past 3 years or so. Having seen the anguish, the consequences, the suffering, the grieving mothers. Where are their children? They have been taken, disappeared. Fathers disappeared. Brothers disappeared. It is awful in a member state of the Council of Europe at the beginning of the 21 century. Unbelievable.

Now, in that kind of atmosphere, to think that you can sort of administratively clear it up by getting some people, and I do not doubt that very sincere hard work was done by some of these academics and people who were brought in on the constitution. To produce a constitution, rush it through, get it approved, get the implications of the constitution operating as if it is going to solve the problem, is just dumbness. It would not. And of course, the situation may, I desperately hope I am wrong, but of course the situation may get worse as disillusion and disenchantment sets in. And certainly all this will play into the hands of the extremists.

It seems to me that if you are going to get a political process going, of course it does not only apply in Chechnya, but if you are going to get a political process going, the art of the business is to get as many people as possible, as wide a cross-section of people as possible, feeling a stake in the process, feeling a sense of ownership for the process. Yes, of course, there will still be the unreconciled, but they will be marginalized. They will not become the champions because the others are not playing a part and not being listened to, and apparently have no influence whatsoever.

I speak with some feeling on this because although I know my Russian friends get very annoyed, and I have many friends in Russia, get very annoyed and say, "But Frank, please do not oversimplify. Northern Ireland and Chechnya are not the same." Of course, they are not the same, but there are lessons that you can draw from different experiences for each other. We only began to make serious progress toward a solution, and we have a long way to go yet, but we only began to make serious progress toward a solution in Northern Ireland when government accepted that it was necessary to talk to the political representatives of the IRA. If you just picked the people who it is convenient to talk to, who are your friends, after a conflict, and Northern Ireland was a disturbing conflict, but it was nothing on the scale of Chechnya. I am afraid it is destined for disaster.

Ms. POLITKOVSKAYA [through interpreter]. As to the question as to why and how, what basis the 86,000 military will be voting, it is enshrined in Russian law that the military personnel which are on the territory of Chechnya, which is part of the Russian Federation, have the right to vote.

This is a great problem for the Chechen population, and this has been stated to me a number of times. What will happen, and this is what worries the Chechen population, is that Kadyrov will be elected by an electorate that consists at least one-third of Russian military personnel. This will not create a good basis for the creation of a new Chechen elite as mentioned by Dr. Ware. And anything that will be built on the clay feet created by this illegitimate and really indecent referendum has no chance for survival or creating something positive.

Really, the only question that matters now is, how many victims will be eventually found under this new edifice that is being created and that is doomed to crash. How to make this new assault against the Chechen people less bloody, that is what is important. Unfortunately, the elections of October 5 can no longer be avoided. So now, it is the process that happens after the 5 of October that is placed into the hands of the Western community of nations. Will the Western community of nations force the Russian leadership to begin actual contacts that can lead to a peaceful solution? And will the Russian leadership be forced by the Western public opinion and nongovernmental organizations to make Kadyrov disband or disarm his units that have already been created? Or will this conflict be allowed to be Talibanized?

Mr. SMITH. You may have mentioned it earlier, but how many troops does Kadyrov have?

Ms. POLITKOVSKAYA [through interpreter]. The process of creating these armed forces is continuing. The mechanism that was used for it was the so-called amnesty. So it continues to grow, but at this point according to some of their own sources, Kadyrov sources, it is from 3,000 to 4,000. So I think it is somewhere in between 3,000 and 4,000. It is a very considerable force.

Mr. SMITH. Lord Judd, you had indicated, and I could not agree with you more, the inexplicable folly earlier on, and you probably heard the exchange with our Ambassador Pifer that I had about that we have got to be candid, and that was your word, we have got to be more transparent and open and not reduce this or put this on page four of a list of talking points for the summit, the meeting at Camp David. I fully agree that this needs to be front and center. That is the proximity of this hearing right before the meeting, frankly, to try to bring some additional focus. We have written, many of us have contacted the White House to try to ensure that this issue of the IDPs, the ongoing human rights abuses, get center stage in the discussion. So I thank you for your comments on that.

Lord JUDD. Could I just say on that, having been a foreign office minister, what I often remark upon is that, yes, people can come back and say, of course we raised this matter with the Russians. But there is a world of difference between raising the matter with the Russians and over coffee, as it were, at the end of a visit, sort of rattling the teaspoons. I am speaking metaphorically and saying, oh, and by the way before I go back, there is just this issue, because there are a lot of human rights freaks around, and so on, who do not see the importance of our battle against terrorism, and it would be helpful.

You know what I am saying. I think one really has to set out to make this a major issue. I hope you will forgive me, just because I am repeating myself, which is unforgivable in political circles, but I just feel so, the expression I used several times in Washington in the last few days is that I have never in my political experience felt so stumped. This is an English expression taken from cricket. It means so perplexed. I just cannot see the logic of a total preoccupation with a fight on global terrorism, and then as it were almost indirectly aiding and abetting a process which is recruiting for extremist terrorists. To me, I just cannot understand where this is coming from, because to me I can see no logic for this position whatsoever.

Mr. SMITH. I agree, and I think your point is very well taken. I have been in Congress for 23 years and it has been my experience working on human rights, religious freedom for years, that is why I sought out the Helsinki Commission 22 years ago, in my second term, I got onto this Commission. It was that very often human rights, unless it was politically expedient, were reduced to the back burner. It was always a matter of being able to say I raised it. Well, that does not cut it. It has got to be a serious engagement of the issue and it has got to be done with repetition over and over again in a way that can produce results. So I think your point is very well taken.

I would agree with you as well, because I have worked on the Northern Ireland issue, particularly as it relates to policing there. We have had seven hearings on Northern Ireland. It was not until there was an outreach to all of the communities that were using violence, both the Protestant and the Catholic, but certainly talking to Sinn Fein made it possible for the Good Friday agreement to become a reality. So I would agree as well with your comments on that.

Let me just ask you, if I could, all of you, whoever would want to comment, obviously there is a December 7 election, Duma election that is fast approaching. Will Chechnya be an issue? Are there political parties in Russia that are talking about a new course, or is it just pretty much a subterranean issue that is not being brought to the fore?

If I heard it right, 57 percent of the people favor negotiations. That is a pretty high number. Would any of you want to touch on that? Yes?

Ms. POLITKOVSKAYA [through interpreter]. The problem is that not a single one of the Russian parties proposes any plan of ending the Chechen conflict. None of the parties, aside from Putin's own party, Russian Unity, participate in the elections. None of the Russian parties participate in the Chechen elections.

Mr. SMITH. But again, I am talking about now the Duma elections in Russia.

Ms. POLITKOVSKAYA [through interpreter]. The reason why none of the parties are saying anything about the Chechen elections of October is because of the upcoming Duma elections. So none of the parties want to spoil their relationship with the president and to create difficulties for themselves for the upcoming election of the Duma in Russia.

A number of events happened this summer which have diminished the low desire on the part of opposition parties to bring up and fight about the Chechen issue. The reason is one of these events was that most of them were deprived of a great deal of financial support because of what happened to the Yukos Company and its president. I do not think that the Chechen issue will play a major role in the Duma elections.

Dr. WARE. May I comment briefly on that? I am not an expert on Russian federal politics, but I do look at the North Caucasus. What I can tell you is that on the whole, people that live in the North Caucasus view the problem in Chechnya as the responsibility for the most part of the Chechens. They sympathize with what is happening there, and they certainly do not like to have that kind of suffering on their border, but they think that the people in Chechnya are largely responsible for what has happened, and it is very unlikely to be an electoral issue in that area.

Mr. SMITH. Let me just ask one final question. There is a widespread opinion that one of the reasons the Chechen conflict continues is that high-ranking Russian military people are profiting from it. Can any of you shed any light on that? Do you agree or disagree with that assertion?

Lord JUDD. I do not think this is a phenomenon limited to the Chechen conflict. Again, in Northern Ireland one of the complicating factors has been what has happened in terms of criminality of those involved. I am sure there is criminality on all sides. On the other hand, there are people on both sides who are not criminals, but I am sure that there is big business at work, big profiteering by some, out of the war. I obviously have not been able to pursue any sort of deep-down inquiry on this, but I shudder to think at what levels and where some of those involved might be found.

Dr. WARE. I do not think there is any question that Russian military officials are profiteering on the war. I also think that there is profiteering all around on all sides. In fact, I think that there has been a good deal of political profiteering associated with the war on all sides.

Ms. POLITKOVSKAYA [through interpreter]. It is not only the high-ranking military that profits, and that is part of the problem. The war has created a certain structure and hierarchy in the military, and each one of the levels has its own way of profiteering. The higher officers are involved in the trade of oil and nonferrous materials. The middle ranks are involved in the same business, only on a lower level, taking charge of the transport and warehousing of the materials involved. And the lowest ranks profit simply by bribes. In other words, any time anybody wants to pass through a checkpoint, that involves a bribe.

So this whole idea has become so entrenched that Chechnya is a business area. So actually, there is a line, the military are lining up to get into Chechnya. An additional source of income for the soldiers manning the check-posts was that they were selling registration forms, in other words, signatures for candidates, which were sold at the same time at these check-posts.

Mr. SMITH. In all candor, given the impoverishment of Chechnya, how lucrative are these bribes and other payments, particularly at the lower level officers?

Ms. POLITKOVSKAYA [through interpreter]. Whatever they get is a substantial addition to their family income, because the lower ranks and the lower-middle ranks live on a pittance as far as their military pay is concerned. There is also another additional profitable aspect of the war for the lower ranks. Service in the war counts more toward the years that they spend in the military. It makes it possible for them to retire earlier. That is another additional benefit.

Mr. SMITH. Do you know of any instances or reports of trafficking in human persons, especially women? Is there any evidence of that? Trafficking in human beings, women for forced prostitution?

Ms. POLITKOVSKAYA [through interpreter]. There was human trafficking, but it took the following form. At the beginning of the war whenever there was a cleansing operation, everybody who was taken in was then offered to their relatives for a ransom payment. And the disappearance without trace would occur after a 48-hour period during which the family had the chance to buy back their relative. That system continues to this day. Others are called it the hostage business.

Mr. SMITH. Thank you. If any of you would like to add anything further, perhaps hypothetically if Bush were sitting right here, what would you say to him with this upcoming summit just days away?

Ms. POLITKOVSKAYA [through interpreter]. If Bush were sitting in your place, I would tell him the following. Over the last 4 years, that which is called in Russia in Chechnya, as an antiterrorist operation has had two results. One is the emergence of thousands of new terrorists among the federal military and among the Chechen people. The second result of this operation is the creation of conditions for the third Chechen war. That is, of course, irresponsible policies.

Lord JUDD. As I gather it, you asked if there is any last thought, as it were.

Mr. SMITH. Yes, and especially with a hypothetical that we are sitting here with President Bush.

Lord JUDD. Well, that is a dangerous question, because I never have a last thought on Chechnya. I am thinking about it all the time. But if I could just say a couple of things. I will not go over the arguments which we have tried to deploy this afternoon, but there are a couple of things I would like to say. The first thing I would say is that there is not a monopoly or good or evil on either side in this history. It would be very naive to suppose there is. It is also important to remember that for ordinary young Russian soldiers who may not be terribly well educated or well prepared, they can find themselves faced in very emotional circumstances with very provocative action.

But this is always a challenge to all of us in what we call the democratic world based on human rights, because it is when the pressure is most acute that it is most important to transparently demonstrate in all we are doing that we are about something different. Every time that we are provoked into taking shortcuts or oversimplified, disproportionate, unjustifiable action, we play straight into the hands of the extremists who are sitting there saying, look, all this commitment is paper thin; it collapses; they are no better than us; they are no different from us.

That is the message that I think we must try and get to our Russian friends. It is not easy, but it is one I think it is terribly important to try and support them in understanding. As members, and I want to see them, because I cannot say how strongly I want to see Russia as a full partner in global affairs. I really have that as a top priority in my political life. As a nation now participating in the global community in this way, it is incumbent to demonstrate that the discipline is there, the commitment is there at all levels, which illustrates to everybody that this is a course worth having taken.

Dr. WARE. I would say first to President Bush that it is really pointless to talk about negotiating an end to the conflict. I certainly think that it would be good if it were possible to do that, and perhaps there is nothing wrong with the attempt. But it is rather facile to focus on that because there simply is no one with whom to negotiate. If anybody were able to control Chechen militants, it is unlikely that there would be the present war. Certainly, President Aslan Maskhadov of Chechnya was unable to control the militants that went into Dagestan. There has been no evidence since that he is capable of controlling them. Militant forces are fragmented, and nobody controls all of them. So there is nobody to guarantee any agreements that Moscow might conceivably reach with any of the militants. So to talk about a negotiated settlement of the conflict is in some respects a nonstarter. It would be great if it could happen, but there seems to be little prospect that it will.

I would encourage him, first of all, to thank President Putin for finally coming to the rescue of so many Muslim people in the North Caucasus that suffered tremendously between 1996 and 1999. Then I would encourage him to further encourage President Putin and to put all possible pressure on President Putin to try to stop the human rights abuses that are occurring in Chechnya at the moment.

Mr. SMITH. I want to thank both of you, and Anna who had to leave, for your excellent testimony. It gives us the basis to continue our work as a Commission. As you know, the Commission is made up of nine senators, nine House members and three executive branch members. We do work the issue very hard. The hearings are a way of getting additional input, highlighting an issue, if you will, but also getting input. The proof is always in the follow-up, and we play on following-up very aggressively.

So I want to thank you so much. Without further ado, the hearing is adjourned.

[Whereupon, at 3:45 p.m., the hearing was adjourned.]

APPENDICES

**PREPARED STATEMENT OF
HON. BEN NIGHORSE CAMPBELL, CO-CHAIRMAN,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. Chairman thank you for convening this hearing as part of the ongoing efforts of the Helsinki Commission to draw attention to the human dimension of the conflict in Chechnya. Today's hearing is especially timely given the upcoming meeting between President Bush and President Putin of Russia. The scope of the human rights violations occurring in that region of the Russian Federation warrant that level of discussion, not delicate diplomatic doublespeak.

As I have noted in the past, the continuing war in has resulted in the most egregious violations of international humanitarian law in the OSCE region. Recent film footage shown during a Commission briefing late last week documented the physical, psychological, and personal destruction resulting from four years of conflict in this round of the war. With most journalists prevented from reporting on developments in Chechnya, one gets a limited glimpse into the war, typically surrounding the latest act of terrorism launched by fringe radical elements.

The picture the Kremlin does not want us to see is a wasteland dotted with mass graves, villages depopulated of men—young and old, and unspeakable crimes committed against civilians. Each side should and must be held accountable for its acts of lawlessness and brutality. Extrajudicial executions, forced disappearances, and abuse of the noncombatants by elements of the Russian military continue. A representative of the respected human rights group "Memorial" reported at a Commission briefing earlier this year that of 119 persons abducted by Russian forces in Chechnya in the first three months of this year, 9 were killed, 19 were released after severe beatings, and the rest have "disappeared," their whereabouts unknown. A lack of accountability leaves family members with little hope for justice as they search for some clue about the fate of a missing son, husband, or father.

The discovery of mass graves—with bodies mutilated to thwart identification—is not uncommon. Russian authorities claim that the bodies are victims of Chechen guerrillas, but on at least one occasion the mass grave was located in close proximity to the major Russian military base outside the capital, Grozny. Even the pro-Moscow Chechen administration in Grozny has criticized the brutality of the Russian military against the Chechen people.

The war in Chechnya has also created tens of thousands of refugees and internally displaced persons (IDPs), about 100,000 of whom have been living in IDP camps in neighboring regions. There are disturbing and credible reports that the Russian Government is using coercive methods to repatriate these IDPs back into a Chechnya that is not only dangerous, but insufficiently prepared to house them. Repatriation efforts have only intensified, despite pledges by President Putin and other officials that IDPs would not be made to return against their will.

Mr. Chairman, I welcome Ambassador Pifer's unvarnished and candid assessment of developments in Chechnya since he last appeared before the Commission in May 2002. I echo his call upon the Chechen leadership to clearly reject terrorist methods and those who resort to them. At the same time, it is essential to avoid branding all Chechens as terrorists. To do so will only prolong the conflict, adding to the already terrible toll for Chechens and Russians alike.

Thank you, Mr. Chairman.

**PREPARED STATEMENT OF
AMB. STEVEN PIFER,
ASSISTANT SECRETARY OF STATE
FOR EUROPEAN AND EURASIAN AFFAIRS**

OVERVIEW

Chairman Smith, Co-Chairman Campbell, CSCE Commissioners, thank you for this opportunity to update the Commission on the situation in Chechnya and Administration actions related to the Chechen crisis. There have been a number of important developments since I last had the opportunity to meet with the Commission in May 2002.

Regrettably, since I spoke with you last, the daily reality for the people of Chechnya has been bleak and deteriorating. The present phase of the armed conflict there entered its fourth year this summer. The toll of casualties, both Chechen and Russian, combatant and civilian, continues to mount. The living conditions for the great majority of Chechens, whether living inside Chechnya itself or displaced to other regions of the Russian Federation, remain dire. Deplorable violations of human rights persist; terrorist attacks by Chechen extremists have increased. Although the Russian Government has launched a new effort to find a political solution, based on the election of a new Chechen President and legislative body, it is not clear that this effort will lead to a peaceful settlement.

Continuing instability in Chechnya complicates both the war on global terrorism and our attempts to improve relations with the Russian Federation. After the 1994-96 Chechen war, the resulting chaos and lack of rule of law drew international terrorists to Chechnya. Treatment by Russian security forces of the civilian population during the current war has contributed to growing extremism and further sharpened the conflict. Moscow's black and white treatment of the conflict makes cooperation in the war on terrorism more difficult as its conduct of counterterrorist operations in Chechnya fuels sympathy for the extremists' cause and undermines Russia's international credibility. This in turn has a deleterious effect on the overall U.S.-Russia relationship.

The United States Government remains firmly engaged on Chechnya. While we support Russia's territorial integrity and right to defend itself against terrorism, we consistently press the Russian Government in various channels to end human rights abuses committed by Russian security forces, and to prosecute those found responsible when violations do occur. We remain committed to a cessation of violence by all parties and to finding a sustainable political solution to the conflict. Simultaneously, through our humanitarian assistance programs, we seek to alleviate to the greatest extent possible the tragic suffering of the civilian population.

POLITICAL FRAMEWORK

In this crucible of military stalemate and humanitarian disaster, there have been important political developments since May 2002.

The Russian Government initiated early this year a process that it stated was aimed at restoring civilian authority and reintegrating the Chechen Republic into the political life of the Russian Federation. Senior Russian Government officials briefed us on this initiative and their planned way forward in late January. We welcomed the fact of the Rus-

sian effort to find a political solution, something that was not apparent one year ago. We indicated that we hoped to be able to support that effort. But we also voiced a number of concerns about the particulars, which raised questions in our mind about the prospects for success. To be credible, the process would need to reflect the will of the Chechen population and not be biased by allowing security forces from outside Chechnya to vote. We also have stressed that the Russian Government needs to provide internally displaced persons (IDPs) from Chechnya the possibility to vote without having to return to Chechnya.

The first step was holding a referendum on March 23 for a new Chechen constitution and on laws governing presidential and legislative elections. According to the official count, the turnout was over 80 percent of the eligible voters, and the constitution and electoral laws were approved by an overwhelming 96 percent majority of those voting. Security concerns prevented an effective assessment by outside observers. While we have seen some polling which suggested that a majority of those who turned out to vote on March 23 indeed supported the constitution and proposed laws, the percentages cited by the official count have struck many outside observers as high and have been treated with skepticism. Nevertheless, it is not unreasonable to see the outcome of the vote as an expression of the Chechen people's desire for a normal existence, free from the depredations of nearly a decade of war and lawlessness. We received no confirmed reports of violence on election day.

The Russian Government made a number of additional commitments to make this political process more acceptable to the Chechen people. These included an amnesty for rebels (as well as Russian soldiers) who committed certain types of offenses, compensation for destroyed property, and negotiation of a treaty on a formal division of authority between Moscow and Grozny. We have consistently urged the Russian Government to fulfill the commitments it has made as part of this process.

The next critical step in this process will be the Chechen presidential election on October 5. Among the nine candidates registered in the race is Akhmad Kadyrov, appointed by President Putin in June 2000 to head Chechnya's interim administration. He has little opposition. The most serious challengers have either withdrawn from the race or been disqualified. For example, Ruslan Khasbulatov, formerly a nationally prominent politician, dropped out early, throwing his support behind the well-known businessman Khuseyn Dzhabrailov. Dzhabrailov first registered as a candidate, then withdrew. Last week Aslanbek Aslakhanov, the sole Chechen representative in the State Duma, took himself out of the race to accept a position as an advisor to President Putin on southern Russia issues. The following day, Malik Saydullayev, a Moscow-based businessman who heads the Moscow-backed Chechen State Council, was disqualified by the Chechen Supreme Court on a technicality.

Critics further charge that the conduct of the election will not be fair and that Kadyrov is using his control over security forces and local sources of information to his advantage. For example, the appointment of Kadyrov's campaign manager to head the Chechen Press and Nationalities Ministry leaves no independent media in Chechnya. As was the case with the referendum, the security situation is likely to preclude effective participation of international observers. We are concerned that the elections will lack sufficient credibility with the Chechens to advance the process toward a political settlement and could even set

that process back. To date, fulfillment of the Russian Government's commitments meant to accompany the voting has been incomplete at best. Fewer than 200 Chechen fighters had taken advantage of the amnesty by the September 1 deadline, while approximately 225 Russian soldiers and police had applied for amnesty. The Russian Government budgeted 14 billion rubles (approximately \$450 million at current exchange rates) for some 39,000 families eligible for compensation for destroyed property, but many criticize this amount as insufficient given the degree of devastation in Chechnya. Payment is not scheduled to begin until September 25, and Russian officials have admitted that corruption has led to theft of funds allocated for Chechnya. Work on the treaty between Moscow and Grozny has, by all appearances, not advanced beyond the most tentative discussion.

Given these developments, the United States Government is concerned that the political process the Russians began with the referendum last March is being slowly undermined.

HUMAN RIGHTS

The violation of human rights in Chechnya continues to be an issue of the gravest concern for the United States Government. Because Russian Government restrictions as well as security considerations limit access for international human rights monitors and journalists, it is impossible to verify exact numbers of victims. Nevertheless credible human rights organizations—Chechen, Russian, and international—continue to report atrocities, disappearances, torture, and extrajudicial killings committed by Russian federal forces, by forces of the Kadyrov administration, by Chechen separatist forces, as well as by terrorist elements.

The extent of notorious “zachistki,” large-scale sweeps of entire villages by Russian military rounding up Chechen males, is reported to have declined. This change is in line with the orders issued by the Russian military in 2002 intended to enforce discipline and curb abuses. Unfortunately, many reports indicate that the implementation of those orders by Russian military forces has been spotty. Night raids by what are alleged to be Russian forces, using military vehicles, persist. Human rights groups also report that similar raids are conducted by Kadyrov's forces. Chechens picked up in these raids disappear, most often permanently; in some cases corpses are later found. Detainees who return to their families commonly report the use of torture in interrogations and other mistreatment. While reliable numbers are impossible to obtain, credible reports estimate that disappearances continue on virtually a daily basis. We are also extremely concerned by reports that individuals seeking accountability for abuses have themselves become targets for reprisals by government forces.

We continue to raise our concerns with the Russian Government about the conduct of Russian forces and urge that Russia curb abuses and prosecute those who have committed them. The July court ruling that Colonel Yuri Budanov was guilty of murdering a Chechen woman was hailed as progress by human rights groups, though his 10-year sentence is lenient by Russian standards. We hope this ruling is indicative of a new effort to bring to account those who commit human rights abuses, but this remains to be seen.

We have repeatedly underscored to Moscow that return of the internally displaced persons (IDPs) from Ingushetiya or elsewhere must be strictly voluntary. There has been a slow but steady flow of IDPs returning to Chechnya. This is most likely due to both the promise of compensation for some families whose homes were destroyed, and to fears that, after the elections, the conditions for IDPs might only worsen, or that the camps will be completely closed.

The United States and OSCE partners worked very hard to renew the mandate of the OSCE Assistance Group in Chechnya at the end of 2002. We were disappointed that the Russian Government chose to block renewal of that mandate, despite our efforts to find a mutually acceptable solution. Although the Russian Government indicated its willingness to work with the OSCE in the future, it has indicated that the OSCE's role would not extend to direct involvement in—and/or monitoring of—the human rights situation in Chechnya.

Working with the Dutch Government and Médecins sans Frontières (MSF), we are pressing the Russian Government to do more to seek the release of MSF Caucasus director Arjan Erkel, who was abducted in Dagestan in August 2002.

HUMANITARIAN ASSISTANCE

Some 220,000 Chechens remain displaced because of the conflict in and outside Chechnya. Almost 80,000 of them remain in the neighboring Republic of Ingushetiya, living in tent camps, spontaneous settlements or with host families. Humanitarian organizations estimate that 140,000 people are displaced inside Chechnya.

The humanitarian needs arising from this long and painful conflict, which has left economic devastation in its wake, continue unabated. The United States Government contributes significant sums to various international and non-governmental organizations (NGOs) dispensing assistance to vulnerable portions of the population in Chechnya, as well as to Chechen IDPs in Chechnya, Ingushetiya, and other regions of Russia.

The United States is the largest single provider of aid to the North Caucasus. Overall, we have contributed \$97.7 million since fiscal year 2000 to meet the humanitarian needs of the Chechen people in Chechnya and the surrounding areas of the North Caucasus. This includes \$22.3 million in fiscal year 2003, an increase of over \$5 million from the previous year. We expect the program funding to continue at comparable levels in the next fiscal year.

These USG assistance funds go to UN organizations, such as the United Nations High Commissioner for Refugees, as well as the ICRC, and international NGOs such as International Medical Corps, the International Rescue Committee, CARE and World Vision. Programs we finance help the needy in Chechnya and Chechen IDPs with food, shelter, water and sanitation, health care, children's education, legal protection and detention issues, mine awareness training, and local capacity building.

We maintain a Refugee Coordinator at our Embassy in Moscow to work with the international community and the Russian Government in order to deliver humanitarian assistance and report on further needs. The Coordinator is the U.S. Government's point of contact for international and non-governmental organizations in the field. Monitoring the

situation on the ground, the Coordinator identifies where U.S. assistance should be targeted to maximize its effectiveness in helping the displaced who need it most.

TERRORISM

Terrorism, unfortunately, over the last sixteen months has increased significantly. In October last year, Chechen extremists took some 800 hostages at the Dubrovka Theater in Moscow, which led to the death of 129 hostages. In December, a suicide truck bombing destroyed the main government building in Grozny, killing 72 and wounding over 200. In May, a car bombing in Znamenskoye, ordered by the Chechen terrorist commander Shamil Basayev, killed 60 people. This July two Chechen women with explosives strapped to them killed 18 at a rock concert outside Moscow. These terrorist acts are only among the most deadly of many that have occurred inside Chechnya and elsewhere in Russia, perpetrated by Chechen extremists.

No cause, no circumstances can justify these reprehensible actions. The increasing resort to terrorism by Chechen extremists has prompted condemnation and coordinated action by the Administration. On February 28, Secretary Powell designated three Chechen fighter organizations—all of which were connected with the October theater seizure—as terrorist organizations under Executive Order 13224, thereby blocking assets of these groups that are in the United States or held by U.S. persons, wherever located. Those organizations are the Riyadus-Salikhin Reconnaissance and Sabotage Battalion, the Special Purpose Islamic Regiment, and the Islamic International Brigade.

In June, the United Nations' 1267 Sanctions Committee included on its consolidated list of international terrorists Zelimkhan Yandarbiyev, former president of separatist Chechnya. The Committee included Basayev on August 13.

We have repeatedly since the fall of 2001 called on the Chechen separatist leadership under Aslan Maskhadov to repudiate terrorism and distance itself from those who support terrorism. While they have distanced themselves from some of these recent attacks, on other occasions they have been silent or ambiguous. They need to condemn terrorism completely and unequivocally.

One positive development is that there has been a decrease of guerrilla activity based in the Pankisi Gorge beyond Chechnya's southern border in Georgia. This improvement in the security situation, and the defusing of the tensions between Russia and Georgia, came about in part thanks to our work with President Shevardnadze and assistance to the Government of Georgia in training and equipping the Georgian military so that it could better police its hinterland. The increasing resort to terrorism by Chechen extremists is of great concern and will set back the prospects for a peaceful settlement. We do not, however, share the Russian Government assessment that equates the separatist movement with terrorism. While we condemn all terrorist acts and the linkages of some separatists to international terrorist groups, we do not believe that Russia can address the conflict in Chechnya simply as a counterterrorist operation. If any political settlement is to achieve a lasting peace, the Russian Government will need to include the Chechen people as broadly as possible in reaching that settlement, including those opposition elements willing to eschew violence.

CHECHNYA AND U.S.-RUSSIA RELATIONS

The conflict in Chechnya and the human rights abuses associated with it pose one of the greatest challenges to our partnership with Russia. This Administration regularly reminds the Russian Government that we need to deal with that challenge in a forthright and practical manner. We seek an immediate end to human rights violations as the only possible avenue to ending the vicious cycle of violence in the Caucasus. Furthermore, we stress to our Russian partners that, while we respect Russian territorial integrity, a political solution to the conflict that will be credible to the Chechen people must be found. Only then will the fighting end, the displaced persons feel safe to return home, and hope for a sustainable peace be possible.

Without such a political solution, we are not optimistic that any of the actors in Chechnya can effectively impose a cessation of all abuses by its forces. We are also concerned that the present political process in which Moscow has been engaged is not sufficiently legitimate in the eyes of the Chechen people to bring about an end to the violence or to resolve the Chechen crisis anytime in the foreseeable future.

When President Bush hosts President Putin at Camp David next week, I expect that these concerns will be among the most troubling that the two leaders will find on the U.S.-Russian agenda.

**QUESTIONS SUBMITTED FOR THE RECORD
TO HON. STEVEN K. PIFER AND HIS RESPONSES**

Question: Your testimony implicates at least a segment of Russia's military for some unconscionable acts in Chechnya. Understanding that this question might also be directed toward the Department of Defense, and keeping in mind the necessity of cooperation in the war against terrorism, could you tell us briefly what kind of military-to-military contacts we have with the Russian Government?

Answer: The Department of Defense conducts information exchanges through the sponsorship of conferences, seminars and workshops; staff visits and port calls; high-level talks, planning groups, and high-level counterpart visits; and combined exercises focused on peacekeeping, humanitarian assistance and search & rescue operations. The U.S. Defense and Military Contact (DMC) program with the Russian armed forces has among its objectives increased cooperation in the global war on terrorism, counterproliferation, and promotion of defense reform. We would defer to the Department of Defense for greater detail on the scope and nature of these activities.

Question: The Administration has properly condemned human rights abuses committed by the Chechen resistance. However, the State Department appears reluctant to meet with representatives of the Maskhadov administration when they visit the United States. Keeping in mind legitimate diplomatic considerations, wouldn't it be reasonable to have substantive meetings with these representatives in order to press our valid human rights concerns, among other things?

Answer: We have had very infrequent and informal contact with representatives of Aslan Maskhadov over the past two years, and used those contacts to convey our position on Chechnya.

We have during this same period repeatedly called on Mr. Maskhadov to renounce terrorist acts firmly and unequivocally, and clearly cut any ties to terrorist groups and all who are affiliated with them. We are concerned that he has not done so. This has a major effect on our readiness to have contact with those who represent him.

Question: Since the Chechen war broke out, there have been serious instances of prejudice and acts of violence against so-called "dark-people" from the Caucasus in Moscow and other Russian cities. Has President Putin publicly condemned or commented on these acts, in the way he has condemned anti-Semitism?

Answer: President Putin has stated that Chechens are entitled to all protections of Russian law as citizens of the Russian Federation, in reference to allegations of human rights violations by Russian forces. During the Dubrovka theater hostage-taking last year, President Putin announced that unjust actions against Chechens in public places are unacceptable.

Question: Another ethnic group that has been victimized by ethnic intolerance in the former Soviet Union is the Meskhetian Turks. One of the advocates for this minority is Mr. Vadim Karastelev of Krasnodar Krai, Executive Director of the School for Peace. We understand that the regional government is now trying to shut down his organization. Has the State Department made any inquiries on his behalf? What is the current status of his case?

Answer: An Embassy official raised this case with the Russian Ministry of Foreign Affairs this summer. We understand that Russian authorities initiated a court proceeding, which began in August. An Embassy official will travel to Krasnodar the week of October 13 to assess the situation of the Meskhetian Turks, and to again raise this case with Russian officials.

**PREPARED STATEMENT OF
THE LORD JUDD, MEMBER, HOUSE OF LORDS
AND FORMER RAPPORTEUR ON CHECHNYA,
PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE**

My last visit to the Chechen Republic was in January. It was in the aftermath of the terrorist action at the Moscow theater in October 2002 and against the civilian administrative headquarters in Grozny in December.

Like subsequent atrocities including the attack at Znamenskoye, violence of that kind has no place in meeting the aspirations of the Chechen people. It should obviously be condemned without qualification, whoever is ultimately responsible: but that applies to *all* terrorism. State terrorism: abductions, disappearances, unlawful killings, beatings, torture and harassment by members of the Russian security forces, whether officially condoned or not, are every bit as unacceptable as other forms of terrorism. They strike at the very moral credibility of government.

Hence the frustration in the Parliamentary Assembly of the Council of Europe with the continuing absence of convincing evidence that allegations of crimes by the security forces are being rigorously pursued. This frustration is both with the Russian authorities and the governments of other member states of the Council of Europe. Hence also the frustration that the Russians have failed to make public the reports by the Council's own Committee on Torture.

The human situation in the Chechen Republic is still grim. While schools are open—albeit in deplorable conditions and with lack of even basic supplies—while parts of severely war-damaged hospitals are in operation and some agricultural activity can be seen, the economy remains shattered. Displaced people who have returned to Grozny—often coerced to do so—are desperately worried about their personal security and about help with reconstructing their homes. Mega corruption is rampant. The atmosphere is tense and security personnel are everywhere. This last time I traveled in and out of the Republic surrounded by troops in a small armored convoy.

There is no military solution. A political process is indispensable. It is only with a political solution that human rights can be guaranteed and the humanitarian well-being of the people can be assured. Otherwise we are only sticking fingers in the disintegrating dike. However, there are no short cuts. There has been a prolonged, devastating, cruel, and bloody civil war. Before any new constitution has any prospect of being effective there will have to be a good deal of dialogue and attempted reconciliation. This cannot be limited to the more “acceptable” power brokers and co-opted intellectuals. It has to involve the widest cross-section of the Chechen community.

The Russian authorities, however, were determined to drive ahead with their referendum on a draft constitution on March 23. This was in my view so premature, ill conceived (or in effect cynical) and potentially counterproductive that I felt I was unable to continue in my role as Rapporteur—a role which required close cooperation with the Russians.

Some argue that the constitution can be amended. But by whom? It seems to me that the right to do this is limited to those elected under its provisions. It is also worth noting that the text speaks of “affirming our historical unity with Russia and its multinational people.” That wording begs many key questions at the heart of the bitter conflict. Why is the constitution process so disturbing? We are told that 90 percent of

those who had registered voted. And of that of that 90 percent, 96 percent approved the constitution. Forgive my skepticism! Whatever happened to the other 4 percent? My thesis is that first a constitution has to be the outcome of a genuine process. It has to be forged. There has to be a broad consensus and sense of ownership. While there are, without doubt, fighters in the Republic who are close to al-Qaeda and who have no interest in what any reasonable person would regard as a political settlement, there are others—whether right or wrong to have resorted to arms—who are fighting for what they perceive as the honor and identity of their people faced with intolerable oppression. If a settlement is to be viable, there must be a genuine attempt to win at least some of these people back into a political process. No serious attempt has been made to do this. The acute danger is one of still more alienation and still more fighters driven into the arms of extremists. Quite apart from the fighters, little attempt has been made to draw into the process any significant players at all who are not already at least marginally part of the government manipulated game. In the United Kingdom we were only able to start working seriously towards peace in Northern Ireland when we recognized that it was essential to talk to the political wing of the IRA.

Second, there must be a credible franchise. Was the census on which the referendum was based convincingly comprehensive? Who precisely was able to vote? What was the eligibility of Chechens living outside the Republic? Exactly which service personnel were able to vote and what qualified them to do so? There is scarce indication that these questions and others have been credibly answered. I was told of areas where those compiling the register had failed to visit. It was explained to me that only those soldiers “permanently stationed” in the Republic would be allowed to vote, but it proved impossible to elicit a clear definition of “permanently stationed.”

As late as the end of January some officials said that displaced people would be able to vote in their camps—with what integrity of ballot unclear—but other officials said they would be taken back to the Republic in buses to vote. As for Chechens in Moscow or beyond, the answers were conspicuous by their absence. All the cards were in the hands of the Russian Government.

Third, the context in which the referendum was held is all-important. There should have been debate and evaluation. Pluralist and independent media, freedom of association and political parties were needed. There should have been adequate public information. Yet this context was just not there. In January in camps in Ingushetia it was impossible to find anybody who had seen a copy of the proposed draft constitution let alone who had been invited to a meeting to discuss it.

Fourth, there should have been sufficient non-menacing security for people to feel freely able to participate. My last visit was limited to Grozny. God knows what life is like now further afield. But even in Grozny the right conditions did not exist. Indeed, I was asked whether on security grounds alone I would feel able to recommend sending observers to the referendum. My reply was that it was far too dangerous. If it was too dangerous for observers, how realistic or safe was it for the people themselves to participate in the vote?

Russia seeks to become a full democracy. It is tragic that the authorities have resorted to the referendum techniques too often employed by dictators in the 20th Century. By their rushed, ill-prepared referen-

dum, without the necessary political and security environment, the authorities have made, I fear, a terrible mistake. Far from promoting the peace they say they seek they may well have made it impossible to achieve.

The challenging issues of the Chechen conflict are central to the stand against global terrorism. President Putin is right when he claims that, in the Republic, Russia is at the world's front line. If, in the midst of the gruesome realities of that conflict, a meaningful political process can be generated which leads to a lasting and viable solution, it will send a powerful message to the wider world about how, whatever the bitterness, reasonable politics can produce the basis on which to build for the future.

By contrast, if there is a failure to promote a meaningful political process, the message to too many in the wider world will play right into the hands of extremists. It will strengthen their claim to be the only true fiends of the excluded and deprived. It will undermine still further the hundreds of thousands, the millions, of moderate, wise Islamic people who seek to build bridges rather than hurtle into a mew dark age of irreconcilable confrontation.

Of course we want to see Russia as a major, responsible and full partner in the global community. But if partnership with Russia is to work it has to be based on candor. The partnership will have precarious foundations if, in a desire not to jeopardize other policy objectives—be they Iraq or the global coalition against terrorism—we play down concerns about aspects of Russian policy which are wrong. In the case of the Chechen Republic—I myself must be candid—it is inexplicable folly to hold back on criticism when by their policies and methods of implementing them, the Russians are perversely recruiting for the global terrorists.

And what of the situation now? Here I must express my high regard and appreciation for the diligent monitoring and briefing by courageous Russian and Chechen non-governmental organizations and the for the work of NGO's outside Russia as well, not least the American Committee for Peace in Chechnya. Over the ten weeks to the beginning of August, Russian officials, I understand, have confirmed no less than seventeen separate Chechen ambushes and mine attacks, resulting in the downing of two military helicopters and the deaths of at least 113 Russian soldiers and interior ministry troops. On 10 June Radio Liberty evidently reported the deployment to the Chechen Republic of 1,000 elite Russian paratroops. Later the same month Associated Press reported that the federal defense ministry has cancelled the scheduled withdrawal of a heavy artillery battalion.

Last month, August, the *New York Times* reported, I gather, that in the previous few months there had been an acceleration in suicide bombing, particularly in Moscow and North Ossetia, with seven separate attacks, six allegedly by Chechen women, resulting in 165 people killed. There have also been attacks apparently specifically targeted at military personnel identifiable as directly involved in the aerial bombardments of the Chechen Republic. One, for example, was at the military hospital at Prokhladny, an important military base well within Russian territory. These bombings could well be part of the offensive strategy which, it is reported, Basayev announced in June. He reportedly claimed to have recruited for special action women who had been raped or who had lost close relatives. It seems that Aslan Maskhadov has

totally dissociated himself from this Basayev campaign and that he issued a decree in May ordering Chechen units not to attack civilian targets and to abide by Articles III and IV of the Geneva Convention.

On August 11, according to *Agence France Presse*, the non-governmental organization, Mothers of Russian Soldiers Committee, estimated that more than 12,000 Russian troops (three times greater than official Russian figures) have died in the Chechen Republic since 1999. The estimates of mothers, of all people, cannot be lightly dismissed. If this is right it is possible that Russia will have lost more troops in Chechnya since 1999 than the Soviet Union lost in a decade in Afghanistan.

There are disturbing indications that the conflict with all its sinister ugliness is spilling over into Ingushetia with attacks by fighters on Russian federal personnel and convoys and heavy-handed raids by the Russian forces on villages. Humanitarian workers report that the Russians are determined to close all camps for internally displaced people in Ingushetia by October. The closures on coerced returns to the Chechen Republic are alleged by some close to the situation to be provoking and assisting the recruitment of young people by the extremists. Dr. Salambek Maigov, until recently Maskhadov's representative in the Russian Federation, has, I gather, claimed that such young recruits have more than doubled the ranks of just one of the rebel leaders, Gilayev, alone in the western sector near the boarder with Galashki.

The human rights and security situation can be judged by the much-respected Russian NGO Memorial's estimate that the per capita murder rate in the Chechen Republic now exceeds that for the Soviet Union during the height of Stalin's purges. According to *Le Monde* documents leaked to the press by the Kadyrov administration in the Chechen Republic last April indicate an average of 109 extrajudicial executions by federal authorities in the Republic every month.

Meanwhile public opinion polls in the Russian Federation are reflecting growing unease. Last month (August) VTsIOM, the leading independent polling agency, calculated that only 28 percent of 1,585 respondents in 40 administrative regions supported continued military action while significantly 51 percent favored direct political negotiations with the Chechen resistance. In September 2002 the same agency had found only 37 percent favored a political approach while 39 percent favored increased military action to annihilate the Chechen fighters.

This trend must be a dilemma for President Putin as the date of the Russian Federation's presidential elections approaches in view of the great play he made of his military muscle in the Chechen Republic during his last election campaign.

Meanwhile, next month there is to be the presidential election in the Republic. President Putin clearly wants to control this. Despite assurances that a multi-candidate election was the name of the game in the cause of democracy, all serious opposition to Mr. Kadyrov, the Putin candidate, and currently head of administration in the Republic, is being manipulated, promoted, or intimidated out of the campaign. For example, Aslambek Aslakhanov, the representative for the Republic in the Duma and believed by many to be the most popular rival to Kadyrov, was offered, and accepted, a high ranking alternative job by President Putin. Some observers held that he would have scored twice as many votes as Kadyrov.

All my anxieties about the referendum and the context in which it was held inevitably apply to the presidential election as well. Furthermore, if the referendum was invalid, this election which flows from it must by definition be invalid as well.

If the security situation remains bad, the human rights and humanitarian situations remain grim. Since April 2000 the European Court of Human Rights, which can be described as in effect “Europe’s Supreme Court” on human rights, has received directly some 200 individual complaints. This resulted in 100 files as some complaints concerned the same events. Of these 50 files have so far been opened. The information in the others is as yet insufficient for registration. Six complaints have already been found admissible by the Court and others have been officially referred to the Russian Government.

Alarming there are well-authenticated reports of intimidation and worse—even disappearances and killings—of applicants to the court and their families. It seems that the Court stands ready to pursue these.

Mr. Salambek Maigov, until quite recently the recognized representative of the Maskhadov government in Moscow, has apparently ceased to function in this role. The circumstances are unclear but may well be related to Russian, including FSB, pressure and action following his last visit to Washington. There are however also reports that he may be considering standing for election to the Duma in December.

In London the extradition court case concerning Akhmed Zakayev is moving towards its conclusion. I have met Mr. Zakayev on a number of occasions. While obviously I don’t know about his past activities I have found him to be one of the most articulate and open Chechen spokesmen when it comes to talking rationally about the need for a political process which is viable and about the demands this will make on all sides. It is impossible not to wonder why he was in effect isolated by the Russian extradition request at this juncture.

There is no monopoly of right or wrong, good or evil, in the terrible Chechen saga. What, I submit, is crystal clear is that if the battle for peace and security is to be won it will be won in hearts and minds. This will require patience, imagination, and commitment to a transparently honest political process. It will mean that whatever the provocations by extremists the Russians, encouraged and supported by us all, will have to demonstrate unwaveringly that they are about something altogether different and qualitatively better. It won’t be easy. Nobody should underestimate the courage it will require. But it is precisely when the provocation is most acute that consistent commitment to the rule of law, human rights, humanitarian concern and accountable democratic government becomes most essential. To forego or waver in that commitment plays directly into the hands of the extremists. It is to do exactly what they want. It is inevitably exploited by them as justification for their ruthlessness.

LETTER FROM MEMBERS OF
THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE
TO PRESIDENT GEORGE W. BUSH,
DATED SEPTEMBER 12, 2003

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September 12, 2003

The President
The White House
Washington, DC 20500

Dear Mr. President:

As you prepare to meet with Russian President Vladimir Putin at Camp David later this month, we urge you to raise several issues regarding the ongoing humanitarian tragedy in Chechnya. Today, the most egregious violations of international humanitarian law in the OSCE region are occurring in that region of Russia.

We wholeheartedly support the U.S. efforts to work with the Government of the Russian Federation on the host of important issues facing our two nations, and we welcome the increased cooperation with Russia to confront the challenges of terrorism. Nevertheless, the charge of terrorism must never be used as a blanket rationalization for flagrant and massive abuse of Chechnya's civilian population. Indeed, a fundamental tenet of humanitarian law is that the means of warfare are not unlimited.

In their drive to suppress Chechen separatism, elements of the Russian military, security organs and police forces have employed brutal means and virtually guaranteed to drive a despairing civilian population into the arms of a radicalized resistance. The Moscow-supported authorities in Chechnya have themselves confirmed that there are 49 known mass graves in Chechnya containing about three thousand bodies. According to the respected human rights organization "Memorial," in the first three months of this year representatives of Russian federal forces abducted 119 persons; last year in the same time period this figure amounted to 82 persons. We urge you to encourage President Putin to invite the International Commission on Missing Persons to assist in resolving the thousands of missing persons cases.

Numerous military and paramilitary units have been particularly distinguished by brutality toward the civilian population. Such units should be withdrawn from Chechnya and those responsible for egregious human rights violations should face criminal charges. To date, the Russian military and judicial system has yet to demonstrate its commitment to seriously address this problem.

Despite the precarious security environment in Chechnya, the Russian Government is implementing a policy of forced repatriation of thousands of internally displaced persons who have fled to neighboring Ingushetia. This summer displaced Chechens, including those in the

The President
September 12, 2003
Page Two

Askanovskie Garazhi temporary settlement and the Bella Camp, have reportedly been subjected to intense pressure by government officials to immediately return to Chechnya or face a loss of humanitarian aid, or worse. UNHCR reports that more than 1,500 people have left under questionable circumstances since January. In keeping with the 1999 OSCE Charter for European Security, under which the Russian Federation agreed to "facilitate the voluntary return of refugees and internally displaced persons in dignity and safety," we urge you to seek President Putin's assurance that coercive repatriation will cease, IDPs will be permitted to remain in the relative secure environs of the Ingush IDP camps, and humanitarian relief groups will be allowed to provide aid to IDPs in the region.

One of the characteristics of Russia's policy in Chechnya has been to cut off the region from outside observers such as press, human rights organizations and representatives of many international organizations. Visits that are allowed to occur are infrequent and heavily monitored by government officials. To paraphrase President Reagan, Mr. Putin should "tear down the wall" and allow reasonable access to Chechnya by interested observers.

Finally, we would call attention to the continued disappearance of Arjan Erkel, a Dutch national and employee of the Nobel Peace Prize-winning humanitarian organization Doctors Without Borders. Mr. Erkel was kidnaped over a year ago in Dagestan, and there is reliable evidence that he is still alive. We hope you will join the many voices of the international community calling upon President Putin to see that every appropriate measure is taken by Russian authorities to locate and free Mr. Erkel.

Mr. President, we have no illusions about certain elements of the Chechen resistance who have murdered hostages, kidnaped civilians for ransom and used them as shields during combat operations, and embarked on a campaign of assassination against innocent citizens of Russia as well as fellow Chechens who work for the Russian civil government in Chechnya. We know that some individuals or factions of the resistance have been linked to international terrorist organizations. They should be brought to justice, wherever they are and whomever they serve.

In conclusion, Mr. President, we strongly urge you to raise these important issues in your upcoming talks with President Putin given the gravity of the situation in Chechnya.

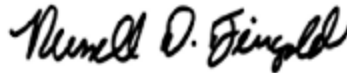
Sincerely,



Ben Nighthorse Campbell, U.S.S.
Co-Chairman



Christopher H. Smith M.C.
Chairman



Russell D. Feingold, U.S.S.
Commissioner



Benjamin L. Cardin, M.C.
Ranking Member

RESPONSE OF THE DEPARTMENT OF STATE TO THE
SEPTEMBER 12, 2003 LETTER TO PRESIDENT GEORGE W. BUSH,
DATED OCTOBER 20, 2003



United States Department of State

Washington, D.C. 20520

www.state.gov

OCT 20 2003

Dear Mr. Chairman:

This is in response to your letter of September 12 concerning the recently concluded Camp David summit between the President and Russian President Putin. Chechnya remains an issue of serious concern on the U.S.-Russia agenda.

As Deputy Assistant Secretary for European and Eurasian Affairs Steven Pifer testified before the Commission on September 16, the United States Government continues its determined engagement on Chechnya. U.S. policy supports Russia's territorial integrity and its right to defend itself against terrorism, while consistently pressing the Russian Government to end human rights abuses committed by Russian security forces, and to prosecute those found responsible for violations. The U.S. Government remains committed to finding a sustainable political solution to the conflict in Chechnya.

During the summit at Camp David, the President reiterated the need for free and fair elections in Chechnya, as well as emphasizing that it is part of our values to speak out against violations of basic human rights.

The Department will continue to make these concerns known to Russian officials at the highest levels in bilateral and multilateral meetings.

We hope this information is useful to you. Please do not hesitate to contact us if you have further questions on this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Paul V. Kelly".

Paul V. Kelly
Assistant Secretary
Legislative Affairs

The Honorable
Christopher H. Smith, Chairman,
Commission on Security and Cooperation in Europe,
House of Representatives.

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