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Humanitarian and Legal Aspects of the Crisis in Chechnya

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Abstract

Russia's position and intentions regarding the settlement of the situation in the Chechen Republic (or "Republic") are transparent and based on principle. We have nothing to hide. First, I will cover some points regarding the genesis of the tragic chain of events in and around Chechnya. The essay then discusses the merits of the antiterrorist operation in response to the 1999 mutiny of Chechen terrorists.

HUMANITARIAN AND LEGAL ASPECTS OF THE CRISIS IN CHECHNYA

*Yuri V. Ushakov**

Russia's position and intentions regarding the settlement of the situation in the Chechen Republic (or "Republic") are transparent and based on principle. We have nothing to hide. First, I will cover some points regarding the genesis of the tragic chain of events in and around Chechnya.

Chechnya's socioeconomic and criminal situation seriously deteriorated in the late 1980s to the early 1990s, due to a number of factors. It is well known, for instance, that attempts by the then Union of Soviet Socialist Republics ("USSR") leadership to reform the economy and improve its efficiency were not successful in all areas. These problems shaped the background that produced many social problems, not just in Chechnya. Indeed, the federal authorities had relaxed attention to Chechnya's problems. These problems, however, accumulated along with the centrifugal sentiments of a certain part of the population. This destructive energy began to look for some realization, turning Chechnya into a seat of crime.

All these negative developments were considerably strengthened by Dzhokar Dudayev's seizure of power. Dudayev consolidated and led the most extremist, nationalist groupings in Chechnya. In implementing his criminal plan in August 1991, Dudayev seized the premises of the republican television center in Grozny, as well as those of the Supreme Soviet and the Council of Ministers of the Chechen-Ingush Republic. On September 6, 1991, Dudayev's supporters burst into the House of Political Education in Grozny, where a session of the Supreme Soviet of the Republic was held, in order to terminate its activities. They attacked and beat the legally elected Chairman of the Supreme Soviet, Doku Zavgayev.

Desirous to legitimize his power, Dudayev violated Articles 70, 72, 81, 131, and 131-1 of the Russian Constitution on October 27, 1991, in the conditions of a coup d'etat, masked as elections of the President and the Supreme Soviet of the so-called

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Chechen Republic of Itchkeria. Dudayev continued to alienate the Russian Federation territorially and economically by refusing to sign the Treaty of Federation. Furthermore, he undertook unilateral actions aimed at withdrawing the Chechen Republic from the Russian Federation. For instance, Dudayev ordered his supporters to destroy the referendum on the status of the Chechen Republic within the Russian Federation in 1993.

In spite of the fact that the creation of armed forces is an exclusive prerogative of the Russian Federation, Dudayev created illegal military units in Chechnya, unlawfully acquiring arms and ammunition for them. In order to retain power illegally, Dudayev used such units to organize, as of December 1994, armed resistance to the federal forces and personnel of the Ministry of the Interior and the Federal Counter-Intelligence Service of the Russian Federation who were restoring constitutional order in the Chechen Republic. These illegal military units caused the loss of many human lives.

The conclusion of the Khasavyurt Agreements on August 31, 1996, and the election of Aslan Maskhadov to the post of President of the Chechen Republic in February 1997, opened up an opportunity to form a legal basis for relations between the Russian Federation and Chechnya, and to restore law and order in the Republic. The federal authorities were ready to seize this opportunity in spite of the doubtful legitimacy of Maskhadov, who had not been elected in accordance with Russian law.

Instead of directing the emerging process of crisis settlement into a constitutional channel, however, the authorities of the Chechen Republic preferred to take a different course. The Chechen Republic turned into an enclave managed by terrorists and drug and arms traffickers. Additionally, Sharian law was introduced in the Republic in February 1999 through Maskhadov's decrees. Consequently, all legislation was to be based on the Koran and Sharian norms, which contradicts the Khasavyurt Agreement's provision on "protecting without reservation the human and citizens' rights and freedoms without any discrimination by nationality, religion, residence or other criteria, and suppressing acts of violence against political opponents, guided by the Universal Declaration of Human Rights of 1949 and International Covenant on Civil and Political Rights of 1966."

On May 16, 1996, the President of the Russian Federation

issued a decree introducing a moratorium on the execution of death sentences. Since then, no death sentence has been executed in Russia. Moreover, with its ruling of February 2, 1999, the Constitutional Court of the Russian Federation actually suspended the delivery of death sentences in Russia. On August 6, 1999, the Government of the Russian Federation submitted to the State Duma of the Federal Assembly the Protocol No. 6 to the European Convention on Human Rights concerning the abolition of the death penalty for ratification. In the context of such efforts, the Chechen decision to introduce capital punishment on the basis of Shariah was perceived as a challenge to the whole constitutional and legal system of the Russian Federation. Public executions on the order of Sharian courts have caused indignation and revolt among the Russian public.

The Sharian norms are reverting modern society to a system of barbaric penalties, such as mutilation by cutting fingers and limbs even for minor crimes. These punishments grossly violate not only the European Convention on Human Rights but also the European Convention on the Prevention of Torture and Degrading Treatment. These "innovations" received an extremely negative response from reputable international organizations. These organizations recognized that the actions of the Chechen authorities grossly violated the Convention on Protection of Human Rights and Basic Freedoms of November 4, 1950 with its Protocols (Articles 3, 4), which stipulates that no one should be exposed to torture or degrading treatment or punishment and that "no one should live in slavery or forced environment."

After Maskhadov signed the decrees introducing a new constitution based on Sharian norms on February 4, 1999, Lord Russell-Johnston, President of the Parliamentary Assembly of the Council of Europe (or "PACE"), urged all the interested parties to ensure that the new legislation of Chechnya was consistent with the norms of the Council of Europe.¹ He also condemned public executions in Chechnya by qualifying them as barbaric acts and flagrant violations of human rights. Having recalled that the Constitution of the Russian Federation and the European Convention on Human Rights apply to all constituent entities of the Russian Federation, the President of the PACE called

1. See Press Release CE 70b99 (Feb. 4, 1999).

on Maskhadov to stop those barbaric practices.²

The Organization for Security and Cooperation in Europe (“OSCE”) Assistance Group to Chechnya (or “Assistance Group”), which was mandated to promote respect for human rights and fundamental freedoms and to identify their violations, began its activities in April 1995.³ In one of its reports, the Assistance Group stated that the introduction of Sharian law contravened the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Sharian system also led to human rights violations, especially in its discriminatory practice against the political rights of non-Muslims.⁴

The Assistance Group also analyzed the so-called Chechen Criminal Code (or “Code”), and demonstrated that it grossly violated OSCE human rights standards.⁵ These violations concerned both institutional and individual rights. Indeed, the Assistance Group’s reports showed that the deprivation of rights was common practice in Chechnya. Abductions, murders, and provocative attacks on Russian law enforcement and on the neighboring North Caucasian populations turned Chechnya into a hotbed of crime and terrorism and stirred up anger in Russia at the lawlessness which ruled Chechnya.

Taking hostages, including foreign nationals, became a common policy of the criminal Chechen authorities. According to the Ministry of the Interior, by the end of 1999 the number of hostages had totaled 506 persons, including fifty-three women, eighteen children, and foreign nationals from six countries. In 1991-1999, 46,000 people were abducted and enslaved. The sixty-two gangs that engaged in this “business” totaled 2500 members.

Along with crimes against individuals, the illegal armed groups committed a number of economic crimes, including the

2. See Press Release CE 152b99 (Mar. 12, 1999).

3. See Paul Martin, *Regional Efforts of Preventative Measures: Four Case Studies on the Development of Conflict-Prevention Capabilities*, 30 N.Y.U. J. INT’L L. & POL. 881, 902 (1998) (explaining that Organization for Security and Cooperation in Europe Permanent Council allowed an Assistance Group to travel to Chechnya to monitor human rights violations).

4. Background Report: Human Rights Violations in the Sharian System (Nov. 4, 1999).

5. Background Report: Human Rights Violations in the Chechen Criminal Code (Nov. 13, 1999).

production and circulation of counterfeit U.S. currency.⁶ In the second half of 1998, many Chechen attempts to launder counterfeit money through Russian financial and banking institutions were aborted in the remote areas of the Far East, Siberia, and the Volga region. By the fourth quarter of 1999, over US\$1,000,000 in counterfeit money was withdrawn from illegal circulation in the Primorsky territory of the Russian Federation and about US\$100,000 in counterfeit money was seized in the Magadan region (all of them in US\$100 notes of the 1996 series). Both Russian rubles and U.S. dollars of Chechen origin were registered in 1998-1999 in many constituent entities of the Russian Federation, in particular in the Amur, Ivanovo, the Republic of Karachayev-Cherkessia, Moscow and Tyumen regions, and Vologda.

The Chechen territory has also become a manufacturer of illegal drugs. So far, three heroin producing factories have been identified in the settlement of Kalinin in the suburbs of Grozny, the Energetik sanatorium in the district of Shali (controlled by Shamil Basayev), and in the Zorka children's camp (controlled by international terrorist Khattab). Moreover, Chechnya has become a channel of drug transit from Afghanistan, Iran, Pakistan, Turkey, and Turkmenistan to the Baltic States, Great Britain, Spain, and other European states.

In a recent interview with the BBC, acting President Vladimir Putin stressed that since 1996, Chechnya *de facto* enjoyed full state sovereignty. In the end, however, the country ended up virtually divided by the extremist forces into small separate territories. Each of them was operated (unconstitutionally and lawlessly) by its respective leader—the so-called field commander. These field commanders (in essence, gang leaders) assumed control over lives of a small people living in a rather compact area. The area was then further exploited by the extremists who were supported from abroad with weapons, money, and mercenaries. As a result, life was getting unbearable for the majority of Chechnya's population. It was no coincidence that 220,000 Russians and 550,000-600,000 Chechens have left the Chechen re-

6. One could place an advance order for forged notes in Chechnya. According to the available information, they were fabricated both in the Chechen Republic (in Argun and Grozny) and outside Russia and were subsequently smuggled in from neighboring states.

public during these years. They have voted with their legs by fleeing from the criminal regime.

By the end of the 1990s, the Chechen territory virtually became an outpost of religious extremism and terrorism, directed not only against Russia but also other countries as well. Numerous documented data, including evidence provided by Russian citizens detained by the federal forces for organizing terrorist acts in the North Caucasus region, unequivocally testified to the existence of a whole network of terrorist training camps—Khattab's schools—within the Chechen Republic. They were located in many settlements and their suburbs, in particular in Avruti, Grozny, and Urus-Martan, in the settlements of Serzhen-Yurt, and a number of others. Emissaries of illegal armed groups operated in Russia, recruiting volunteers to undergo training in Khattab's field camps in Chechnya. A ramified and well hushed-up network of sherpas helped to transport Russian citizens to Chechen camps in 1996-1997. Following a four-month special training in military camps, they returned to their former places of residence and joined those who propagated the so-called pure Islam and Jihad against infidels as well as recruiters and sherpas for Chechen terrorist training centers. In 1998-1999, we registered an unprecedented intensification of these efforts. Indeed, it has been proven that some international terrorists, including Georgian citizen Nugzar Chukhua, who aided in the assassination attempt on Georgian President Eduard Shevardnadze in February 1998, were also trained in Khattab's camp in Chechnya in 1997.

On August 1, 1999, illegal armed groups led by Basayev and Khattab raised a revolt against Daghestan, a neighboring constituent entity of the Russian Federation. Thereafter, on August 10, 1999, the so-called Islamic Shura, which convened at the urging of Basayev and Khattab in the Botlikh district, declared Daghestan's secession from Russia and the beginning of a holy war against "invaders." The Shura also adopted an appeal to the Islamic Chechen state and people, calling for the support of Daghestan's Muslims. Later, Basayev became an official head of the armed forces of the Islamic Shura. He assumed the responsibilities of a military Amir of the joint forces of Daghestan's mojaheddins until a complete expulsion of *Kaffirs* (infidels) from the sacred land of Daghestan.

Federal forces vigorously suppressed the mutiny of Chechen

terrorists with the support of local residents, who formed a 25,000-strong volunteer corps, and with the help of the authorities of Dagestan. The people of Dagestan clearly confirmed their intention to live within the Russian Federation. They rejected the attempts of the extremists, who used Islamic slogans as a cover, but who in reality violated the fundamentals of their religion by imposing their will and rule on Dagestan.

The illegal armed criminal forces that took power in the Chechen Republic organized and carried out acts of terrorism in other constituent entities of the Russian Federation. The latest acts of terrorism resulting in mass human casualties (over 1500) featured the explosions of apartment houses in autumn 1999 in Buinaksk, Moscow, and Volgodonsk. The facts established by the criminal proceedings instituted in connection with those explosions testify to the involvement of Chechnya's illegal armed group field commanders, primarily Basayev, Khattab, and Salman Raduyev. Indeed, Interpol issued a warrant for their arrest. During the investigation, the organizers and direct perpetrators of the said acts of terrorism—Achemes Gochiyayev, Denis Saitakov, and others—were identified and put on both national and international wanted lists. They had been recruited by an emissary of Khattab, at whose military camps they underwent special sabotage and combat training, after which they took part in combat actions against the federal forces. Having executed the acts of terrorism, the principal organizers and perpetrators entered the Chechen Republic using forged documents.

During the whole period since the signing of the said Khasavyurt Agreements, the federal authorities patiently worked for its implementation and sought every opportunity to restore law and order in the Chechen Republic by peaceful means. In 1997, Russian President Boris Yeltsin met with Maskhadov in Moscow. In 1998, the then-head of the Russian government, Yevgueny Primakov, met with Maskhadov in Vladikavkaz. Maskhadov was repeatedly invited to disassociate himself from criminal structures and terrorist elements, and to take steps to stop their illegal activities; he was unwilling to do so. The situation in Chechnya continued to deteriorate.

When launching the antiterrorist operation, the federal authorities proceeded under the direction of the Vienna Declaration and the Program of Action of June 25, 1993 (Paragraph 17) which declares that

acts, methods and practices of terrorism in all its forms and manifestations as well as its ties in certain countries with illegal drug traffickers are the activities aimed at termination of human rights, basic freedoms and democracy and pose a threat to territorial integrity and security of countries while destabilizing legitimate governments.

Indeed, the federal antiterrorist forces in the Chechen Republic began operation immediately only after an attack by illegal armed groups on Daghestan, and acts of terrorism in Moscow and a number of other Russian cities. The decision to conduct the operation was taken under the real threat to the territorial integrity of the Russian Federation, especially to the lives and safety of its citizens. The operation fully conformed with the Code of Conduct on Politico-Military Aspects of Security adopted by the 1994 OSCE summit in Budapest. Paragraph 6 of this document directly states that the participating states "will take appropriate measures to prevent and combat terrorism in all its forms," while paragraph 25 explains that "the participating states will not tolerate or support forces that are not accountable to or controlled by their constitutionally established authorities." Moreover, in trying to settle the ongoing crisis in the Chechen Republic, the Russian Federation assumed that an armed fight with Chechen terrorist groups should occur at minimum cost to the Chechen populace.

On December 13, 1999, the State Duma of the Federal Assembly of the Russian Federation adopted a Resolution on Amnesty for persons who committed socially dangerous acts in the course of antiterrorist operations in the North Caucasus. Moreover, the State Duma adopted a resolution on an amnesty application. The Resolution on Amnesty applied to persons who committed illegal acts in Chechnya, Daghestan, Ingushetia, North Ossetia-Alania, and Stavropol territory since August 1, 1999. Amnesty was also granted to those who ceased armed resistance and surrendered weapons and military equipment by midnight February 1, 2000.

The so-called amnesty decree signed by Maskhadov could be cited for comparison. The decree operates against residents of the Chechen Republic involved in the restoration of constitutional order. Chechens suspected of cooperating with the lawful authorities of the Russian Federation are sentenced to death without limitations. Among those slated for prosecution is the

Mufti of Chechnya, Alexey Kadyrov, whom Maskhadov branded a "No. 1 enemy to be executed" after he spoke out against the meaningless confrontation with the federal authorities. This outrageous order aroused deep indignation among all Muslims of the Russian Federation.

Federal troops in Chechnya were not confronted by separate terrorist groups but by a well-armed and trained army of some 25,000 men (including up to 2000 foreign mercenaries). They were equipped with twenty-eight battle tanks, sixty-one armored personnel carriers and armored infantry vehicles, fourteen anti-aircraft guns, a battery of *Grad* multiple launch rocket systems, twenty 152-mm guns and 120-mm mortars, a considerable number of 82-mm mortars, hand-held anti-tank grenade launchers, anti-tank missiles, man-portable air defense systems, various types of small arms, and a satellite communications system. It is quite evident that classic secret service methods could not be employed to conduct a special operation against such a large number of armed fighters. The situation required a large-scale police operation with the involvement of a military contingent.

The antiterrorist operation in Chechnya was not aimed against the civilian population; its ultimate objective was to protect innocent lives from terrorist atrocities. The military force employed in the operation was commensurate with the scale of the threat. The units engaged were ordered to spare human settlements in order to protect the civilian population, and to deliver strikes solely against armed militants, their positions, depots, and strongholds. Above all else, the antiterrorist forces were to avoid damage to civilian population and facilities. Accordingly, the federal forces undertook all necessary measures to liberate human settlements without assaults or other massive actions, with no casualties or destruction and on the basis of agreements with representatives of the population. In this way, four out of six cities and more than half of 122 human settlements were liberated, including Achkhoy-Martan and Gudermes. Whenever militant formations actively resisted, special security corridors were erected for the civilian population to leave the area. All civilians who fled the hostile areas were granted access to safe districts, temporary accommodations, health care, and food. Federal personnel received systematic legal training aimed at developing a humane attitude towards the civilian pop-

ulation, regardless of nationality or religious beliefs. Furthermore, the military prosecutor's office, which supervises the observance of internal law and order, has initiated 129 criminal cases since the beginning of the antiterrorist operation.

There are no "filtration camps" in the Chechen region. Displaced persons are searched only to identify terrorists and find weapons while passing through the checkpoints. These measures are necessary to ensure security with reasonable sufficiency. Naturally, in conducting a military operation of such a scale, casualties among the civilian population cannot be fully avoided. This, incidentally, is the goal of the militants' tactics who deploy heavy armaments within human settlements, quite often near kindergartens, schools, and hospitals. The actual civilian casualties are, nevertheless, not massive. All possible measures were taken to reduce them to a minimum. In difficult cases of fighting within human settlements, the federal troops displayed patience and restraint, and gradually uncovered and captured the bandits. This tactic is one of the reasons why the antiterrorist operation in Chechnya has taken so long. The illegal armed groups are waging a large-scale misinformation campaign among the public as to the nature of their activities, actions of the Russian troops, casualties, and destruction. Not only have these groups established special structures to produce and distribute video and audio propaganda and other materials, but they have also utilized over 100 Internet sites provided by international terrorist and extremist organizations to spread misinformation.

As a result of the antiterrorist activities, a mass exodus from the Chechen Republic began in mid-September of 1999. As of December 20, 1999, 267,600 people from the Chechen Republic were registered under Form No. 7 ("Registration of Families Arriving in an Emergency Situation") by the migration services of the Republic of Dagestan, the Republic of Ingushetia, the Republic of North Ossetia-Alania, and the Stavropol territory of the Russian Federation. Seven hundred sixty people were sent to the temporary accommodation centers of the Russian Family Migration Service, and 37,700 left for relatives and friends in other regions of Russia for permanent or temporary stay.

Despite the difficult humanitarian situation, there is no humanitarian catastrophe in the region, which was confirmed by a number of international delegations that visited the region, as

well as by Ms. Sadako Ogata, the U.N. High Commissioner for Refugees. Indeed, to support the everyday life of people who left the Chechen Republic and who settled in the territory of the Republic of Ingushetia, the Russian authorities supplied over 9000 tons of foodstuffs, medical items, and other forms of humanitarian assistance.

The system of humanitarian aid distribution is functioning within a well-organized mechanism. To minimize possible losses, its delivery is strictly controlled along the entire chain from donor to beneficiary. The humanitarian component of the operation is coordinated by the Ministry for Emergencies and the Federal Migration Service of Russia.

As a result of the antiterrorist operation, almost the whole territory of Chechnya was cleared of bandit groups by mid-March. The military stage of the operation is drawing to a close, to be followed by political settlement on the basis of strict respect for the Constitution of the Russian Federation. In the liberated areas of the Chechen Republic, measures to ensure law and order are currently in full swing. In November 1999, a provisional acting Prosecutor of the Chechen Republic was appointed, ensuring the immediate development of a prosecution body. Russia's Ministry of Interior developed local interior divisions and investigation bodies involving local officers of previously operating Interior Ministry bodies. Once all the personnel are selected, local residents will appoint heads of district administrations and settlements.

Upon decision by the Government of Russia, more than 102 million rubles of budget appropriations have been allocated for the restoration of the social and economic infrastructure of the Chechen Republic in the 1999 fiscal year. The sum is divided in the following way: government benefits to citizens with children—11.2 million rubles; salaries to educational personnel—10 million rubles; health personnel—4.1 million rubles; procurement of medicines—4.1 million rubles; medical equipment—26 million rubles; purchase of ambulances—2 million rubles; maintenance of health care facilities—30 million rubles. Further, 12 million rubles are earmarked to executive authorities of the Chechen Republic and district administration. Finally, the Russian Government has allocated 3 billion rubles for restoration of Chechnya in 2000.

Peaceful life has been restored in the Chechen settlements that have been liberated from bandits. Schools are opening again for the first time over the last three years (forty-six schools out of sixty-seven are already gaining enrollment). Some enterprises have started to operate and heating is being restored.⁷ The engineer units of the federal troops have started clearing minefields and restoring oil pipelines in the settlement of Tolstoy-Yurt of the Republic's Grozny district. The Ministry of Railways of Russia has resumed regular cargo traffic to the Gudermes railway station.

In alleviating the humanitarian situation in the Northern Caucasus, the Russian side has demonstrated a maximum openness and willingness for dialogue with international organizations. Several international delegations visited the region during October 1999—March 2000, including the U.N. High Commissioner for Refugees, the Commissioner for Human Rights of the Council of Europe, Alvaro Gil-Robles, and the OSCE Chairman-in-Office, Knut Vollebaek.

At present, the International Committee of the Red Cross (or "ICRC"), the International Federation of the Red Cross, and the Red Crescent Societies together with the Russian Red Cross Society are implementing programs of humanitarian and medical assistance to internally displaced persons (or "IDPs") in the North Caucasus region. The International Red Cross Movement has requested 18 million Swiss francs (about US\$12 million) for these purposes from the governments and donor organizations.

In Ingushetia, the ICRC helped to equip five hospitals. It also financed daily bread provisions to 30,000 IDPs and helped to prepare several thousand hot meals. Similar assistance was provided to 30,000 IDPs in Chechnya and 20,000 IDPs in the neighboring constituent entities of the Russian Federation. The European Bureau of the Office of the U.N. High Commissioner for Refugees is, in general, satisfied with the progress of the U.N. humanitarian operation in the North Caucasus and the level of cooperation with the Russian authorities. Russia has repeatedly confirmed and confirms once again its willingness to ensure necessary conditions for the operation of international organizations providing humanitarian assistance to internally displaced

7. On the whole, power supply has been provided to 70 out of 100 settlements liberated by the Federal troops, and gas has been supplied to 67 settlements.

persons. The safe delivery and distribution of such humanitarian aid will be arranged through federal channels existing in Russia with proper provisions for the safety of international monitoring personnel.

Upon completion of the large-scale antiterrorist part of the operation of the federal forces, the antiterrorist activities will proceed in a more discrete fashion, albeit in a manner that is accepted, adopted, and globally implemented. The next step will be the "passportization" of the Republic's population, including returnees. Then we plan to hold elections in a peaceful and democratic atmosphere, and to replace the appointed authorities with the elected ones. The elections will be followed by discussions with the newly elected government of Chechnya on the status of the Republic within the Russian Federation. That will be the final stage of the peace process. Furthermore, while in the process of post-conflict rehabilitation and restoration of democratic institutions and human rights in the Chechen Republic, Russia will openly cooperate with all competent international organizations, including, first of all, the United Nations, OSCE, and the Council of Europe.

Finally, I would emphasize some overall views relevant for the issue covered above. The antiterrorist operation was conducted in full compliance with Russia's international obligations.⁸ Further, the actions of the Russian authorities during the antiterrorist operation in Chechnya were based on Russian legislation. The Federal Law on Defense of 1996 defines defense as a "system of political, economic, military, social, legal and other measures to prepare for armed protection and the armed protection of the Russian Federation as well as the integrity and inviolability of its territory" and determines the scope of powers available to the state authorities in case of need. In addition, the Federal Law on Combating Terrorism of 1998 established a detailed list of measures which authorities can take to suppress ter-

8. Article 15 of the European Convention on Human Rights provides for the possibility of derogation by a state from its obligations under this convention "in time of war or other public emergency threatening the life of the nation." Article 15 stipulates that its provisions cannot be invoked with a view to derogating from Article 2, which guarantees the right to life, "except in respect of deaths resulting from lawful acts of war." In accordance with Article 2, deprivation of life is not regarded as inflicted in contravention of that Article "when it results from the use of force which is no more than absolutely necessary," including "in defense of any person from unlawful violence" and "in action lawfully taken for the purpose of quelling a riot or insurrection."

rorist activities. The Ruling of the Constitutional Court of the Russian Federation of July 31, 1995 points out that the Constitution of Russia "does not presuppose that in extraordinary situations state integrity and constitutional order can be ensured exclusively through the declaration of state of emergency or imposition of martial law." The same Ruling of the Constitutional Court states that the "international treaties to which the Russian Federation is a party and which, in accordance with Article 15, 4 of the Constitution of the Russian Federation, are an integral part of its legal system also proceed from the possibility of using the Armed Forces for protection of the national unity and territorial integrity of the state." In terms of its basic provisions, the Ruling of the Constitutional Court is also applicable to the current developments in the Chechen Republic. Thus, measures taken by the federal authorities in conducting the anti-terrorist operation in Chechnya were fully compatible not only with the European Convention on Human Rights but also with other obligations of the Russian Federation under international law, including international humanitarian law.

National accord among Russians on the fundamental aspects of Chechnya settlement requires the federal authorities to eliminate, at last, the hotbed of terror and lawlessness in the Chechen Republic and to recreate conditions necessary for the stable and prosperous development of that territory and the region as a whole. The power component of the antiterrorist operation was applied lawfully under an efficient state and civil control in accordance with the provisions of the Constitution, laws, and regulations of the Russian Federation, and in compliance with Russia's international legal obligations. In sum, the promotion of the rights and freedoms embodied in the Constitution of the Russian Federation and European Convention on Human Rights for the benefit of the Russian citizenry, including the Chechen Republic, is one of the means to achieve the final objective—an opportunity for everyone to enjoy the benefits and achievements of modern society, and to be a citizen of a truly democratic rule-of-law state.