

Anatomy of Ambivalence

The International Community and Human Rights Abuse in the North Caucasus

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Why has the international community done so little to address grave human rights abuses in Chechnya and the North Caucasus?

OVER the past 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 1995 Srebrenica massacre in Bosnia has yet been observed, both Russian and foreign non-governmental organizations (NGOs) have documented widespread violations of citizens' rights in Chechnya, month after month, year after year. What has been the international response? 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.¹ The international response, however, has been conflicted, ambivalent, and ineffectual. In many organizations, some staff members 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 for the region, even though incidents of violence and instability have nearly doubled each year for the last three years, spreading to other parts of the North Caucasus. Humanitarian and human rights organizations plead with international donors not to forsake the civilian populations, and at the same time acknowledge their own inability to make headway with the Russian government. Overall, the responses to the abuse in the North Caucasus comprise a lethal mix of Russia's residual superpower status,

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Council of Europe Human Rights commissioner Alvaro Gil-Robles, left, listens to a Chechen refugee at the Bart refugee camp near Karabulak in Ingushetia, February 13, 2003. In center is Ingushetia president Murat Zyazikov. (AP Photo/Musa Sadulayev)

widespread international organizational dysfunction, and high tolerance for noncompliance with human rights norms within the very organizations that are mandated to monitor compliance.

Unlike other conflicts around the world in which expertise, political will, and vast sums have been deployed to address, diminish, or contain violence, there is dramatically less activity surrounding Chechnya or the North Caucasus. This article seeks to advance an understanding of the politics of international organizations and of the Russian government's relations with these organizations. It also makes some specific recommendations aimed at increasing the effectiveness of the international machinery that monitors and enforces compliance with human rights.

Research for this article was conducted principally in the summer of 2005, was updated in the summer of 2006, and was informed by earlier work undertaken since 2001.² The project benefited greatly from the

insights generated during a two-day meeting in May 2005 in Berlin, co-sponsored by the Center for Strategic and International Studies (CSIS) and the Brookings Institution, at which forty representatives from international organizations convened to brainstorm on how the international community could contribute to stability in Chechnya and the North Caucasus and a follow-up meeting in March 2006 assessing how to improve the impact of human rights monitoring.

The research suggests that some organizations have actively chosen to avoid the topic of Chechnya and the North Caucasus. Other organizations may look as if they are carrying out their duties, but in fact they have worked out compromise strategies with officials from the Russian Federation that do little to remedy violations but provide diplomatic cover. 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 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 who advance them.³ Instead, Russian and international human rights activists are profoundly discouraged by the inability of the international community to effect 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 ambivalent relationship to human rights norms and laws. Interviews suggest that in 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—as 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, this article explores and analyzes the international community's response. What happens when states or NGOs present information on violations to the appropriate international organizations? Has membership in the Council of Europe (COE), the Organization for Security and Cooperation in Europe (OSCE), or the United Nations affected the Russian government's behavior on the ground? Or has the international response created permissive conditions for additional violations? While Russia's residual power (among several other factors) explains the relative lack of response, this case should be seen as part of a larger crisis within the Euro-Atlantic human rights apparatus in which abuses are often marginalized and organizations ignore or deny their security implications.⁴ Much of the international human rights apparatus 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 to come to a new arrangement—a new and more effective approach to address abuse and impunity. Such an approach would be in the interest not only of those who want to see human rights norms and laws become more robust but also of those concerned with international security. The article concludes with a few specific suggestions that address this ambitious but time-urgent goal.

Abuses in the North Caucasus

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



In another blow to the human rights community, investigative journalist Anna Politkovskaya was murdered in Moscow on October 7, 2006. It is widely believed her murder stemmed from her reporting on conditions in the North Caucasus. A few days after her murder, human rights activists in Nazran, Ingushetia, were detained by police and one was badly beaten when attempting to take part in a peaceful vigil in Politkovskaya's memory. With her death, and the increased pressure on activists in the region, many fear independent information documenting abuses will become even rarer and the international community's response even weaker. (AP Photo/Fyodor Savintsev)

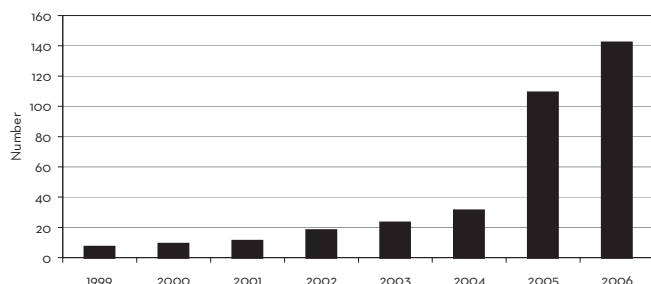


Figure 1. Violent Incidents in the North Caucasus, 1999–2006

and their proxies have clearly and repeatedly violated the Geneva Conventions and the Universal Declaration of Human Rights.⁵ 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.⁶ Periodically, the Russian government tries to force internally displaced people back into Chechnya, a task facilitated 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.” The cases listed probably represent only a fraction of the actual number, because Memorial cannot safely operate in more than around 30 percent of Chechen territory.⁷ Reports have also detailed “mass detainments” of young men in the refugee camps.⁸ Legal analyses by reputable organizations have found a widespread, systematic pattern that meets the definition of “crimes against humanity.”⁹ In the summer of 2006, human rights organizations reported that the Russian government’s proxies, the *kadyrovtsy*, were using cell phones to record their abuses and sharing the files to intimidate the local population.¹⁰

Russian and Western organizations have 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 is widespread, and even “death squads.” Federal forces have killed human rights monitors.¹¹ One witness claims that federal troops deliberately targeted an International Committee of the Red Cross convoy.¹² The evidence of abuse is overwhelming—in 2005, human rights officials from the government in Chechnya announced that they had found fifty-two mass graves and confirmed that tens of thousands of people had disappeared since 1999.¹³

Drawing on Russian and foreign newspaper and Internet sources, Figure 1 shows a dramatic rise in violence

and instability in the North Caucasus between 1999 and 2006. For 1999, there is evidence of at least seven events in the region. In 2000, nine events are recorded. In 2001, the region appears to have experienced eleven terrorist events. In 2002, the region experienced at least eighteen events, twenty-three in 2003, and thirty-one in 2004, including the tragic and gruesome hostage crisis in Beslan. And then there is a dramatic increase: 109 in 2005, and in 2006 to date (as of mid-August) CSIS staff found evidence of 142 events. Incidents of violence actually increased following the death of the Chechen warlord Shamil Basaev on July 10, 2006.¹⁴

A cycle of impunity appears to affect the stability of the region. Officials of 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 are apparently no accurate figures on how many locals have joined the terrorists, human rights activists in the region speak about a “field of manipulation.” They claim that locals are turning to the terrorists to carry out acts of revenge, and that the terrorists are able to manipulate local people more easily precisely because of the behavior of Russian federal and proxy troops.¹⁶

Since early 2003, the Russian government has been claiming that the situation has “normalized.” On November 27, 2005, it held “parliamentary elections” in Chechnya. Subsequently, however, some officials have hinted that the region is far from stable. In June 2005, for example, a leaked document from Dmitry 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 more law enforcement agents in proportion to the civilian population than any other area in Europe or North America, the number of terrorist incidents had escalated and forced disappearances proliferate.¹⁷

Using what is 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.” The syndrome has two aspects: first, how to go on living 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 life under 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 claimed that the situation in Chechnya “is

actually worse now. There is no control at all. You have no control over your family, your children.”¹⁸ A senior U.S. diplomat worried in 2005 that terrorists in Chechnya exploit this dynamic: “Despite [having] 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 factors have shaped the international responses to human rights abuse by both government forces and terrorists in Chechnya and other parts of the North Caucasus? Some aspects are specific to this conflict, but others are symptomatic of a larger crisis in 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 international response to Chechnya and the North Caucasus needs to be seen, however, as symptomatic of the increasing marginalization of human rights as an issue in the Euro-Atlantic community, as well as the narrow definition of “security”—parameters that unwittingly but effectively downplay the implications of abuse and impunity.

“Russia Is Not Serbia.” Russian officials make continued good use of the residual influence of their country’s superpower status. European and U.S. decision-makers respond (or do not respond) uniquely to events in Russia, despite its relative decline in the post-Soviet era. As one European Commission official noted, “Compared [to] Kosovo and Chechnya—Chechnya is 100 times worse.”²⁰ Yet as a human rights researcher observed,

A mass grave in Kosovo a few years ago would have been front 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 [Federal Republic of Yugoslavia]. . . . There is a very cynical calculation behind the Western response. Russia is a key player.²¹

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



The head of the delegation from the Parliamentary Assembly of the Council of Europe, Lord Frank Judd, tries some gruel, which Russian Emergency Situation Ministry workers prepared for local residents in Grozny, March 11, 2000. At left is Russian Lt. Gen. Gennady Troshev. (AP Photo/Misha Japaridze)

A typical argument [heard at international meetings is] “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 [Belarusian president Alexander] 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 held by some officials and analysts in the U.S. government, who fear that the main—or only—leverage is connected to strategic arms deals such as the Treaty of Moscow, which Washington values highly. According to some sources, in bilateral meetings, U.S. officials have tended not to push conduct in Chechnya “too hard.” A former State Department official spoke of the 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 that it 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 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 the possibility of an 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 [his] policy is working.”²³

The Impact of Terrorism. Russia is not Serbia, but it is also not Afghanistan or Iraq. Russian officials may benefit from the residual benefits of superpower status, but in addition the field of experts working on policy toward Russia in many bureaucracies (as well as in universities and think tanks) has shrunk dramatically. In the U.S. government, especially after the September 11 attacks, only a “handful of folks . . . a small community . . . were working these questions,” and without any major power broker, the equivalent of [former assistant secretary of state] Richard Holbrooke or [Senator] George Mitchell, shaping or driving the issue.²⁴ While the number of individuals focusing on Russia shrank, those left to the task had little or 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 impact of terrorists seizing civilians, in October 2002 in a Moscow theater, 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 said bluntly: “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 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. 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, Khat-tab, and Abu al-Walid al-Ghamdi were at one time or another in Chechnya.²⁶

More generally, the undermining of human rights norms in the “global war on terror” has complicated the ability of U.S. policymakers to make a coherent argument about the security implications of human

rights abuse. As a senior U.S. diplomat lamented, “Our Abu Ghraib [prison abuse scandal] 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,” implying that this has affected the overall climate of what is acceptable.²⁸ Even without the erosion of the Geneva Conventions, one senior U.S. diplomat argues, 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 includes the fact that he has awarded medals to troops widely believed to be engaged in abuses.²⁹

Dysfunction in International Organizations. The OSCE, the COE, and (before it disbanded) the UN Commission on Human Rights (UNCHR) took up the issue of Chechnya at numerous meetings, but human rights activists believe that they only did so with serious intent in the very brief period of October through December 31, 1999. Once President Boris Yeltsin made his New Year’s Eve announcement that he was resigning and that Prime Minister Vladimir Putin would become acting president, countries reversed course—even during some of the most gruesome phases of the war in early 2000. “Once Putin was deputed, there was a shift. The EU talk in 1999 of monitoring, the talk of cutting aid, it all just evaporated.” There were yearly resolutions through 2004, but except for those first few months they were no longer marked by any vigor.³⁰

By 2005, the human rights groups were unable to get any traction for a resolution on Chechnya at what turned out to be the last annual meeting of the UNCHR. A member of the Austrian delegation explained to a 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 directly, “Does it mean that the EU is not going to table [i.e., submit] a draft resolution [on Chechnya], he responded ‘yes it will not’.” He told her that the RF had agreed to this new mechanism “owing to Putin’s own good will,” and by way of compromise, the EU had agreed not to submit the resolution.³¹

While a British government official familiar with the process described the EU/RF consultation process as a sign that “there is more willingness on the part of the



More than 100 residents of Borozdinovskaya, a village in eastern Chechnya, fled into neighboring Dagestan in June 2005 to protest what they described as a brutal security raid. The villagers crossed overnight with their belongings loaded onto dump trucks and other vehicles and set up a makeshift tent camp in an open field. (AP Photo/Musa Sadulayev)

Russian government” to discuss human rights problems, the evidence is ambiguous at best.³² A comparison of the press releases following the meeting suggests that the EU and the RF came to the table with radically different agendas: “The main issue for the Russians was discrimination of Russians ‘abroad,’ and Nazi criminals in the Baltic states. The EU press release notes [that] 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 about what occurs at meetings of 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 meetings explains, “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. At 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 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 what turned out to have been the last UN Human Rights Commission session 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), there is confusion and ambivalence on the question of whether engagement or isolation is the better tactic to influence Russian policy. The PACE has tried a few different strategies—at one point (April 2000) suspending Russia’s voting rights, and then several months later, fearing this would push Russia away, restoring its vote and setting up a joint committee to monitor the situation in Chechnya. Lord Frank Judd was appointed the special rapporteur, along with Dmitry Rogozin, a deputy in the Russian Duma, to co-lead the committee and report regularly on Russia’s compliance with human rights in Chechnya.³⁹ Lord Judd says 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 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 Judd. 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 comes 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

Alvaro Gil-Robles, human rights commissioner of the COE from 1999 through the spring of 2006, took another approach that might be called soft criticism. On the one hand, a 2005 report issued by his office was somewhat critical of the Russian government.⁴¹ On the other, his office seemed to be equally critical (and rather misinformed) about the organizations that had gathered the most information on abuses. One of his advisers reported that 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 people’s 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 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 UN high commissioner for human rights], 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 described 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 naiveté 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 agreed that there are “many who are reluctant to see [that] anything has changed or gotten better.”⁴⁴

The Information Battle. Memorial, Human Rights Watch, the Moscow Helsinki Group, and Amnesty International, among others, all regularly monitor human rights in Chechnya, release special reports on the region, or both. Activists once believed that the monitoring was having an impact. In 2002, for instance, they spoke about the Russian Ministry of Defense’s forthcoming adoption of Order 80, which prohibited the wearing of masks by federal forces during raids in Chechnya.⁴⁵ In retrospect, one activist now says, 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’s 2005 report concluded that Order 80 “has played a major role in improving the situation regarding control operations.” His adviser fleshed out what Gil-Robles meant by the term “major role”: It is “not a victory [but 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 the changes at the notorious Chernokozova detention center. The Russian government cleaned it up, but activists have evidence that 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 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 is used in specific cases and to obtain compensation for 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 see prosecution as an especially effective vehicle for addressing impunity, some senior European diplomats reflect another view. The adviser to the Council of Europe’s HR commissioner argued, “Once [Russia] is condemned once [by the commission], 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

Monitoring and information gathering takes place largely in the absence of news reports on international television.⁵¹ Whereas there were journalists from many countries camped out at the Holiday Inn in Sarajevo in the mid-1990s, the BBC and CNN rarely report from the North Caucasus except when major terrorist events, such as Beslan, occur. A European Commission official notes, “If you compare the Palestinian territories, when one dies everyone knows it. The lack of media is one important explanation [of 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 (normality) 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 violence in the region). One British government official describes this battle of information: “Some 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 that the international response may be complicated by information delivered in a manner that is not strategic and that 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 the abuse in Chechnya. In March 2005, Human Rights Watch released a report stating 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, and the thorough vetting process that HRW reports go through, the lack of an international response is noteworthy. Members of international organizations and governments, when interviewed, expressed doubt,

skepticism, and indifference to the claim. One former State Department official said, "As with genocide, this is a theoretical debate about words that is not that helpful."⁵⁵ Another senior U.S. diplomat stated 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 doubt, saying, "The human rights crisis is showing some signs of normalizing. There is a low standard of safety but it looks slightly better [than two years ago]."⁵⁷ One 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 the claim is] probably accurate, but I am not a lawyer."⁵⁸ Another senior European official said much the same thing: "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 representa-

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tive of the COE 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 government seems to have convinced even those international organizations and governments that follow the issue on a day-to-day basis that the human rights crisis in the region has lessened. The message and the evidence of groups like HRW and Memorial increasingly fail to resonate with the international community. The claim of crimes against humanity is important because it is meant to invoke universal jurisdiction—any state can theoretically prosecute those responsible for such crimes. There is little reason under current circumstances to think that such action will occur.⁶¹

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 they provide is not by any means unquestioned. A British government official describing his perception of HRW paused and then said, "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 [that] 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 that all sources were given equal weight, but that she and her colleagues were 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 article has sought to explain the relative lack of international response to grave human rights abuses in the North Caucasus. It highlights a series of factors, including fear of alienating the Russian government, misunderstandings of human rights norms and laws, an undervaluation of the role of abuse in generating regional instability, and mistrust of the organizations that provide information on the abuses. Additional systematic research, perhaps in the form of elite surveys, would be necessary to test the prevalence of such sentiments in international organizations and Western governments. For those who want to see human rights norms strengthened throughout the region, assessing the degree to which policymakers understand and respect human rights norms would be an important step.

Some officials recognize the relationship between 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 has 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 international response] 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 to a more “muscular” concept that rises above a mere aesthetic, bystanders to abuse—in the present case the Euro-Atlantic community—are likely to continue responding only minimally.

The lack of international response to abuses in the North Caucasus, as one European observer noted, may also be part of a larger shift in the Euro-Atlantic community from 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 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 Russian officials, like some of their U.S. counterparts, increasingly seem to be in a hyper-sovereign mode. This trend suggests serious trouble for the international human rights machinery, configured as it is for states that support human rights even if they occasionally violate them. It is not set up to handle a member state that is systematically noncompliant.

Given the rather grim findings summarized in this article, what can be done to address and ameliorate these factors? Without overstating the potential impact of any of the recommendations outlined below, my research and the meetings in Berlin in 2005 and 2006 suggest at least five 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 this will probably be viewed as controversial, the rights community needs also to increase its interaction with traditional security organizations so that members of these organizations have a better understanding of the groups that gather information on abuses. Interviews with policymakers reveal a general lack of knowledge of international human rights and humanitarian law. Human rights NGOs need to strategize about how to educate the public and policymakers on these issues.

Create an International Working Group on the North Caucasus. International experts need to continue meeting regularly. The Berlin meetings helped in this direction and have been followed by other gatherings, including one in Sweden and yet another in Berlin in 2006. 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 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 policymakers believe that the violence in Chechnya is peripheral to 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 indulge in a 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 the Institute for War and Peace Reporting and *Caucasian Knot*, and, where possible, the creation of associations and networks of independent media associations. 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 comprehensively cover conditions on the ground beyond terrorist events such as Beslan or the Moscow theater siege. Other related activities might include capacity-building support for local forensic experts in the North Caucasus.

Leverage Monitoring. However important, information and education alone are unlikely to alter how the international community responds to the situation in the North Caucasus. Local organizations have for years been tracking the disappearance and torture of innocent men, women, and children. Yet the shocking details have not moved the international community to pay attention to the situation in 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, interviews with activists and members of the international community express 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 convey the information to the international community and at the same time address the unmet needs of the local populations.

Notes

1. Sarah E. Mendelson, "Russians' Rights Imperiled: Has Anybody Noticed?" *International Security* 26, no. 4 (spring 2002), 39–69 (http://bcsia.ksg.harvard.edu/BCSIA_content/documents/mendelson_spring_2002.pdf); Theodore P. Gerber and Sarah E. Mendelson, "Les droits de l'homme et la guerre en Tchétchénie" (Human Rights and the War in Chechnya), *Pouvoirs*, Paris, no. 112 (2005): 79–92.
2. See, for example, Theodore P. Gerber and Sarah E. Mendelson, "Divided and Confused: Public Opinion on the War in Chechnya 2001–2004," March 2005 (available from the authors on request to smendelson@csis.org).
3. Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998); Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, ed., *The Power of Human Rights: International Norms and Domestic Change* (New York: Cambridge University Press, 1999).
4. For another case study exploring the tendency to overlook the security implications of human rights abuse, see Sarah E. Mendelson, *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans* (Washington, DC: Center for Strategic and International Studies, 2005).
5. For a discussion on violations of international law in Chechnya, see Matthew Evangelista, *The Chechen Wars* (Washington, DC: Brookings Institution Press, 2002).
6. "Asylum Levels and Trends in Industrialized Countries, 2004," United Nations Commission on Human Rights, March 1, 2005, p. 6 (www.unhcr.org/cgi-bin/texis/vtx/statistics/opendoc.pdf?tbl=STATISTICS&id=422439144/). In 2005, it was the second-largest group; see the year's report at www.unhcr.org/cgi-bin/texis/vtx/events/opendoc.pdf?tbl=STATISTICS&id=44153f592/.
7. On file with the author and available at www.memo.ru.
8. E-mail correspondence, June 23 and June 24, 2004, with Memorial office, Nazran.
9. Human Rights Watch, "Worse Than a War: 'Disappearances' in Chechnya—A Crime Against Humanity," March 2005 (<http://hrw.org/backgrounder/eca/chechnya0305/chechnya0305.pdf>). For numerous other HRW reports on Chechnya, see www.hrw.org/campaigns/russia/.
10. C.J. Chivers, "In Chechen's Humiliation, Questions on Rule of Law," *New York Times* (August 30, 2006) (www.nytimes.com/2006/08/30/world/europe/30chechnya.html?ei=5088&en=a381ae015710fb2d&ex=1314590400&partner=rssnyt&emc=rss&pagewanted=all/).
11. On activists being targeted, see press releases at www.friendly.narod.ru/2001/index.htm 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. The event took place in fall 1999 (author telephone 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>).
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* 29, no. 3 (winter 2004/2005): 5–63 (http://bcsia.ksg.harvard.edu/BCSIA_content/documents/Kramer.pdf).

15. Nurdi Nukhazhiyev, quoted in Eke, "Official Confirms Chechen Horror."
16. Author interview, Human Rights Activist A, Washington, DC, July 19, 2005.
17. "Russian President Putin's Phone-in Highlights," RTR Russia TV, Moscow, in Russian, 0800 GMT, 27 September 2005, translated in BBC Monitoring; Introductory Remarks at Meeting with the Leaders of the Regions in the Southern Federal District, September 23, 2005. An article on the leaked report appeared June 16, 2005, in *Moskovsky Komsomolets* (www.mk.ru/newshop/bask.asp?artid=110036/).
18. Human Rights Activist A interview.
19. Author interview, senior U.S. diplomat, Washington, DC, September 8, 2005.
20. Author telephone interview, European Commission official, June 29, 2005.
21. Author telephone interview, Human Rights Researcher A, September 14, 2005.
22. Author telephone interview, Human Rights Researcher B, September 15, 2005.
23. Author interview, former State Department official, Washington, DC, July 13, 2005.
24. Ibid.
25. Ibid.
26. Senior U.S. diplomat interview.
27. Ibid.
28. Author telephone interview, senior European official A, June 28, 2005.
29. Senior U.S. diplomat interview. Ramzan Kadyrov was awarded the Hero of Russia medal by Putin on December 30, 2004. See www.themoscowtimes.com/stories/2004/12/30/015.html.
30. Quotation from Human Rights Researcher A interview. This view was also expressed in author interview, Human Rights Activist A, Washington, DC, July 19, 2005; author telephone, Human Rights Researcher B, September 15, 2005.
31. Human Rights Researcher B interview.
32. Author telephone interview, British government official, July 12, 2005.
33. Human Rights Researcher B interview.
34. Ibid.
35. Author telephone interview, Ambassador to OSCE Tim Guldemann, former head of the OSCE assistance group to Chechnya, June 29, 2005.
36. Human Rights Researcher A interview.
37. Human Rights Activist B interview.
38. Ibid.
39. <http://hrw.org/wr2k2/europe16.html>.
40. Author telephone interview, Lord Frank Judd, September 7, 2005. See also Frank Judd, "Afterword," in *Chechnya: From Past to Future*, ed. Richard Sakwa (London: Anthem Press, 2005), pp. 289–93.
41. "Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, On His Visit to the Russian Federation, 15–30 July 2004 and 19–29 September 2004," Strasbourg, April 20, 2005 (www.coe.int/T/E/Commissioner_H.R/Communication_Unit/Documents/pdf.CommDH%282005%29/).
42. Author telephone interview, adviser to the CoE Human Rights commissioner, July 13, 2005.
43. Author telephone interview, European diplomat, June 29, 2005.
44. Adviser to the CoE Human Rights commissioner interview.
45. Author interviews in Moscow with Memorial and HRW, February 2002. On Order 80, see <http://web.amnesty.org/library/Index/ENG460482003?open&of=ENG-384/>.
46. Human Rights Researcher A interview.

47. See "Report by Mr. Alvaro Gil-Robles," p. 70; adviser to the COE Human Rights commissioner interview.

48. Human Rights Researcher A telephone interview.

49. Ibid.

50. Adviser to the CoE Human Rights commissioner interview.

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 reports by the Institute for War and Peace Reporting (www.iwpr.net/?p=crs&s=p&o=-&apc_state=henh/).

52. European Commission official interview.

53. Author's interview by telephone, British Government Official, July 12, 2005.

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

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

56. Author interview, senior U.S. diplomat, September 8, 2005, Washington, DC.

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

58. Author telephone interview, European Commission official, June 29, 2005.

59. Author telephone interview, senior European official A, June 28, 2005.

60. Author telephone interview, 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* 51, no. 5 (September/October 2004): 30, on the feasibility but failure of COE member states to lodge an interstate complaint with the ECHR regarding Russia's conduct in Chechnya.

62. British government official interview.

63. European diplomat interview.

64. Author telephone interview, senior European official A, June 28, 2005.

65. Lord Judd interview.

66. Ambassador Guldemann interview.

67. Some of the recommendations listed here overlap with those produced at the meeting, but others do not. The views expressed here are, needless to say, the author's alone. A full list of the recommendations from the Berlin 2005 and 2006 meetings is available upon request.

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