



International Reactions to Massive Human Rights Violations: The Case of Chechnya

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THE RUSSIAN ARMY LAUNCHED A MILITARY OPERATION on 11 December 1994 which aimed at crushing with arms the secessionist regime that had been ruling the North Caucasian Autonomous Republic of Chechnya since late 1991. Chechnya had proclaimed its independence in the aftermath of the failed coup against Gorbachev in August 1991. The hostility existing between the Chechen people and Russia, however, predates both the Russian republic and the Soviet Union, going back to the late 18th century when Russia's drive to the South, initiated by Peter the Great in 1722, led to the incorporation first of the Transcaucasus and only later of the rebellious North Caucasus. In fact, under the leadership of the Dagestani and the Chechens and especially the legendary Dagestani leader Imam Shamil, the North-East Caucasian mountain dwellers offered Russia effective resistance until 1859, when the Caucasian rebellion was decisively crushed. The rebellion of the Circassian tribes in the North-West Caucasus was crushed five years later. This did not for that matter prevent the Chechens from further rebellion in small or large numbers whenever they perceived a weakness in the central government, like during the revolution or during World War II. The Russian civil war in the aftermath of the Bolshevik revolution was an especially complicated period. The North Caucasian peoples soon declared themselves independent from Russia, and a North Caucasian Republic was formed in May 1918, that is at the time of the independence of the Transcaucasian Democratic Republics.¹ Despite this, many Chechens initially sided with the Red forces against the tsarist White armies, very much as the White leader Denikin had concentrated his efforts on crushing the North Caucasians with the help of the local Cossacks.²

The hardships experienced by the Chechens and other mountain peoples were nevertheless substantial, especially given the brutality with which both tsarist Russia, the Soviet authorities, and lately modern Russia suppressed these rebellions. Forced relocations of the Chechens and other peoples have been undertaken at several points in history by the Russian rulers. The most notable of these was the deportation of the Chechen, Ingush, Karachai and Balkar peoples in three waves between November 1943 and February 1944, during World War II.³ This deportation to Central Asia and Siberia, ordered by Stalin personally on the pretext of alleged collaboration with the invading German armies, led to immeasurable violations of the human rights of the peoples involved. Without prior notice over 387 000 Chechens and over 91 000

Ingush, including elderly, women and children, were loaded on cattle-wagons and transported to Central Asia and Siberia in an operation which took little over a week.⁴ During the transport, the conditions were so poor and the people were so densely loaded that a large number of the deportees perished of epidemics, starvation or cold, as the deportations were effected in the month of February. In addition, conditions in the areas of destination were equally poor, and research has shown that as a result 25% of the North Caucasian deportees died either in transit or in the months and years following arrival in Central Asia.⁵ In individual groups, up to two-thirds of the deportees died.⁶

This fact is important both because it helps us to understand the deep hatred for Russia and everything Russian among the Chechens, and because it somehow sets a precedent which is helpful in comprehending the otherwise so illogical war that has taken place recently.

The recent Russian war with Chechnya, which lasted from December 1994 to August 1996, was from the beginning a war against the civilian population rather than against military targets. This is very much due to the fact that the war, in essence, was never a war between two well-organised military bodies, except perhaps for the initial battle for Grozny, but developed into a guerrilla war comparable with the United States' Vietnam war or the Soviet Union's Afghanistan experience. This led to the fact that the war was fought in civilian localities where the rebel forces were located, hence to a certain degree blurring the distinctions between combatants and non-combatants. The primary example of this is Grozny, Chechnya's capital, which was the real and symbolic centre of the hostilities both in the initial phase and at the end of the war.⁷

Among the many conflicts that have raged in the Caucasus since 1988, the Chechen war has been by far the most severe in terms of human implications and material devastation. The reason for this is two-fold: first, it involved one of the world's greatest military machines—the Russian army; second, like none of the other conflicts, it displayed a fight over life and death for the rebelling minority. The intransigence of the Chechen rebels and their unwillingness to surrender even when subjected to perhaps the worst artillery shelling since World War II meant that the Russian forces were unable to bring an end to the war despite their military and numerical superiority. The human toll of this war, consequently, has been intimidating. The number of casualties may amount to 80 000 according to certain reports, although most sources put the figure at around 50 000; the number of homeless, wounded and refugees widely exceeds this figure.⁸ The majority of the casualties were civilian, of both Chechen and Russian origin.

In the midst of this, the relations between Russia and the West did not suffer any particular deterioration. Quite to the contrary, the major powers continued their Russia-and-El'tsin-first policy despite widespread serious doubts on El'tsin's judgement and health. Russia became a member of the Council of Europe, although its actions were in direct conflict with the spirit of that organisation—all this in a time when human rights considerations are increasingly deeply included in the formulation of the foreign policy of industrialised countries. Besides the human rights implications, the war also led to serious questions regarding Russia's democratisation.⁹

This article will analyse the human rights violations committed during the war in

Chechnya and the international reactions to them; furthermore, it seeks to investigate the link between the reaction to human rights violations and the nature and strength of the perpetrator—in this case, Russia. The political side of the Chechen war, including the discussion on the validity of Chechnya's claim to independence and the legality of Russia's invasion,¹⁰ is intentionally left aside, as it has been treated extensively in the literature and falls beyond the scope of this article.¹¹ Elsewhere, I have gone against the generally accepted view¹² that the Chechen secession was illegal under international law.¹³

The human rights violations

To a certain degree, both parties to the Chechen war can be blamed for neglect of human rights. The Chechen side (or at least uncontrolled armed Chechen units) made itself guilty of hostage taking and terrorist acts on several occasions. Two major events deserve further detail: the first took place in June 1995 at Budennovsk in Russia proper, where a Chechen gang held over a thousand people hostage in a hospital, executing twelve Russian servicemen among the hostages, only to be subjected to an indiscriminate Russian armed attack on the town.¹⁴ Over 120 hostages died as a result. The second event occurred in January 1996 in Kizlyar and Pervomaiskoe, Dagestan, where another Chechen gang took control of a village after having raided a nearby Russian helicopter base.¹⁵ This raid was an almost exact repeat of the Budennovsk raid.¹⁶ Again, hostages were taken and the Russian army reacted with an all-out attack on rebels and hostages, levelling the village to the ground and killing many of the hostages. These two events are the main human rights violations committed by the Chechen side in the war; however, one should recall first that President Dudaev, the leader of the breakaway republic, condemned at least the first attack and defined it as a renegade action; however, the second attack seems to have been conducted with the tacit approval of Dudaev. In any case, Dudaev undertook no actions against the leaders of the respective attacks, Shamil Basaev and Salman Raduev, upon their return to Chechnya. Second, most hostages were actually killed by the Russians in their indiscriminate attack on both hostages and Chechens. Dudaev did however, on several occasions, threaten both Russia and the rest of the world with a wave of terrorist actions if the 'genocide of the Chechen people' was allowed to continue. Nothing of the kind happened, despite the fact that a substantial Chechen community commands the underground world in both Moscow and St. Petersburg. However, Dudaev on many occasions threatened to take the war into Russia; it can be argued that Basaev only followed Dudaev's professed strategy in Budennovsk.¹⁷

The Chechen side has also on many occasions used civilians as shields, although they were soon forced to renounce this as a strategy as it was simply useless—Russian attacks took place notwithstanding civilian casualties. Nevertheless the Chechen fighters, as is common in this type of war, continued entrenching themselves in villages which were subsequently attacked by Russian forces. Hence a certain blame must be put on the Chechen side for the civilian casualties of the war.

The responsibility for the main body of human rights violations, nevertheless, lies with the Russian invader. Since the very early days of the Russian invasion, an unprecedented disregard for human rights could be observed in the actions of the

Russian forces. This was all the more inexplicable as it was an action against Russia's own citizens, including many ethnic Russians.

The violations can be divided into several categories: the indiscriminate bombing of civilian areas and direct human rights violations such as extrajudicial executions, torture, massacres, and the spreading of land-mines.

The initial phase of the war has been called the 'battle for Grozny', and involved an all-out Russian attack from three directions on the Chechen capital in December 1994. This attack was faced with strong resistance from the Chechen defenders of the city, who were able to repel the first onslaught. The Russian forces then regrouped and launched a surprise attack on New Year's night, which resulted in a total military disaster. The Russians, unable to take Grozny by conventional means, then changed their strategy. They decided first to bomb out the city and subsequently enter it block by block, an unfortunately common practice for the seizure of a town.¹⁸ Hence air bombings and artillery shelling of the city intensified, causing thousands of civilian deaths and a massive refugee flow.¹⁹ It is a tragic irony that most of the civilian casualties were ethnic Russians. Russians had formed a majority in the city; furthermore the Chechen population lived mainly in houses with cellars where they could take refuge, whereas Russians mostly lived in high apartment buildings more vulnerable to artillery. Chechens also had an opportunity to seek refuge with kin in villages outside Grozny, whereas Russians had no way out of the city.

To illustrate the level of bombardment of Grozny, it has been calculated that an average of over 4000 blasts were recorded per hour during the most intensive fighting. In Sarajevo, which has set a kind of 'standard of horror' in the post-cold war era, the highest rate recorded was 800.

The indiscriminate bombing of civilian areas

On 6 January 1995 the International Court of Justice publicly denounced the indiscriminate use of force employed by the Russian army against civilian targets in and around Grozny. The court stated that 'the Russian army violated the right to life of unarmed civilians on a massive scale'.²⁰ At the end of February, when Grozny finally fell into Russian hands, Helsinki Watch issued a similar statement that 'Russian troops had committed gross abuses in Chechnya and that the civilian population continues to suffer'.²¹ A more comprehensive report, issued by the Council of Europe in June, described the destruction in painstaking detail.²² Perhaps most significant of all, representatives of the Organisation for Security and Cooperation in Europe (OSCE) on a fact-finding mission in Chechnya were appalled by the magnitude of destruction and compared the condition of Grozny with that of Stalingrad during World War II.²³ Hence there is an international consensus, encompassing inter-state bodies as well as human rights organisations, regarding the extent of violence used.

What, then, are the international legal instruments that enable us to term these acts violations of international humanitarian law?

The UN General Assembly resolution 2444 of 1969 clearly states, among other things, that in all armed conflicts (implying that the principle is equally valid for internal conflicts) 'it is prohibited to launch attacks against the civilian populations as

such; distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible'.²⁴ Protocol 1 (1977) to the Geneva conventions applying to internal armed conflicts provides clear guidance in interpreting the international legal provisions.²⁵

A second principle is the rule of proportionality, prohibiting indiscriminate attacks. In international law, indiscriminate attacks are defined as those 'which are not directed at a specific military objective' or which 'employ methods or means of combat which cannot be directed at a specific military objective'.²⁶ This principle is enshrined in the Geneva conventions and the protocol to them, and furthermore in the 'Code of Conduct on Politico-Military Aspects of Security', adopted by the CSCE at its Budapest Summit Meeting in December 1994, only *days* before the invasion of Chechnya.²⁷ The OSCE code of conduct, as it came to be known, is binding upon its signatories (§39) and came into effect on 1 January 1995. Hence the utmost neglect by Russia of the code is apparent as it violated its most fundamental principles within days of having signed it.²⁸

Naturally, the principle of prohibition of indiscriminate attacks is relative, especially in a war like the one in Chechnya where the defending forces frequently mixed with the population and even used the prohibited practice of human shields. Nevertheless, military objects are those whose destruction offers a definite military advantage. A look at Grozny's condition clearly shows that the aim was to burn out the entire city and not only specific objectives. Artillery and air raids indeed shelled the city indiscriminately.

Other prohibited acts

Besides what we can call the 'macro-level' of violations described above, serious violations occurred at a 'micro-level', that is at the individual level, as well. Among these, one can cite arbitrary arrests, extrajudicial executions, torture, massacres and disappearances.²⁹ Included here are provisions of common article 3 of the Geneva conventions:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) The taking of hostages;
- (c) Outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court.

According to a report prepared for the British parliamentary human rights group, *all* of these principles have been violated by Russian troops on a massive scale.³⁰

By the end of January 1995, that is after roughly two months of conflict, systematic torture of prisoners at Russian so-called 'filtration camps' was reported;³¹ similarly systematic incarceration, extrajudicial executions and disappearances were reported from prisoner camps by a number of independent eye-witnesses.³² In Grozny Russian security forces separated all men aged 15 to 60 from the rest of the population and

sent them to the 'filtration camps' in Mozdok, North Ossetia—from where many of them never returned.³³ This practice was repeated in later stages of the war on Russian seizure of Chechen villages.³⁴ Field Reports of Human Rights Watch/Helsinki immediately detailed the violations.³⁵ The matter was made worse by accounts, although not confirmed, of Russian military 'physicians' who observed the effect of torture on detainees.³⁶

Another debated issue is the use of chemical weapons by the Russian forces. Such use, which would constitute a flagrant violation of the laws of war—which hardly occurred in World War II—was first alleged by the separatist forces in May 1995 in conjunction with a renewed Russian offensive south-west and east of Grozny.³⁷ In August, aid workers operating in Chechnya discovered evidence of the use of chemical weapons. The evidence includes containers of the type used for chemical warfare, defoliated trees, skin irritations among villagers 'consistent with the use of toxic chemicals', and witness reports of yellow gases. The aid workers argued that these were not isolated events.³⁸

The actions of the Russian army against its own citizens, then, find very few parallels in modern history. The obvious existence of concentration camps, and possibly of medical experiments, as well as the separation of all adult men from the rest of the population find only one parallel, at least in twentieth-century Europe: Nazi Germany in World War II. The only difference between Germany in the 1940s and Russia in the 1990s is that Germany was significantly more efficient in achieving its aim. As regards Russia's aims in Chechnya, there have been allegations of an intention to commit *genocide*—roughly defined as a premeditated policy aiming at annihilating a people or nation.

Allegations of genocidal practices against the Chechen people have come mainly from the Chechen side but also from many international as well as Russian observers. Sergei Kovalev, the foremost Russian human rights activist, himself branded Russia's policy in Chechnya as genocide.³⁹

As early as February 1995 the Dudaev government issued a statement denouncing the systematic execution of young Chechen males, aged between 12 and 20, in areas controlled by Russia.⁴⁰ This document does not by itself constitute proof of such actions, being the statement of a government at war. Nevertheless, corroboration of systematic executions and other violence directed against the Chechen male population is widespread.⁴¹ Massacres of civilian populations seem to have taken place as well; the Samashki massacre is an outstanding example.⁴² The village of Samashki in western Chechnya, 15 000 strong before the events of April 1995, was pounded by heavy ground artillery for three days.⁴³ Following this, 3000 troops entered the village, shooting indiscriminately and throwing grenades into basements; civilians were tortured and executed.⁴⁴ In Samashki, as in many other cases, Russian soldiers were obviously under the effect of narcotics or alcohol; in fact, reports on the Russian army unanimously show that it was in a dismal condition,⁴⁵ with soldiers often being under the effect of various stimulants. Chechen fighters even acquired weapons from the Russian soldiers in exchange for vodka or money. Whereas it seems that the Samashki massacre was not sanctioned by army authorities but carried out by rogue units, this does not constitute an excuse, especially as neither the military leadership nor the

civilian government has made serious efforts to investigate the event and punish the perpetrators.

The international reaction and attitudes

From the outset of the Chechen war, virtually all international actors rushed to proclaim the crisis an internal Russian affair. This was the case equally for the leaders of Western, Islamic or Third World countries. Initially, there seemed to be a consensus that Chechnya should not be allowed to become an obstacle in the Western relationship with Russia and El'tsin. It was simply not a reason to sever relations with an emerging democratic Russia.⁴⁶

The United States

The United States was from the beginning very careful in its stance towards the conflict. US secretary of state Warren Christopher even made a misplaced statement comparing the war in Chechnya with the American civil war, in obvious support of Russia's purposes with the intervention. However, as the human rights violations were blatantly exposed in mass media, it became increasingly difficult to defend this view. By early 1995 the United States government saw itself compelled to voice mild criticism of Russian conduct. President Clinton expressed his disappointment, notably after pressure from the republican-led Senate, which had long been criticising Clinton for his fixation with El'tsin. The US administration, however, never even threatened to put conditionality on economic aid to Russia, although Congress repeatedly advocated this. The criticism remained weak, as the USA contended that Russia had 'not fulfilled all of its commitments under the OSCE and the Helsinki final Act',⁴⁷ which clearly is an understatement of gross dimensions. The very statement that the human rights violations were an internal matter of Russia, furthermore, show a very poor knowledge of international law. Indeed, it is a cornerstone of international humanitarian law that mass violations of human rights cannot be considered the internal matters of any state, but transcend boundaries and are a matter of concern for the entire international community. Russian foreign minister Kozyrev was even forced to acknowledge this at a later stage.⁴⁸

Western Europe

The European states and the EU adopted a tougher stance from the beginning. Although they respected Russia's territorial integrity and affirmed that Chechnya was a part of Russia, the criticism of human rights violations was substantially stronger. EU Commissioner van den Broek condemned the disproportionate use of force by the Russian army. Alain Juppé, then French foreign minister, issued a statement that the EU was considering using economic pressures on Russia to compel it to respect human rights standards. An interim accord and a partnership agreement between the EU and Russia were cancelled, while the union 'utterly condemned atrocities against civilians in violation of basic human rights'.⁴⁹ Certain European states, notably the Scandinavian and Baltic countries, advocated sanctions against Russia.

The Islamic world

The reaction of the Muslim world against the brutalities committed against a Muslim nation had a natural potential to be much stronger than that of the Western world. However, the popular reaction was far stronger than the response of the governments of Muslim countries. Perhaps this is natural to a certain extent, but the fact remains that the response from the Islamic world to Russia's conduct remained very silent—in fact more silent than could have been expected, even after the meek response to the events in Bosnia-Herzegovina. The two most directly affected countries were Turkey and Iran, which both border the Transcaucasus. Turkey has a considerable North Caucasian, including Chechen minority (as do Jordan, Israel and Syria but in much lesser numbers). The Turkish government hence had to take into account its popular opinion, which was vocal in staging demonstrations in Istanbul and Ankara. Notably, the Turkish nationalist 'Grey Wolves' were lobbying for Turkish recognition of Chechnya and the supplying of arms to Dudaev. It is interesting to note that the Chechen government has an unofficial 'embassy' in a villa on the Bosphorus, which is maintained and funded by the nationalist party. Russia has also accused Turkey of supplying aid and technology to the Chechens, most notably the rebels' communication systems.⁵⁰ It is also widely believed that the Grey Wolves organised arms shipments to Chechnya, probably with at least the partial knowledge of the Turkish authorities.

At the same time, however, Turkey had to consider its own Kurdish secessionist problem, which actually ruled out any direct support for Chechnya as Russia was *constantly hinting at its ability to support the PKK and the Kurds*.⁵¹ For this reason, Turkey was again caught in a precarious balance, unable to pursue an independent policy, very much as had been the case in the Armenian-Azerbaijani conflict over Nagorno Karabakh.⁵² Iran, likewise, has remained comparatively silent on the Chechen issue, though for totally different reasons. Just like Turkey, Iran has been under strong domestic pressure to support the fate of Muslims in Chechnya, as well as in Tajikistan, both nearby areas where Russia is seen as systematically slaughtering Muslims. Nevertheless, Iran in the post-Cold War era has developed very close relations with Russia, with which it has common strategic interests: first, keeping Turkey's influence in the Caucasus and Central Asia low; and second, as regards the oil and gas resources of the Caspian sea, where both Iran and Russia press for joint exploitation of resources. Russia, moreover, has been supplying Iran with both materials and technicians for its nuclear programme, and Russia has actually turned out to be one of Iran's few friends in an otherwise hostile world.⁵³ Hence, for different reasons, both Turkey and Iran—just like the United States—have had to assign a lower priority to promoting the human rights of the Chechen people than to their own national interests.

In most other Muslim countries, from Libya to Indonesia and including Egypt, Jordan and Pakistan, demonstrations have been held in support of the Chechens.⁵⁴ However, these countries all lack the position of Turkey or Iran with regard to putting pressure on Russia. Saudi Arabia, however, is reputed, in its habitual way, to have donated funds to the Chechen side. However, Russia has in general had to suffer a severing of relations with the Muslim world, as it increasingly is being depicted as

an anti-Muslim country, supporting the Bosnian Serbs, the Armenians in Karabakh, and bloodily suppressing Tajik and Chechen Muslims. The Organisation of the Islamic Conference (OIC) on one occasion also condemned Russia for its indiscriminate bombing of civilian areas.

Eastern Europe and the CIS

As regards Eastern Europe and the independent republics of the former Soviet Union, these countries did not see Russia's invasion of Chechnya as an isolated event. To a much higher degree than in the West, the leaders of these countries saw the invasion as confirmation of a larger pattern: Russia's switching from a pro-Western and cooperative policy to a more introvert, revisionist attitude which aimed at restoring the status and borders of the former Soviet Union. Mesbahi has called this a change from an 'Atlanticist' to a 'neo-Eurasianist' policy, the proponents of the latter being concerned about Russia's loss of power and influence in the former Soviet South, where the major threat to Russia is seen as emanating: the perceived Islamic threat.⁵⁵ For the republics of the Commonwealth of Independent States (CIS) and Eastern Europe, this policy change is of the utmost importance as it entails a Russian objective to reassert its influence over the areas lost with the fall of the Soviet Union. Reports have shown in detail how Russia is systematically interfering in the affairs of the CIS states, thereby jeopardising their independence.⁵⁶ Hence Poles and Balts, especially, have been among the most vocal supporters of Chechnya's struggle for independence, adopting slogans such as 'Today Grozny, tomorrow Kiev, the next day Warsaw'.⁵⁷ Polish delegates to international bodies such as the Council of Europe have refused to use the term 'separatists' for the Chechen fighters, arguing that the Chechens never agreed to accede to Russia;⁵⁸ similarly, high Polish officials have publicly supported the Chechens' right to self-determination.⁵⁹ A number of conferences on Chechnya have taken place in Poland with the participation of the Chechen government, to Russia's dismay,⁶⁰ and a Chechen 'information office' has been opened in the Polish capital.

The Baltic republics, in particular Estonia, feel especially indebted to Dudaev. In early 1991 Dudaev was the head of a strategic bomber unit in Tartu, Estonia. When the Soviet army wanted to fly in anti-riot troops to suppress the Balts' nationalist demonstrations, Dudaev refused to grant the planes landing permission, as he refused to allow troops to suppress unarmed civilians and a democratically elected government.⁶¹ All three republics seem to have been very close to recognising Chechnya's independence; hence it came as no surprise when the Estonian government supported the Chechens' right to self-determination. Estonia's defence minister even declared that 'if the time comes, we'll fight like Chechnya'.⁶² In February 1995 the Estonian parliament by an unanimous vote called for the recognition of Chechnya,⁶³ a move which prompted an immediate and harsh Russian reaction.⁶⁴ In Latvia, a majority of the parliamentarians wrote an open letter to the Russian Duma condemning 'Russian imperialism and scorched earth tactics' and accusing Russia of committing genocide.⁶⁵ In Lithuania, 46 of 56 municipalities of the country signed a letter to the parliament urging the recognition of Chechnya.⁶⁶

Ukraine has also been one of Russia's main critics in the action, the Ukrainian

parliament having debated several times a resolution condemning Russia's conduct.⁶⁷ Ukraine has also been accused by Russia of sending mercenaries to support the Chechen rebels; however, Ukraine has rejected the claim although acknowledging that a limited number of Ukrainian nationals did fight as volunteers on the Chechen side.⁶⁸ Russian complaints of mercenaries are not limited to Ukraine. Evidence has been found of citizens of Estonia, Latvia, Lithuania, Azerbaijan, Georgia, Belarus and Poland fighting on the Chechen side. In addition, a number of Abkhaz and other North Caucasian mountain dwellers have supported the Chechens in a similar way as the Chechens came to the rescue of the Abkhazians in their war with Georgia.⁶⁹ It should be noted, however, that the North Caucasian solidarity was considerably stronger in the Abkhaz case, for a variety of reasons, including the institutional problems of North Caucasian cooperation.⁷⁰

In the Transcaucasus, Azerbaijan has constantly been accused of sending mercenaries to Chechnya. Russia has even accused Azerbaijan of sending a whole army contingent there, and for a time sealed off the Azeri-Russian border. The accusations must nevertheless be refuted as unrealistic. As Russia's own ambassador in Azerbaijan, Valter Shoniya, has noted, 'if Azerbaijan had any volunteers, they would go to Karabakh'. Nevertheless it seems certain that isolated groups of Azeri 'grey wolves' have participated in the war, as have Georgian nationalists true to the late President Gamsakhurdia.

Taken together, it is clear that the Chechen war has alarmed the Eastern European and CIS states to a much higher degree than other countries. These states are still the most vulnerable to Russian expansionism, and are the ones that have perhaps needed to see the reality of the Russian conduct in Chechnya: this is not a matter confined to *Chechnya* or the *Caucasus* but one that deserves to be given importance by the West as well. However, the influence of these countries worldwide is low, as the Western countries are committed to pursuing a policy of appeasement towards Russia.

The International Court of Justice

An interesting aspect of international reactions to the crisis has been the stance of the International Court of Justice (ICJ). The ICJ actually presented a very independent attitude compared with Western states, a stance which has even been termed revolutionary by certain international lawyers. For example, it urged the Council of Europe to refuse Russia membership, and moreover appealed to the United States to freeze a \$6.8 billion IMF loan to Russia, deploring the bleak reaction to the 'enormous' crimes committed by the Russian military.⁷¹ This undoubtedly points to an increasing involvement in world affairs by the ICJ, which until today has not had a practice of taking a stance on issues in this way.

Why this feeble reaction?

The international reactions to the Chechen crisis might be taken as an illustration of the actual importance of human rights in world politics. In conjunction with the process of globalisation, human rights have gained salience as the conventional rigid distinction between the national and international spheres has become blurred. When

accused of human rights violations, many states have argued that such accusations amount to violations of their sovereignty and integrity. However, as mentioned above, this argument of absolute sovereignty is losing ground as violations of human rights are increasingly understood as a transnational, global issue whose implications range beyond the borders of the state where they are committed, primarily in the form of refugee flows. Human rights are now indeed considered by most policy makers to be a global issue. In recent years, moreover, the activities of non-governmental organisations (NGOs) in the human rights field, such as Helsinki Watch and Amnesty International, in publicising violations and lobbying authorities have brought human rights to a relatively high priority in the foreign policy of many countries. This tendency has been strengthened by the expanding mass media—notably television—coverage of both international and internal conflicts. This so-called ‘CNN effect’ has brought the atrocities of war into the living rooms of everyone in the industrialised world, in turn making it difficult for policy makers to turn a blind eye to massive human rights violations even in the most remote conflicts of the world. Hence the exposure of the atrocities of the wars in Somalia, Rwanda and former Yugoslavia has prompted a more active response to these conflicts by the major international powers. However, it should be noted that the conflicts where television coverage has been absent for one reason or another, such as Liberia, Tajikistan or Nagorno Karabakh, have not generated the same international concern.

In general, it can be said that Western governments have taken the promotion of human rights as an important part of their agenda in their bilateral and multilateral international relations. This has been true not only in cases of wars but also of governments which are considered to be repressive and disrespectful of human rights. The United States, for example, has threatened to sever commercial relations with countries such as Turkey and China for human rights reasons; for example, Turkey saw its military aid from the USA cut by 10% in 1994 because of its human rights record.⁷² Furthermore, since the early 1990s most Western countries have imposed conditionality on their aid to developing countries, tying the amount of aid to the respect for human rights and democracy in the recipient countries.⁷³ However, questions have been raised regarding the sincerity of these policies. The USA, particularly in the 1980s, was criticised for promoting human rights in hostile countries but turning a blind eye to violations in friendly countries, especially in Latin America. Hence the use of human rights in foreign policy is often not objective and impartial but closely linked to political factors.

In the case of Chechnya, the feeble Western reaction could be justified in the early stages of the invasion as the extent of human rights violations was not known. But as the reality became blatantly exposed by both international and Russian media coverage,⁷⁴ the international reaction, for the most part, remained weak. The level of criticism increased moderately, but no measures to put *serious* pressure on Russia to change its conduct were ever undertaken.

Objectively, all grounds were present. In any case, the Russian violations of human rights were significant compared with those committed in Turkey or China—however, Russia never faced an actual threat of severing commercial relations or conditionality on aid. The United States even supported Russia’s actions while merely deploring the loss of life in Chechnya. In fact, some observers have argued that the West even paid

for the Russian invasion. Russia in mid-1995 received a \$6.8 billion IMF loan; furthermore, in early 1996 an additional \$10.2 billion were granted.⁷⁵ The cost of the war, meanwhile, is estimated at US\$12–15 billion.⁷⁶ Whether this aid has been channeled to the war effort is unknown; however, it certainly was instrumental in freeing other resources to be used in the war. As Helsinki Watch representative in Moscow Rachel Denber has noted, 'despite the Chechen conflict, 1995 must be considered a jackpot year for the Russians as far as funds from the international community are concerned'.⁷⁷

It is clear, then, that Russia suffered no adverse consequences in its international relations, either in the political or economic field, from its conduct. The reasons for this are clearly to be found in the nature of the perpetrator—Russia. As the Chechen conflict was escalating, Russia was in a precarious political condition. The pro-Western, democratic and market-oriented forces, personified by President El'tsin, were threatened by the increasingly popular Red-Brown forces led by figures such as Zhirinovskiy and Zyuganov.⁷⁸ The consensus in the West was (and remains) that a stable and democratic Russia is a prerequisite for a peaceful Europe. For this reason, it was necessary to support El'tsin economically and politically at any cost, lest the nationalists should come to power. In this context, the Chechen war was not a factor important enough to sever relations with El'tsin; quite to the contrary, the volatile political situation demanded even stronger support for the democratic forces. As Kuzio quotes a Western diplomat, 'we're not going to get in a row with him [El'tsin] over a self-proclaimed, troublesome republic in a region on the fringes of his country'.⁷⁹ Furthermore, Russia was successful in disseminating a fear that, if Chechnya seceded, this would entail a 'domino effect' in other autonomous republics and regions which would be incited to follow suit. This fear must nevertheless be deemed exaggerated, as few other republics within Russia have either the will or the ability to mount a struggle for independence in the way the Chechens did.⁸⁰ Recent analyses of separatism in Russia can be taken as confirmation of this argument.⁸¹ It is not to be excluded that the Western attitude was shaped by the reverberant fear of the Soviet Union that plagued Europe during the Cold War. Hence, the Western leaders were not willing to stand up against Russia, rather preferring to follow an accommodation policy and using silent—and cheque book—diplomacy. As far as strategic interests were concerned, the main focus was to secure NATO expansion—an additional reason not to alienate Russia for the sake of Chechnya. Too hard a stance on Chechnya might have resulted in Russia retaliating by opposing NATO expansion in a more assertive way.

The international might and standing of the violator of human rights thus has a strong impact on the way human rights are dealt with in international politics. Again, it is a question of priorities: strategic considerations, although perhaps misguided, had primacy over considerations of justice and human rights. The professed goal of guiding Russia along a democratic path necessitated turning a blind eye to massive human rights violations on a genocidal scale—however, the question is how this very attitude colours Russian perceptions of democracy. Indeed, Western silence on Chechnya may very well incite Russian leaders to see democracy only as periodic elections and a market economy. The rule of law and respect for basic rights and fundamental freedoms can be omitted. Such a posture can be seen in the racist manner

in which non-Russian citizens, particularly those of Caucasian origin, are treated in Moscow, St Petersburg and elsewhere in Russia. Human rights violations are nevertheless not limited to people of Caucasian origin. Western attention is equally absent for the other ongoing violations of human rights in the Russian Federation, such as the treatment of convicts in Russian prisons.⁸² The Western policy thus might very well turn out to be self-defeating by sending wrong signals of what is and is not acceptable in a democratic state.

Conclusions

The Chechen crisis has doubtless cast a shadow over the standing of human rights in international politics. It has become clear that, despite the current tendencies of advancing democracy, human rights and the rule of law, the fact remains that strategic and political considerations still override human rights concerns, even in a blatant case like Chechnya.

The international attitudes to the Russian invasion of Chechnya can be summarised as weak, lax and confused. The vivid media exposure of one of the most devastating military actions since World War II did nothing to change the accommodating policy of the self-proclaimed upholders of human rights and democracy. Russia was thus successful in preventing any adverse consequences for itself from its conduct. Whenever criticism grew stronger, or a loan or membership in an international organisation was in danger, Russia merely announced a cease-fire—which it could later ignore—to receive what it wanted.

This specious international attitude may however have set yet another dangerous precedent. A state which enjoys good relations with the major international powers, and which has a certain standing in international politics, may feel tempted to use brute force to solve a separatist problem, as it sees a possibility of getting away with impunity.

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¹ See Abdullah Saydam, 'Freedom Movements in Northern Caucasias', *Eurasian Studies*, 2, 1, Spring 1995, p. 111.

² See Abdurrahman Avtorkhanov, 'The Chechens and Ingush during the Soviet Period and its Antecedents', in Marie Bennigsen Broxup (ed.), *The North Caucasus Barrier* (London, Hurst, 1992), p. 155.

³ The authoritative works on the subject of the deportations are Robert Conquest, *The Nation Killers—The Soviet Deportation of Nationalities* (London, Macmillan, 1970) and Aleksandr Nekrich, *The Punished Peoples* (New York, W. W. Norton, 1978). Recent data and analyses have also emerged, mainly in Russian, since 1991.

⁴ For a good account of the deportations see also Carlotta Gall & Thomas de Waal, *Chechnya—A Small Victorious War* (Basingstoke, Pan Books, 1997), Chapter 4, pp. 56–75. Figures here from p. 60.

⁵ See Vera Tolz, 'New Information About the Deportation of Ethnic Groups under Stalin', *Report on the USSR*, 26 April 1991.

⁶ Human Rights Watch/Helsinki, 'Punished Peoples' of the Soviet Union—the Continuing Legacy of Stalin's Deportations (New York, Human Rights Watch, 1991).

⁷ See Charles Blandy, 'The Battle for Grozny', *Jane's Intelligence Review*, February 1995.

⁸ According to Russia's peace-broker in the region, General Aleksandr Lebed, between 80 000 and 100 000 people may have perished in the war. This included 3726 federal troops and 1906

missing soldiers. See 'Discussion of Chechnia', in Open Media Research Institute (Prague, hereafter OMR), *Daily Digest*, 3 October 1996.

⁹ Elisabeth Hedborg & Lena Jonson, 'Tjetjenien och Rysk Demokrati' (Chechnya and Russian Democracy), *Internationella Studier* (Stockholm, Foreign Policy Institute), March 1995; Mark Galeotti, 'Decline and Fall: Moscow's Chechen War', *Jane's Intelligence Review*, February 1995.

¹⁰ Soli Nystén-Haarala, 'Does the Russian Constitution Justify an Offensive against Chechnia', *Central Asian Survey*, 14, 2, 1995.

¹¹ For a general overview of the Chechen conflict, see Chapter 5, 'Russia's war with Chechnia', in my *Small Nations and Great Powers—A Study of Ethnopolitical Conflict in the Caucasus* (Richmond, Curzon Press, forthcoming 1999). For a good analysis of the military aspects of the war, see Ib Faurby, 'Kirgen i Tjetjenien: Baggrund, Operationer og Fremtidsudsigter' (The War in Chechnya: Background, Operations and Forecasts), *Kungl. Vetenskapsakademiens Handlingar och Tidskrift (Royal [Swedish] Academy of War Sciences, Proceedings and Journal)*, 200, 3, 1996; also Benjamin S. Lambeth, 'Russia's Air War in Chechnya', *Studies in Conflict and Terrorism*, 19, 4, October–December 1996.

¹² For a view opposing Chechnya's right to independence, see among others Tarcisio Gazzini, 'Some considerations on the Conflict in Chechnia', *Human Rights Law Journal*, 17, 3–6, October 1996. See also Christian Altmann & Frank Nienhuysen, *Brennpunkt Kaukasus—Wohin Steuert Russland* (Bergisch Gladbach, Bastici-Lübbecke, 1995).

¹³ See Svante E. Cornell, 'A Chechen State?', *Central Asian Survey*, 16, 2, 1997. For a concurring argument see Marie Henningsen Broxup, 'Tchéchénie: Une Guerre Coloniale', *Politique Internationale*, 1995, 67.

¹⁴ See Gall & de Waal, *Chechnya—A Small Victorious War*, p. 267.

¹⁵ See Michael S. Serril, 'Blown Away', *Time*, 29 January 1996.

¹⁶ See Gall & de Waal, *Chechnya—A Small Victorious War*, p. 289.

¹⁷ *Ibid.*, p. 259.

¹⁸ This latter strategy was used by the Soviet army in World War II, for example in the battle of Stalingrad.

¹⁹ Strictly legally speaking these persons were internally displaced persons and not refugees as they did not cross a recognised international boundary.

²⁰ See Nicolas M. L. Bovay, 'The Russian Armed Intervention in Chechnia and its Human Rights Implications', *International Commission of Jurists—The Review*, 54, 1995, p. 34.

²¹ 'Russian Troops Accused of Human Rights Violations in Chechnya', *OMRI Daily Digest*, 27 February 1995.

²² See M. Bindig, *Report on the Human Rights Situation in Chechnya*, Committee on Legal Affairs and Human Rights, Parliamentary Assembly of the Council of Europe, 29 June 1995 (hereafter Bindig Report).

²³ See Zelim Tskhovrebov, 'An Unfolding Case of Genocide: Chechnya, World Order, and the "Right to be Left Alone"', *Nordic Journal of International Law*, 64, 4, 1995.

²⁴ *Respect for Human Rights in Armed Conflicts*, United Nations General Assembly Resolution 2444, 19 December 1969.

²⁵ See discussion in Human Rights Watch/Helsinki, *Russia: (Chechnya and Dagestan) Caught in the Crossfire—Civilians in Gudermes and Pervomayskoye* (New York, Human Rights Watch, March 1996), pp. 8–10.

²⁶ Protocol I, Art. 51(4), quoted in *ibid.*, p. 9.

²⁷ See Morten Kjaerum et al., *Human Rights and the Crisis in Chechnia: Four Nordic Human Rights Centres/Institutes' Mission to Moscow* (Stockholm, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, February 1995).

²⁸ See Michael R. Lucas, 'The War in Chechnya and the OSCE Code of Conduct', *Helsinki Monitor: Quarterly on Security and Cooperation in Europe*, 1995, 2.

²⁹ See Bovay, pp. 36–39 for a detailed overview. Many primary sources referred to below are listed in this account.

³⁰ Tamara Dragadze, 'Report on Chechnya', *Central Asian Survey*, 14, 3, 1995.

³¹ Kjaerum, *Human Rights and the Crisis in Chechnia*, p. 3.

³² *International Herald Tribune*, 30 January 1995; *Le Monde*, 3 February 1995.

³³ See e.g. *The Guardian*, 25 February 1995.

³⁴ See, e.g., 'Russian Forces Step Up Operations in Chechnia', *OMRI Daily Digest*, 25 March 1996.

³⁵ See the reports of Human Rights Watch/Helsinki: *Three Months of War in Chechnia* (New York, Human Rights Watch, February 1995) and *Russia's War in Chechnia: Victims Speak Out* (New York, Human Rights Watch, January 1995).

- ³⁶ Bovay, p. 37.
- ³⁷ 'New Russian Offensive in Chechnia', *OMRI Daily Digest*, 22 May 1995.
- ³⁸ 'Chemical Weapons Used in Chechnia?', *OMRI Daily Digest*, 10 August 1995.
- ³⁹ *Moscow News*, 1995, 5, p. 2.
- ⁴⁰ Government of the Chechen Republic of Ichkeria, *Appeal of the Government of the Chechen Republic of Ichkeria against the Mass Extermination of Young Chechen Nationals* (Grozny, 14 February 1995).
- ⁴¹ See the evidence and accounts provided in Gall & de Waal, *Chechnya—A Small Victorious War*, chapter 11, 'War Against the People', pp. 228–255.
- ⁴² For a first-hand account of the event see Memorial (Russian independent human rights organisation), *Samashki* (Moscow, 1995) (available in its totality at <http://www.smn.co.jp/chechen/>).
- ⁴³ See Gall & de Waal, *Chechnya—A Small Victorious War*, pp. 242–247 for an account of the Samashki massacre.
- ⁴⁴ Bovay, pp. 39–40.
- ⁴⁵ For a recent analysis of the condition of the Russian army see Pavel K. Baev, *The Russian Army in a Time of Troubles* (London, Sage, 1996), especially the section on Chechnya, pp. 141–147.
- ⁴⁶ See Taras Kuzio, 'International Reaction to the Chechen Crisis', *Central Asian Survey*, 15, 1, 1995.
- ⁴⁷ *Ibid.*, p. 105.
- ⁴⁸ 'Chechnya "No Longer Just a Russian Issue"', *OMRI Daily Digest*, 11 January 1995.
- ⁴⁹ See Bovay, p. 53.
- ⁵⁰ See 'FSB on Turkish Involvement in Chechnya', *OMRI Daily Digest*, 15 August 1995.
- ⁵¹ On the interactions between the Kurdish and Chechen problems in bilateral Russo-Turkish relations see Robert Olson, 'The Kurdish Question and Chechnya: Turkish and Russian Foreign Policies since the Gulf War', *Middle East Policy*, 1996, 4.
- ⁵² On Turkey's policy in Nagorno Karabakh see Svante E. Cornell, 'A Delicate Balance: Turkey and the Conflict in Nagorno Karabakh', *Middle Eastern Studies*, 34, 1, 1998.
- ⁵³ On Iranian-Russian cooperation see Svante E. Cornell, 'Iran and the Caucasus', *Middle East Policy*, 5, 4, January 1998.
- ⁵⁴ See overview in Kuzio, pp. 106–109.
- ⁵⁵ See Mohiaddin Mesbahi, 'Russian Foreign Policy and Security in Central Asia and the Caucasus', *Central Asian Survey*, 13, 2, 1993.
- ⁵⁶ See, e.g., Fiona Hill & Pamela Jewett, *Back in the USSR—Russia's Intervention in the Internal Affairs of the Former Soviet Republics and the Implications for United States Policy toward Russia* (Harvard University, John F. Kennedy School of Government, January 1994).
- ⁵⁷ Kuzio, p. 106; Bovay, p. 56.
- ⁵⁸ 'Council of Europe on Chechnya', *OMRI Daily Digest*, 28 June 1996.
- ⁵⁹ 'Poles Appeal for Peace in Chechnya', *OMRI Daily Digest*, 31 July 1996.
- ⁶⁰ For a recent example see Sevinç Karaca, 'Chechen Conference in Poland', *Turkish Probe*, 17 January 1997.
- ⁶¹ See Cornell, *Small Nations...*
- ⁶² See Taras Kuzio, 'The Chechnya Crisis and the "Near Abroad"', *Central Asian Survey*, 14, 4, 1995, p. 565.
- ⁶³ 'Estonian Parliament Backs Chechnya Recognition', *OMRI Daily Digest*, 14 February 1995.
- ⁶⁴ 'Moscow Postures over Baltic Ties with Chechnya', *OMRI Daily Digest*, 13 February 1995.
- ⁶⁵ 'Latvian Deputies Condemn Russian Imperialism in Chechnya', *OMRI Daily Digest*, 15 March 1996.
- ⁶⁶ 'Lithuanian Municipalities Demand Independence for Chechnya', *OMRI Daily Digest*, 17 July 1996.
- ⁶⁷ 'Ukrainian Parliament Avoids Condemning Russia on Chechnya', *OMRI Daily Digest*, 19 January 1995.
- ⁶⁸ See the discussion including the impact on Russo-Ukrainian Relations in Kuzio, 'The Chechnya Crisis ...', pp. 554–557 and 560–562.
- ⁶⁹ For an account of the Caucasian mountain peoples' solidarity see Dodge Billingsley, 'Confederates of the Caucasus', *Jane's Intelligence Review*, February 1997. Interestingly, despite the controversy between Chechnya and Russia that existed during the Abkhaz war, both supported the Abkhaz and seemingly had no problems cooperating in this war.
- ⁷⁰ See Svante Cornell, 'Conflicts in the North Caucasus', *Central Asian Survey*, 17, 3, 1998.
- ⁷¹ See Bovay, pp. 50–52 for an overview of the ICJ's stance.
- ⁷² On Human Rights in US–Turkish relations see Mahmut B. Aykan, 'Turkish Perspectives on

Turkish-US Relations Concerning Persian Gulf Security in the Post-Cold War Era: 1989-19', *The Middle East Journal*, 50, 3, Summer 1996.

⁷⁵ Mark Robinson, 'Aid, Democracy and Political Conditionality in Sub-Saharan Africa', in April A. Gordon & Donald L. Gordon (eds), *Understanding Contemporary Africa* (Boulder Co., Rienner, 1996).

⁷⁴ On Russian media in the crisis see Michael Haney, 'Russia's First Televised War: Public Opinion on the Crisis', *Transition*, 14 April 1995 pp. 6-8.

⁷⁵ *OMRI Analytical Brief*, 19 March 1996.

⁷⁶ 'L.ebed on Chechnya Reconstruction Losses', *OMRI Daily Digest*, 18 September 1996.

⁷⁷ *OMRI Analytical Brief*, 19 March 1996.

⁷⁸ See c.g. Jacob W. Kipp, 'The Zhirinovsky Threat', *Foreign Affairs*, 73, 3, May/June 1994.

⁷⁹ Kuzio, 'International Reaction ...', p. 97.

⁸⁰ See Cornell, *Small Nations*....

⁸¹ For a systematic and detailed analysis of ethnic separatism in Russia see Daniel S. Treisman, 'Russia's "Ethnic Revival"—the Separatist Activism of Regional Leaders in a Postcommunist Order', *World Politics*, January 1997.

⁸² I am grateful to an anonymous referee for pointing this, as well as other facts, out to me.