

Human Rights Violations in Chechnya: Implications for Western Assistance to Russia

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April 2000
PONARS Policy Memo 142
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Complaints of human rights violations by Russian authorities in Chechnya are now rampant. In early March 2000, Human Rights Watch representative Peter Bouckaert testified before the Senate Foreign Relations Committee that he and his coworkers had conducted over 500 interviews with Chechen refugees in Ingushetia, finding evidence of widespread arbitrary arrests, beatings, and military targeting of civilians by Russian forces. Bouckaert also said that Human Rights Watch had documented three large-scale massacres of Chechen civilians by Russian troops, including two in districts of Grozny and one in the village of Alkhan-Yurt. The arrest, detention, and beating of journalist Andrei Babitsky added fuel to the fire of those calling for a Western response to these reports of atrocities.

Russian authorities deny many of these accusations, and proof is often difficult to establish in war zones where freedom of the press is absent. In some cases, Russian authorities have promised to investigate the claims and punish wrongdoing by troops, although Human Rights Watch and other non-governmental organizations (NGOs) have expressed doubts about the thoroughness or objectivity of such investigations. While the pattern of violations appears strong, it is hard to force Russian authorities to admit to its existence.

Open Violation of the Geneva Conventions

But there is one case where Russian authorities appear to have made no effort whatsoever to hide their violation of international human rights laws. On March 1, 2000, the New York Times reported that several of the prisoners held by Russia at the Chernokozovo prison--and openly interviewed by reporters--were arrested because they were giving medical assistance to wounded Chechen fighters. These arrests are violations of the Geneva Conventions, which Russia signed in 1949 and ratified in 1954. The First Convention requires that wounded combatants on any side of a conflict be treated as "protected persons," with the right to receive medical attention. Article 18 states, "No one may ever be molested or convicted for having nursed the wounded or sick." Article 3 explicitly applies these rules to "armed conflict not of an international character occurring in the territory of one of the High Contracting Parties."

Russia may try to claim in response that it is not engaged in armed conflict in Chechnya, but is instead combating terrorism by a few extremist elements, and that therefore the Geneva Conventions do not apply. Yet the International Committee of the Red Cross (ICRC), the NGO whose authority in the matter is officially recognized by the Geneva Conventions themselves, anticipated that states would always make such claims when fighting domestic insurgencies, and set up a series of tests to determine whether in fact the Conventions apply in a particular case or whether instead that conflict is merely "an act of banditry or an unorganized and short-lived insurrection." If the "party in revolt" has organized military forces operating in a particular territory, has authorities who would wish to constitute themselves as an alternative state, and if the legal government in that territory is obliged to turn to its own military forces to fight the insurgents, then, according to the ICRC, the Conventions should apply. This description certainly fits the Chechen conflict, where the goal of the resistance movement is to drive Russia out of Chechnya, and therefore Russia is bound by the Geneva Conventions in this case.

Open Violation of the Russian Constitution

It is not surprising that powerful states violate international law, since it is often unenforceable. What makes this case striking, however, is that Article 15 of the 1993 Russian Constitution gives international law priority over Russian domestic law: "If an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply." In other words, the arrest of those giving medical aid to wounded Chechen fighters violates the Russian constitution.

What this means is that we should doubt the commitment of the Putin administration to domestic rule of law. This is not surprising to many observers, given such things as limits on the freedom of the press, the abysmal conditions of Russian jails, and widespread corruption in the Russian police and judicial systems.

Yet the fact that Russian authorities are carrying out this particular set of activities in full view of the Western world has particular significance. It is no longer possible to simply claim that Russian leaders face many institutional and structural barriers to establishing the rule of law. Instead, these events indicate that the Putin administration does not accept the norm of the rule of law, since his administration is not afraid to flout the law in front of multiple representatives of the Western press.

In March 2000 free and fair presidential elections were held in Russia without incident, leading some pundits to claim that Russian democracy, with all of its warts, continues to move forward. What the above analysis indicates, nonetheless, is that however democratic Russia may be, it is not becoming a liberal state, buttressed by governmental acceptance of universally recognized human rights or the rule of law. Rather than viewing the election of Vladimir Putin as an affirmation of the value of Western assistance to Russia, we should instead see it as a warning that Russia is not becoming more like the West, and that any funds given to Russia with the expectation that they will encourage convergence to Western norms are wasted.

Does this mean that all western assistance to Russia should cease? Of course not, because Russian weapons of mass destruction and their associated materials can still threaten the United States. Even if Russia never engages in direct military confrontation against the US, the fact that Russia can sell its biological weapons and long-range missile know-how to the highest bidders overseas gives Russia leverage. Certainly if Russian authorities openly violate their own constitution, they will feel no compunction about violating the Biological Weapons Convention or the Missile Technology Control Regime if it serves their interests to do so.

What this does mean is that US assistance to Russia should be given with very clear motives in mind and very clear expectations about what it can accomplish. Rather than naively believing that economic assistance to the Russian state will help integrate Russia into the norms of international institutions and further the building of a liberal Russian society, we must treat aid policy as something directed toward serving immediate US national interests. Support for building liberal democratic institutions should be directed only toward truly independent, local grassroots organizations and Russian NGOs that explicitly do not share the Putin administration's contempt for the rule of law. Aid to the Russian state should be directed only toward the demilitarization objectives outlined in the Nunn-Lugar Comprehensive Threat Reduction legislation, and other similar Pentagon and national lab programs that protect US security.

Especially as the American presidential elections approach, the public should be reminded that Russia still matters for US national interests. We must continue to work with the Putin administration in areas where these interests are at stake. It is vital, however, that we not give Russian leaders the imprint of international legitimacy by granting them broad and unconditional economic assistance in the face of their contempt for international human rights standards.