

Anatomy of Ambivalence:
The International Community and Human Rights Abuse in the North Caucasus¹

Dr. Sarah E. Mendelson

Senior Fellow, Center for Strategic and International Studies

September 29, 2005

¹ The author is grateful for the support of the National Council for Eurasian and East European Research, under authority of a Title VIII grant from the U.S. Department of State. The author thanks Jessica Scholes, Nancy Lord, Dmitry Ivanov, Pavel Vasilev, Alina Tourkova and Karina Mashuryan for research assistance. The paper draws on an international conference co-sponsored by the author and Fiona Hill held in May 2005 in Berlin. The author thanks Fiona Hill, the Bosch Foundation, the Open Society Institute and the Glaser Progress Foundation, the Brookings Institution and the participants in the Berlin meeting. The author is also grateful to numerous activists, policy makers and officials for making time to discuss this issue in depth, many of whom wished to remain anonymous.

Abstract

This paper advances explanations for the relative lack of international response to gross human rights abuses in Chechnya. Findings contrast starkly with scholarship that touts the power of human rights and instead highlights a crisis within the international human rights community. Regarding the responses to abuse in the North Caucasus, we find a lethal mix of residual superpower influence, coupled with widespread organizational dysfunction and high tolerance for noncompliance with human rights norms -- precisely within the very organizations that have as their mandate monitoring compliance. Russian and international human rights activists are profoundly discouraged about the international community and their inability to affect change. Despite official rhetoric on the importance of human rights, many government officials and senior members of international organizations betray a superficial knowledge of and an ambivalent relationship to human rights norms and laws. Interviews suggests that inside some policy communities in Europe and the United States, compliance with human rights law and norms is viewed as an overly expensive luxury and, rarely, if ever a necessity. Those who recognize the security implications of abuse and impunity are a minority.

Introduction

Over the last several years, Chechnya has become the site of some of the worst human rights abuses in Europe since World War II. Although no single event comparable to the Srebrenica massacre has yet been observed, both Russian and foreign nongovernmental organizations (NGOs) have documented widespread violations of Russian citizens' rights (including to life) month after month, year after year. What has been the international response to Chechnya? How best to explain the relative lack of attention this ongoing conflict has received? What should the international community be doing differently?

The second war in Chechnya has played an integral part in the rollback of human rights in Vladimir Putin's Russia and has affected its political trajectory, helping to strengthen those who favor authoritarianism.² The international response has, however, been deeply conflicted, ambivalent and ineffectual. Within the same organization, one finds those who want to berate, sanction and isolate the Russian government, while others try relentlessly to keep channels open even when the pay-off seems minute. Major state actors are at odds over what to do. The U.S. government has no strategic plan concerning this region, even though terrorism has spread and spiked dramatically throughout the North Caucasus. At the same time, humanitarian and human rights organizations plead with international donors not to forsake the civilian populations while admitting frustration over their inability to get helpful responses from the Russian government but also the international community. Regarding the responses to abuse in the North Caucasus, we find a lethal mix of residual superpower influence, coupled with

² Sarah E. Mendelson, "Russians' Rights Imperiled: Has Anybody Noticed?" *International Security*, Vol. 26, No. 4 (Spring 2002), 39-69; Theodore P. Gerber and Sarah E. Mendelson, "Les droits de l'homme et la guerre en Tchétchénie," in "La Russie de Poutine," edited by Marie Mendras, *Pouvoirs*, Paris, n. 112, 2005, 79-92.

widespread organizational dysfunction and high tolerance for noncompliance with human rights norms -- precisely within the very organizations that have as their mandate monitoring compliance.

Unlike other conflicts around the world in which expertise, political will, as well as vast sums have been deployed to address, diminish or contain violence, we see dramatically less activity surrounding Chechnya or the North Caucasus. This paper seeks to advance an understanding of the politics of international organizations and of the Russian government's relations with these organizations. It also generates specific recommendations with the aim of making the international machinery that monitors and enforces compliance with human rights more functional.

The research was conducted principally in summer 2005 although informed by earlier work on this and related topics undertaken since 2001.³ The paper benefited greatly from the insights generated during a two-day meeting co-sponsored by CSIS and the Brookings Institution in Berlin in May 2005 with forty representatives from international organizations to brain-storm on what the international community should be doing to contribute to stability in Chechnya and the North Caucasus.

This paper finds that within some organizations, policy makers actively choose to avoid the topic of Chechnya and the North Caucasus. In others, they derive compromise strategies with officials from the Russian Federation that effectively do little to remedy violations but provide diplomatic cover and look as if they are fulfilling their duties effectively. The results: the norm violator -- the non-compliant state -- effectively sets the agenda. In this way and on this issue, the Russian government has influenced

³ See, for example, Theodore P. Gerber and Sarah E. Mendelson, "Divided and Confused: Public Opinion on the war in Chechnya 2001-2004," manuscript, March, 2005.

international organizations more than these organizations have shaped Russian policies. These findings contrast starkly with scholarship that touts the power of human rights and the activists that advance them.⁴ Instead, Russian and international human rights activists are profoundly discouraged about the international community and their inability to affect change. Despite official rhetoric on the importance of human rights, many government officials and senior members of international organizations betray a superficial knowledge of and an ambivalent relationship to human rights norms and laws. Interviews suggests that inside some policy communities in Europe and the United States, compliance with human rights law and norms is viewed as an overly expensive luxury and, rarely, if ever a necessity. Those who recognize the security implications of abuse and impunity are a minority.

After a brief review of human rights abuses in the region, I explore and analyze the international community's response. What happens when information on violations are presented by states or by NGOs to these international organizations? Has membership in the Council of Europe (COE), the Organization for Security and Cooperation in Europe (OSCE) or the United Nations (UN) affected how the Russians have used force on the ground? Or has the international response created permissive conditions for additional violations? I find that while the residual power of Russia (among several other factors) in part explains the relative lack of response, this case should be seen as part of a larger crisis within the human rights machinery, one in which abuses are often marginalized and organizations ignore or deny the security implications

⁴ Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, N.Y.: Cornell University Press, 1998); Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

of these abuses.⁵ Much of the international human rights machinery is broken or functions poorly. Nearly sixty years after the writing of the Universal Declaration of Human Rights, and thirty years into the Helsinki process, the international community needs once again to come to a new arrangement -- a new and more effective approach to address abuse and impunity. Such an approach should be in the interest not only of those who want to see human rights norms and laws become more robust but those concerned with international security. The paper concludes with a few specific suggestions to address this ambitious but time-urgent goal.

Rights Abuse in Chechnya

There is no international or Russian tribunal investigating war crimes in Chechnya. Based on eyewitness testimonies, videos, surveys, monitoring, and other evidence amassed by international and local human rights groups, there probably should be. Russian federal forces have clearly and repeatedly violated the Geneva Conventions and the Universal Declaration of Human Rights.⁶ Tens of thousands of civilians have been killed. Two hundred and fifty thousand have at various times been internally displaced in camps in Ingushetia. In 2003 and 2004, Chechens were the largest population from the industrialized world seeking asylum.⁷ Periodically, the Russian government tries to force the internally displaced back into Chechnya, a task made presumably easier by the few international observers present in the region. Every month, the human rights group Memorial releases a report on the number of civilians “disappeared.” Presumably, the

⁵ For another case study exploring the tendency to overlook the security implications of human rights abuse by the author, see *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans* (CSIS: February 2005).

⁶ For a discussion on violations of international law in Chechnya see Matthew Evangelista, *The Chechen Wars* (Washington: Brookings Institution Press, 2002).

⁷ “Asylum Levels and Trends in Industrialized Countries, 2004,” UNHCR, March 1, 2005, (p.6) available at www.unhcr.ch/statistics.

cases listed represent only a fraction of the actual number since it is safe for them to operate in only approximately thirty percent of Chechen territory.⁸ Reports have also detailed “mass detainments” of young males in the refugee camps.⁹ Reputable organizations have done the legal analysis and found a widespread, systematic pattern that meets the definition of “crimes against humanity.”¹⁰

Russian and Western organizations have also gathered evidence of the disproportionate use of force, the indiscriminate targeting of civilians, “mop-up” operations (*zachistki*) that involve looting, extortion, kidnapping for ransom, rape, and execution, mass graves, “filtration camps” where torture was widespread, and even “death squads.” Human rights monitors have been killed by federal forces.¹¹ One witness claims that federal forces deliberately targeted an International Committee of the Red Cross convoy.¹² By 2005, the evidence of abuse has become so overwhelming that the human rights officials from the government in Chechnya announced they had found 52 mass graves and confirmed that tens of thousands had disappeared since 1999.¹³

The Russian government’s approach to Chechnya appears to have fueled extremism rather than contained it. Drawing on Russian and foreign newspaper and internet sources, Figure One shows a dramatic and stark rise in terrorist events in the North Caucasus and the Russian Federation between 1999 and 2005. In 1999, we find

⁸ On file with the author and available at www.memo.ru.

⁹ Email correspondence, June 23 and June 24, 2004 from Memorial, Nazran.

¹⁰ Human Rights Watch, “Worse Than a War: ‘Disappearances’ in Chechnya – A Crime Against Humanity,” March 2005. For numerous other HRW reports on Chechnya, see www.hrw.org.

¹¹ On activists being targeted, see press releases available at www.friendly.narod.ru for descriptions of killings by federal forces in December 2001 of several grantees of the (U.S.) National Endowment for Democracy. See also Steven Lee Myers, “Russia Hounds Human Rights Group that Gets U.S. Help,” *New York Times*, September 18, 2005.

¹² Event took place in fall 1999. Interview with Halo Trust employee, May 31, 2000.

¹³ Stephen Eke, “Official Confirms Chechen Horror,” BBC News, June 16, 2005, <http://news.bbc.co.uk/2/hi/europe/4101168.stm>

evidence of at least 7 terrorist events in the region, and another 14 throughout Russia. In 2000, we record 9 terrorist events in the region, and another 4 elsewhere in Russia. In 2001, the region appears to have experienced 11 terrorist events, and an additional 11 in other parts of Russia. In 2002, the region experienced at least 18 events in the region and an additional 19, including Nord-Ost. In 2003, 22 terrorist events occurred in the region and an additional 14 in other parts of Russia. In 2004, 30 terrorist events occurred in the region including the tragic and gruesome hostage crisis in Beslan, with an additional 25 events in other parts of Russia. As of September 26, 2005, a whopping 80 terrorist events had occurred in the region this year alone, and an additional 5 in other parts of Russia.¹⁴

Figure One About Here

Clearly a terrorist threat exists in this region whether fed by external or internal sources. But a cycle of impunity appears also to be affecting the stability of the region: the forces – in this case, government or proxies – have alienated local populations with their brutal and ineffective tactics at clamping down on terrorism. Officials from the Moscow-backed government in Grozny have themselves begun to remark on the role the state plays in this cycle: “If the Russian state was interested in establishing the truth, it would announce the formation of an independent post-conflict commission.”¹⁵ While there appear to be no accurate numbers of how many locals have joined the terrorists, human rights activists from the region speak about a “field of manipulation” and claim that locals are turning to the terrorists for acts of revenge and that the terrorists are able to

¹⁴ For a detailed chart compiled by CSIS staff that includes dates, places, numbers killed and wounded, citations and which organizations were responsible, contact the author. Events captured in the chart include exploded or unexploded bombs, attacks on convoys, shootings at police, and hostage taking. For a detailed analysis of counterinsurgency tactics and terrorist attacks, see Mark Kramer, “The Perils of Counterinsurgency: Russia’s War in Chechnya,” *International Security*, Vol. 29, No. 3, (Winter 2004/2005), pp. 5-63.

¹⁵ Nurdi Nukhazhiyev quoted in Eke, “Official Confirms Chechen Horror,”

manipulate local populations more easily precisely because of the behavior of Russian Federal and proxy troops.¹⁶

Since early 2003, the dominant line in the Russian government has been to claim that the situation has “normalized.” The authorities have scheduled “parliamentary elections” for November 27, 2005 in Chechnya. In recent months, however, some officials have hinted that the region was far from stable. In June 2005, for example, a leaked document from Dmitri Kozak, the Kremlin’s man responsible for the North Caucasus, claimed the situation was perilous. By September 2005, President Putin noted that while the region has the highest number of law enforcement agents compared to the civilian population anywhere in Europe or North America, the number of terrorist events has escalated and forced disappearances proliferate.¹⁷

An admittedly dramatic analogy for outsiders, local activists compare conditions on the ground in Chechnya to the height of the great terror under Stalin or “the syndrome of 1937.” There are two aspects of the syndrome: first, how to live when one has experienced a terrible trauma such as rape or torture, and second, how to live with the fear of being disappeared. A local activist commented on the horror of living with the constant threat of forced disappearance: “it is harder than death; at least with death there is no fear.” Echoing language found in a March 2005 Human Rights Watch report, she claims the situation inside Chechnya “is actually worse now. There is no control at all. You have no control over your family, your children.”¹⁸ A senior American diplomat

¹⁶ Author’s interview, Human Rights Activist A, July 19, 2005, Washington DC.

¹⁷ Russian President Putin’s phone-in highlights, BBC Monitoring, RTR Russia TV, Moscow, in Russian 0800 gmt 27 September, 2005; Introductory Remarks at Meeting with the Leaders of the Regions in the Southern Federal District, www.kremlin.ru, September 23, 2005. An article on the leaked report appeared June 16, 2005 in *Moskovsky Komsomolets* at <http://www.mk.ru/newshop/bask.asp?artid=110036>

¹⁸ Author’s interview, Human Rights Activist A, July 19, 2005, Washington DC.

worries it is this precise dynamic that the terrorists exploit and claims that “despite Kozak on the case, the efforts look ineffectual and driven by corruption and lacking a strategic direction. What efforts that have had a modest effect – [renovation of] schools, hospitals – are being undercut by continued brutality of the ... *kadryovdtsi*.”¹⁹

Explaining International Responses

What then are the factors that have shaped international responses to human rights abuse – committed by both government forces and by terrorists -- in Chechnya and the North Caucasus? Certainly some aspects are specific to this conflict but others are symptomatic of a larger crisis within the international human rights machinery. The residual power that Russia continues to wield in the international system, largely through reputation and specific strategies used at meetings, plays a major role. The minimal response by the international community to Chechnya and the North Caucasus needs to be seen, however, as symptomatic of the increasing marginalization of human rights as an issue inside the Euro-Atlantic community, as well as the narrow boundary by which “security” is defined – perimeters that unwittingly but effectively downplay the implications of abuse and impunity.

“*Russia is not Serbia.*” Russian government officials make continued and good use of the residual influence of superpower status. European and American decision makers respond (or not) uniquely to events in Russia, despite its relative material decline in the post-Soviet era. As one European Commission official noted, when one “compared Kosovo and Chechnya – Chechnya is 100 times worse.”²⁰ Yet as a human rights researcher observed, “a mass grave in Kosovo a few years would have been front

¹⁹ Author’s interview, Senior American Diplomat, September 8, 2005, Washington DC.

²⁰ Author’s interview by telephone, European Commission Official, June 29, 2005.

page news. Our report on mass graves [in 2001 in Chechnya] made news but apart from that there was not the same kind of interest as in the FRY.... There is a very cynical calculation behind the western response. Russia is a key player.”²¹

In fact, most officials and activists interviewed believe states and international organizations have no leverage with the Russian government. This perception has an effect on how organizations generally treat representatives of the Russian government at international meetings. One Russian activist describes it as driven by a false fear:

A typical argument [heard at international meetings is that] ‘we want to have a dialogue with the Russian Federation. We want to have their engagement; we can’t go for neo-containment. And the Russians are so sensitive about media or the North Caucasus that they [will] threaten to slam the door.’ My point is they are not that sensitive. Putin is not Lukashenko. He does not want to be excluded. They want to be respected. They want to seem respectable. [Russian officials] want to be treated on an equal basis. They want to come to the European organizations. They are not the Soviet leadership.... They care about access to resorts and [their] money in banks. That’s the leverage.”²²

This view contrasts with those assessing the problem inside the U.S. government who fear the only or main leverage is connected to strategic arms deals such as the Treaty of Moscow, which the Americans value highly. According to some sources, in bilateral meetings, American officials tend not to push conduct in Chechnya “too hard.” One former State Department official spoke of an increasing pressure in the post-Soviet period “to have a good meeting.... When you have to walk out at the end of the day, you want to show management and cooperation.” Referring to the U.S. response to Chechnya, he conceded, “it is a policy that is not succeeding but ... we didn’t come up with alternatives.” Chechnya was rarely raised in any sort of substantive manner between the presidents. “The[se meetings] tend to be very short ...an hour or so. And they use

²¹ Author’s interview by telephone, Human Rights Researcher A, September 14, 2005.

²² Author’s interview by telephone, Human Rights Researcher B, September 15, 2005.

interpreters and protocols. For the last three years, Iraq has been at the top [of the agenda]. If you raise Chechnya, you might lose half that time” because of a feared emotional response by Putin. “The bridge won’t bear that much traffic.” The conclusion Putin could draw was that “if [he] is not hearing about it much, maybe [their] policy is working.”²³

The Impact of Terrorism. Russia is not Serbia, but it is also not Afghanistan or Iraq. While Russian officials may benefit from residual benefits of superpower status, the field of those working on policies toward Russia inside many bureaucracies (as well as universities and think tanks) has shrunk dramatically. Inside the U.S. government, especially after the September 11th attacks, only a “handful of folks... a small community ... were working these questions” and without any major power broker, the equivalent of a Richard Holbrook or a George Mitchell, shaping or driving the issue.²⁴ While the number of those focusing on Russia shrank, those left to the task had little to no contact with experts on conflict resolution, whether in Northern Ireland, the Balkans, or even other parts of the Caucasus or former Soviet Union.

Terrorist activity related to Chechnya has also shaped the international response. The emotional of terrorists seizing civilians, in October 2002 in the Nord-Ost theatre, and in September 2004 in the school gym in Beslan, both widely broadcast (in contrast to thousands of forced disappearances), made “it much harder to raise this issue in a summit. What is the message?” A former State Department official is blunt about the effect: “You can feel empathy for individual Chechens who are suffering horrible crimes, but it is hard to feel empathy for the Chechen people. They had a chance between 1996

²³ Author’s interview, former State Department official, Washington DC, July 13, 2005.

²⁴ Ibid.

and 1999, and they screwed it up. And I think that had an impact on folks.”²⁵ The Al Qaeda connections in Chechnya are another factor often cited by U.S. government officials in explaining the lack of response. Senior officials argue that they have not pushed the Russians on this issue because of evidence that Abu Musab al-Zarqawi, Khatab, Abu Al-Walid Al-Ghamdi have been in Chechnya.²⁶

The undermining of human rights norms in the “global war on terror” more generally has complicated the ability of, for example, American policy makers to make a coherent argument about the security implications of human rights abuse. As a senior American diplomat lamented, “our Abu Ghraib has had an effect. And certainly the Russians love to say we told you so. Fallujah. They talk a lot about how Iraq is exactly what ‘we had in Chechnya.’”²⁷ A Senior European official notes “In the European press today, we have reports from Human Rights Watch of numerous reports on how [the] U.S. has treated prisoners believed to be connected to Al Qaeda.”²⁸ Even without the erosion of the Geneva conventions, one senior American diplomat argues that Putin “believes ... brutal means are needed to suppress a brutal insurgency.” Evidence that he approves of the methods used by his troops and proxies on the ground include the fact that he has rewarded troops widely believed to be engaged in abuses with medals.²⁹

Dysfunction within International Organizations. The OSCE, the COE and the UN Commission on Human Rights (UNHCHR) have taken up the issue of Chechnya in numerous meetings, but it was in the very brief period of October through December 31,

²⁵ Ibid.

²⁶ Author’s interview, Senior American Diplomat, September 8, 2005, Washington DC.

²⁷ Ibid.

²⁸ Author’s interview by telephone, Senior European official A, June 28, 2005.

²⁹ Author’s interview, Senior American Diplomat, September 8, 2005, Washington DC. Ramzan Kadyrov was awarded the “Hero of Russia” medal by Putin on December 30, 2004. See <<http://www.themoscowtimes.com/stories/2004/12/30/015.html>>.

1999 that human rights activists believe officials did so with serious intent. Once President Yeltsin made his announcement on New Years' Eve that he was resigning and that Vladimir Putin was acting President, countries reversed course -- even during some of the most gruesome parts of the war in early 2000. "Once Putin was deputized, there was a shift. The EU talk in 1999 of monitoring, the talk of cutting aid, it all just evaporated." There have been yearly resolutions through 2004, but the vigor in the way that the community engaged ended in the first few months.³⁰

By 2005, the human rights groups could not get any traction for a resolution on Chechnya at the (by now much maligned) meeting of the annual UNHCHR. A member of the Austrian delegation explained to one puzzled Russian activist that the EU was trying to get the Russian Federation (RF) to agree to human rights consultations. A fairly explicit deal on Chechnya was made. When the activist asked the Austrian diplomat point blank, "does it mean that the EU is not going to table a draft resolution (on Chechnya), he responded 'yes it will not.'" He claimed to her that "owing to Putin's own good will," the RF agreed to this new mechanism, and by way of compromise, the EU agreed not to table the resolution.³¹

While one British government official familiar with the process described the EU-RF consultation process as a sign that "there is more of willingness on the part of the Russian government" to discuss human rights problems, the evidence is ambiguous at best.³² A comparison of the press releases following the meeting suggests the EU and the RF came to the table with radically different agendas: "The main issue for the Russians

³⁰ Quotation from author's interview by telephone, Human Rights Researcher A, September 14, 2005. This view was also expressed in author's interview, Human Rights Activist A, July 19, 2005, Washington DC; Author's interview by telephone, Human Rights Researcher B, September 15, 2005.

³¹ Author's interview by telephone, Human Rights Researcher B, September 15, 2005

³² Author's interview by telephone, British government official, July 12, 2005.

was discrimination of Russians ‘abroad,’ and Nazi criminals in the Baltic states. The EU press release notes the two sides discussed Chechnya, concrete cases of human rights defenders, the situation with the media, and yes, they spoke about xenophobia.”³³

Human rights activists are especially bitter over what occurs inside the meetings at international organizations following the dissemination of information on abuses.

Most of the international dialogues degenerate into hypocrisy games. The RF says ‘these [human rights] problems do not exist.’ The EU and states say ‘we understand your position, progress has been made, here is this minor issue....’ So there is no dialogue in fact.... Unless Europe dares to be frank and calls the bluff, nothing will change. Both parties to negotiations are losers; the RF is losing a lot – its chances to get some real help – not just the money but real help -- in solving certain problems that are incredibly complex – how to really deal with the terrorism? The RF is rejecting the very needed dialogue. Europe is falling into a similar trap – by not calling the bluff, by swallowing the lies of Russian diplomats, they are actually responsible for further set backs in democracy – they are complicit.... [By] their failure to show other reactions, Russia becomes less stable. Russia is run by hard-liners, enforcement officials, more prone to provocations and [this] creates dangers for the European territory as such. Without a stable democratic, secure Russia, there is no stable democratic, secure Europe.³⁴

One participant in these meetings described the situation as “everyone shouts a little but the show goes on.”³⁵ A human rights researcher who has attended many of these meetings explains that “the Russian [government officials] are willing to play a much more blunt game. They are willing to trample the rules of diplomacy, of being civil to one another, of using heavy handed tactics.” He describes “bullying” by Russians at the UN. In the beginning of the second war, before December 31, 1999, “when the UN was sort of interested in getting involved, we were getting messages that the Russians were saying ‘if you bring up Chechnya in the Security Council, we will veto everything

³³ Author’s interview by telephone, Human Rights Researcher B, September 15, 2005.

³⁴ Ibid.

³⁵ Author’s interview by telephone, Ambassador Tim Guldemann, former head of the OSCE assistance group to Chechnya, June 29, 2005.

else.’”³⁶ Yet another activist refers to the dynamic of “positive reinforcement politics” where western states openly admitted at various points that the draft of the 2005 resolution on Chechnya was not presented at the UNHCR because of attempts “to appease the Russian authorities.”³⁷ An experienced human rights researcher described the dynamic with great despondency: “If you try to do lobbying at the COE you hear complaints, ‘what do you want from us? The COE has been undermined by the EU. We can’t do anything.’ And (then) you go to the EU, and they are in discussion with the RF. There is nothing left. The (UN) HR commission is completely worthless. The OSCE – forget it, it’s nothing. The RF has been blocking the budget for half a year. The COE complains about the EU, and the EU has its own vested interest.”³⁸

At the Parliamentary Assembly of the Council of Europe (PACE), one finds confusion and ambivalence over what is the best tactic to influence Russian policy: engage or isolate. The PACE has taken a few different strategies: at one point (April 2000) suspending Russia’s voting rights, and then fearing that they were pushing them away, several months later restoring their vote and setting up a joint committee to monitor the situation in Chechnya. Lord Frank Judd was appointed the special Rapporteur along with Duma Deputy Dmitri Rogozin to co-lead this committee to report regularly on Russia’s compliance with human rights in Chechnya.³⁹ According to Lord Judd, he hoped to create a partnership between the PACE and the Duma committed to the same human rights. He found the experience a “total failure... the fellow co-chair did not take it seriously, and we got a poor attendance from the Russian members. ... All that

³⁶ Author’s interview by telephone, Human Rights Researcher A, September 14, 2005.

³⁷ Author’s interview, Human Rights Activist B, July 19, 2005.

³⁸ Author’s interview by telephone, Human Rights Researcher B, September 15, 2005.

³⁹ <http://hrw.org/wr2k2/europe16.html>

was part of the build-up on my part of a growing concern that ‘positive engagement’ was not producing any results.” The Russian government’s decision to go ahead with a “constitutional referendum” in Chechnya in March 2003 was the breaking point for him. He found the process “so devious and so manipulative and flawed” that he resigned.

With great sadness he explained:

In the context of doing the job I changed. I became convinced that it was not possible to use that kind of positive engagement with the Russians....I would say to myself: am I being used by the Russians? My answer was usually yes, probably yes, but if this is going to help to get any kind of movement, then it is worth the price. I then realized that there was no change. And you could say he who falls last, falls hardest. In the sense that I came to the conclusion through my own engagement that sadly one was not making progress. I was being used. So I changed my approach and come the referendum ... When I said sorry boys this is it, I cannot in good faith get up tomorrow working on this (in) this way, because you are being so sinisterly manipulative and provocative that I cannot be part of this, then the bloody (expletive) hit the ceiling.⁴⁰

The human rights commissioner of the COE has taken another approach, what might be called soft criticism. On the one hand, a recent report issued by this office is somewhat critical of the government.⁴¹ On the other hand, his office seems to have an equally critical (and rather misinformed) view of those organizations that have gathered the most information on abuses. One of his advisers says that Alvaro Gil-Robles “sees his role as speaking on what he sees. He won’t speak of things he has not seen.... A quotes B quotes C is a particular characteristic of Chechnya. There is very little information in very few peoples’ hands. So Amnesty quotes Human Rights Watch who quotes Memorial and it goes around in a happy circle. We need to have [our] own information.” According to this adviser, the human rights commissioner “want(s) to work

⁴⁰ Author’s interview by telephone, Lord Frank Judd, September 7, 2005. See also Lord Frank Judd, “Afterword” in Richard Sakwa, ed., *Chechnya: From Past to Future* (London: Anthem Press, 2005), pp 289-293.

⁴¹ “Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, On His Visit to the Russian Federation, 15 to 30 July 2004, 19 to 29 September 2004,” Strasbourg, 20 April 2005.

with governments not against governments.” His staff contends that it is “possible to have an in-depth and demanding dialogue without this descending into recriminations and saying basically ‘sod off’ which has been the characteristics of other international organizations notably Mary Robinson [former High Commissioner for Human Rights at the UN], the OSCE and ... the PACE.” The adviser continued, “generally speaking, if one has a choice between cooperation and encouragement, and opposition, conflict and denunciation, the first is in mine and in the commissioner’s view the more appropriate.” He claimed that the Russians “are entirely indifferent” to the latter approach.⁴²

Another European diplomat describes the situation somewhat similarly: “we started looking at the Russian initiatives to launch a political process (in 2003), and there was guarded optimism that this could lead to normalization. We can say there is some disappointment, perhaps naivety from our point of view. We would have preferred the Russian Federation to have given the people of Chechnya more choice and have elections more open. So optimistic expectations have not been fulfilled, but we do see a need to engage more broadly.... There are efforts to normalize [and] while we may not see [them] as the best approach, there is a lot of agreement that we should support the positive efforts.”⁴³ The adviser to Gil-Robles agrees that there are “many who are reluctant to see anything has changed or gotten better.”⁴⁴

The Information Battle. Memorial, Human Rights Watch, the Moscow Helsinki Group, Amnesty International, and the Russo-Chechen Friendship Society all regularly engage in monitoring of human rights in Chechnya or release special reports on the region or both. In earlier periods activists believed the monitoring was having an impact,

⁴² Author’s interview by telephone, Adviser to the COE human rights commissioner, July 13, 2005.

⁴³ Author’s interview by telephone, European Diplomat, June 29, 2005.

⁴⁴ Author’s interview by telephone, Adviser to the COE human rights commissioner, July 13, 2005.

for example, speaking hopefully in 2002 about the Russian ministry of defense's then anticipated adoption of "Order 80" that prohibited the wearing of masks by forces during raids in Chechnya.⁴⁵ In retrospect, one activist believes the "Russians make a small gesture to the international community and the international community says everything will change. It never meant anything – [they] never took the steps to make [Order 80] workable."⁴⁶ Gil-Robles' 2005 report concludes Order 80 "has played a major role in improving the situation regarding control operations." His adviser fleshes out what is meant by the term major role: it is "not a victory [but it is a] concrete result. It is not respected [generally]. Only 10% of the time, but that is better than before."⁴⁷ This divergence in views may be what activists refer to as "virtual victories." In a similar vein to Order 80, one notes changes to the notorious detention center *Chernokozova*. The Russian government officials cleaned up that particular place, but there is a "sprawling network on military bases where people are tortured and almost certainly executed. But they officially don't exist."⁴⁸

Monitoring appears to make the most difference in prosecutions in the European Court of Human Rights. "There is no doubt that our documentation efforts have been helpful on litigation efforts. There are several references to the work that [our organization] has done. Even though our work alone would not have won cases, [it] clearly shapes a context for the court. The Court is made up of judges who do not speak Russian and, at least initially, don't know much about the situation in Chechnya. I believe

⁴⁵ Author's interviews in Moscow with Memorial and HRW, February 2002. On Order 80, see <http://web.amnesty.org/library/Index/ENGEUR460482003?open&of=ENG-384>.

⁴⁶ Author's interview by telephone, Human Rights Researcher A, September 14, 2005.

⁴⁷ See "Report by Mr Alvaro Gil-Robles," p. 70. Author's interview by telephone, Adviser to the COE human rights commissioner, July 13, 2005.

⁴⁸ Author's interview by telephone, Human Rights Researcher A, September 14, 2005.

that the information from NGOs helps provide the general context for the judges.” The monitoring efforts have created a body of evidence of crimes that are used in specific cases and to bring reparations to victims. There is the “moral shame” but also the financial aspect of the Russian state having to pay in addition to creating “a historical record and show[ing] that the international community was complicit in crimes against humanity.”⁴⁹ While many activists believe prosecution is an especially effective vehicle for addressing impunity, some senior European diplomats reflect another view. The advisor to the COE HR commissioner argued that “once [Russia] is condemned [in the ECHR] once, what difference does it make if it is twenty times, especially with respect to Chechnya? Things happened a long time ago, and it has all been said in the press.”⁵⁰

The monitoring and information gathering occurs, however, largely in the absence of international television broadcasts.⁵¹ Unlike the journalists camped out in the Holiday Inn in Sarajevo in the mid 1990s, the BBC and CNN do not report from the region except for when major terrorist events, such as Beslan, occur. A European Commission official notes that “if you compare the Palestinian territories, when one dies everyone knows it. The lack of media is one important explanation [for why this issue is not higher on the agenda] and the Russian Federation understands that.”⁵² This lack of international media enables the message of the Russian government (normalcy) to overpower the monitoring and messages of the NGO community (widespread and systematic forced disappearances) or even the actual events on the ground (a rather stunning spike in terrorist events in the region). One British government official describes this battle of information: “Some

⁴⁹ Ibid.

⁵⁰ Author’s interview by telephone, Adviser to the COE human rights commissioner, July 13, 2005.

⁵¹ There is quite a bit of independent information on the region available on the internet. See for example, “Caucasian Knot,” <http://kavkaz.memo.ru/> and “the Institute for War and Peace Reporting,” www.iwpr.net.

⁵² Author’s interview by telephone, European Commission Official, June 29, 2005.

issues generate momentum. From a personal point of view, when I see 20 pages from Memorial, I read it and am appalled but trying to disseminate ... we get these every single week. It is awful but it is sometimes hard to see wood from trees.” His comments imply the international response may be complicated by information delivered in a manner that is not strategic and which he cannot advance in a meaningful way.⁵³

The battle over information has led to a striking lack of consensus as to the scale of abuse in Chechnya. In March 2005, Human Rights Watch released a report arguing that the enforced disappearances of civilians in Chechnya “are so widespread and systematic that they constitute crimes against humanity.”⁵⁴ Given the gravity of the claim, but also the vetting process that HRW reports go through, the lack of subsequent international response is noteworthy. In interviews with members of international organizations and governments, officials expressed doubt, skepticism and indifference to this claim.

One former State Department official argued that “as with genocide, this is a theoretical debate about words that is not that helpful.”⁵⁵ Another senior American diplomat responded that he was “not sure whether this has met the legal test.” The diplomat also worried about the effect on the Russian government: “I am not sure whether leveling this charge will cause them to tune out completely.”⁵⁶ A British government official expressed doubts by saying, “the human rights crisis is showing some signs of normalizing. There is a low standard of safety but it looks slightly better

⁵³ Author’s interview by telephone, British government official, July 12, 2005.

⁵⁴ Human Rights Watch, “Worse Than a War,” p.2.

⁵⁵ Author’s interview, former State Department official, Washington DC, July 13, 2005

⁵⁶ Author’s interview, Senior American Diplomat, September 8, 2005, Washington DC.

[than two years ago].”⁵⁷ A European Commission official fully conversant with the humanitarian situation on the ground responded to the allegations with hesitation:

“Difficult to say. I would tend to say [that is] probably accurate, but I am not a lawyer.”⁵⁸

Another senior European official responded similarly: “I don’t know if that is legally right to use the language. Certainly there are HR abuses on [a] large scale, but I cannot say if this applies.”⁵⁹ Responding directly to the allegation of “crimes against humanity,” the representative from the HR commissioner’s office replied “I don’t think that is terribly helpful. The NGO attitude is an interesting issue... NGOs always have difficulty in adapting to changing situations. Chechnya is not a story of goodies and baddies, and the attempt to analyze it in those terms is unhelpful, dishonest. There is no such thing as victim as goodies and states as baddies.”⁶⁰

On some level, the Russian authorities seem to have convinced even those in international organizations and governments who follow the issue on a day-to-day basis that the human rights crisis has lessened in the region. The message and the evidence of groups like HRW and Memorial thus increasingly fail to resonate with the international community. The importance of the claim “crimes against humanity” is that it is meant to invoke universal jurisdiction; any state can theoretically prosecute those responsible for such crimes. There is little reason to think that under current circumstances, such action will occur.⁶¹

⁵⁷ Author’s interview by telephone, British government official, July 12, 2005.

⁵⁸ Author’s interview by telephone, European Commission Official, June 29, 2005.

⁵⁹ Author’s interview by telephone, Senior European official A, June 28, 2005.

⁶⁰ Author’s interview by telephone, Adviser to the COE human rights commissioner, July 13, 2005.

⁶¹ See also William D. Jackson, “Russia and the Council of Europe: The Perils of Premature Admission,” *Problems of Post-Communism*, Vol. 51, No. 5, September/October 2004, p. 30 on the feasibility but failure of COE member states to lodge an interstate complaint against Russia with the ECHR for conduct in Chechnya.

In part, the reputation of NGOs affects how policy makers and officials respond to information. Officials may be familiar with one or perhaps two NGOs but the reputation of even the most well known ones, such as Human Rights Watch, is not always guaranteed. Thus the information that they provide is not by any means unquestioned. A British government official describing his perception of HRW pauses and responds, “I think I accept them favorably. [Their information] tends to be corroborated but with the caveat that [we] lack primary information – we don’t have our own people [on the ground]. [This] is not a substitute. NGOs have an agenda.”⁶² A European diplomat commenting on how she and her colleagues use the reports distributed by NGOs, remarked “we view these favorably in the sense they are a source of information, but they are not the only information. So any source of information we find useful, but we look at the other side... the arguments of Russian authorities.” She implied all sources were given equal weight, but that she and her colleagues were indeed more skeptical of the human rights NGOs’ messages. “We are not convinced that human rights violations happen because of a deliberate policy. It is very difficult to prove.... Human rights organizations will tell you that the situation is worse than before. The Russian authorities will say it is much better. What to believe? We are not present there.”⁶³

Conclusions and Recommendations

This paper has sought to explain the relative lack of international response to grave human rights abuse in the North Caucasus. It highlights a series of factors including fear of alienating the Russian government but also misunderstandings of human rights norms and laws, an undervaluation of the role that abuse plays in generating instability in

⁶² Author’s interview by telephone, British government official, July 12, 2005.

⁶³ Author’s interview by telephone, European Diplomat, June 29, 2005.

regions, and a modicum of mistrust regarding the organizations that provide information on the abuses. Additional systematic research, for example in the form of elite surveys, would be necessary to test the prevalence of such sentiments inside international organizations and Western governments.

Some officials certainly recognize the relationship of abuse and instability. As one senior European official noted “Our response is that everything that happens on the European continent is of interest to the EU. With the multiplication of abuses, Russia was been growing a generation of terrorists in Russia.”⁶⁴ In Lord Judd’s words, “human rights are not an optional extra but a muscular issue in terms of promoting global security. If human rights are being abused, there will be problems. Don’t drive people into their arms in their frustration. [The lack of response by governments and international organizations] provokes the very thing that we are concerned about because terrorism operates most effectively when there is a climate of ambivalence.”⁶⁵ Yet without a concerted effort to shift the popular and elite conception of human rights as something beyond a mere aesthetic to a more “muscular” concept, bystanders to abuse -- in this case, key members of the Euro-Atlantic community -- are likely to continue minimally responding to it.

The lack of international response to the North Caucasus may also be part of a larger shift in the Euro-Atlantic community from, as one European observer notes, an initial, post-1989 “euphoria on international cooperation, international law, and the international community toward new antagonizing nationalistic approaches in international politics. We see it in U.S. foreign policy. We see it with the [retreat] of EU

⁶⁴ Author’s interview by telephone, Senior European official A, June 28, 2005.

⁶⁵ Author’s interview by telephone, Lord Frank Judd, September 7, 2005.

countries to national positions. We see it with the new Russian approach to Chechnya or to the OSCE in general which is sharp and contrasts with 1995 and 1996.”⁶⁶ Regardless, the research suggests that the international human rights machinery is configured for states that essentially share support for human rights but occasionally violate rights. It is not set up to handle a member state that is systematically noncompliant.

Given the rather grim findings in this paper, what can be done to address and ameliorate these factors? Without overstating the potential impact of any of these recommendations, my research and the meeting in Berlin in May 2005 suggest numerous activities.⁶⁷

Acknowledge the Crisis in Human Rights: The human rights community needs to strategize internally and broadly about the weakened condition of the international human rights machinery. While likely viewed as controversial, this community needs also to increase its interaction with traditional security organizations so members of these organizations have a better understanding of the groups that gather information on abuses. Interviews with policy makers reveal a general lack of knowledge of international human rights and humanitarian law. Human rights NGOs need to strategize about how to increase public and policy makers’ education on these issues.

Create an International Working Group on the North Caucasus: International experts need to begin meeting regularly. The Berlin meeting was the first of its kind. An important next step would involve the international conflict resolution community to consider lessons learned and targets of opportunity for the North Caucasus from a variety

⁶⁶ Author’s interview by telephone, Ambassador Tim Guldemann, June 29, 2005.

⁶⁷ Some of the recommendations listed here overlap with those produced at the meeting, while others do not. The views expressed here are needless to say, the author’s alone. A full list of recommendations from the Berlin 2005 meeting is available upon request.

of international conflicts and applicable situations—including but not limited to Northern Ireland and South Africa. To date, those who follow the situation in the North Caucasus have had little contact with such people.

Address the Security Implications of Abuse: Many policy makers believe violence in Chechnya is peripheral to the larger trends in Russia. In fact, the instability generated by human rights abuse and the failure to hold those committing abuses accountable has had a deleterious impact on Russia's trajectory. Neither the Russian government nor surrounding states can afford to continue to indulge in the blind-eye approach to institutionalized impunity. Donors should support organizations that engage in strategic litigation.

Support Independent Sources of Information: Donors should support multiple independent sources of information, such as *IWPR* and *Caucasian Knot* and where possible, the creation of associations and networks of independent media associations that do not yet exist. Additional sources of critical and strategic information, such as independent public opinion surveys of populations in the region should be supported. International news outlets should be encouraged to cover more comprehensively conditions on the ground beyond that which they devote to terrorist events such as Beslan or Nord-Ost. Other related activities might include capacity-building support for local forensic experts in the North Caucasus.

Leverage Monitoring: However important, information and education are unlikely to alter how the international community responds to the situation in the North Caucasus. Local organizations have for years been tracking the disappearances and torture of innocent men, women and children. The shocking details have not moved the

international community to pay attention to the situation inside Chechnya. There is a critical lack of consensus in the international community concerning an accurate picture of conditions on the ground, in addition to the more obvious conundrum of how to engage the Russian government on this issue. Again and again, in interviews with activists and some in the international community one hears fatigue and exhaustion and at best a mixed sense of how best to respond and engage. As conflict spreads beyond Chechnya, the burden is to explore alternative media strategies and better ways to leverage and to convey the information to the international community.

Develop A Leadership Initiative: To tackle the lack of leadership and stewardship on this issue, and following on lessons from Northern Ireland and Bosnia, an highly trusted and experienced (most likely European) diplomat or politician should make as his or her full-time job the issue of raising the profile of the conflict in the North Caucasus in European capitals and helping to coordinate with multiple European and North American organizations to address the issue.

Figure One: Terrorist Events in Russia and North Caucasus, 1999-2005

