

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Russian Federation: Preventing the emergence of truth and reparations for victims is a violation of international law**

Amnesty International today warned that amnesties for crimes under international law that prevent the judicial determinations of guilt and innocence and do not provide for full reparations for the victims are prohibited by international law. The organization urged the Russian State Duma to adhere to international law, when it goes into the final reading of a draft decree "on the declaration of an amnesty in connection with the adoption of the Constitution of the Chechen Republic" and a further draft decree on the implementing procedures for the proposed amnesty tomorrow.

The draft decree, which has been debated over the last two weeks by the Russian Duma, proposes an amnesty from prosecution and sentence in relation to acts that were "dangerous to the public" on the territories of the Chechen and Ingushetian republics from 1 August 1993 until the decree comes into force. The proposed amnesty will apply to people who have not been members of illegal armed groups or have handed in their weapons, as well as to the federal forces, employees of the Ministry of Internal Affairs, law enforcement agencies, and civilian personnel. It specifically excludes foreigners and stateless people, as well as those who have committed some specified crimes under the Criminal Code of the Russian Federation, and repeat offenders.

Amnesty International notes with concern that while the draft decree specifies that suspects or perpetrators of some serious crimes such as murder, rape, hostage taking and terrorism will not be subject to amnesty, it does not specifically exclude from amnesty other crimes as torture and "disappearances". The organization considers that an enduring peace depends on the respect for the human rights of all persons and consistent application of the rule of law.

"Justice is best dispensed in a society where peaceful order prevails, but without justice there can be no lasting peace. Courts can show mercy and compassion, but mercy can be shown only when guilt and responsibility have been established and acknowledged," Amnesty International said.

"Perpetrators of serious crimes under international law should be brought to justice in accordance with international standards of fairness; such trials should not result in the imposition of the death penalty; suspected perpetrators of such crimes should be brought to trial, regardless of their rank, position or nationality, and regardless of when and where such crimes were committed," the organization added.

Amnesty International is further concerned that:  
the current dysfunctional state of the justice system in the Chechen Republic is such that perpetrators of serious crimes under international law have not and will not be brought to justice;

any amnesty decree may be applied in an arbitrary, discriminatory or discretionary manner, perpetuating the impunity for the perpetrators of serious crimes under international law; the proposed draft bill does not clearly exclude from the amnesty perpetrators of such serious crimes under international law as torture and "disappearances".

"The Russian authorities must hold comprehensive and impartial investigations into allegations of violations of international human rights and humanitarian law, including war crimes, and bring those responsible to justice in accordance with international standards," Amnesty International said.

People reportedly continue to "disappear" during nightly raids and following detention at checkpoints. Among the many "disappearances" documented by the Russian human rights organization Memorial are two recent cases on 5 and 6 May 2003, those of Rizvan Appazov and Musa Zaurbekov.

"The Russian authorities must take all measures to prevent "disappearances" , and the Chechen rebels must fully respect international humanitarian law, in particular the responsibility to protect civilians and captured combatants," Amnesty International added.

The organization remains concerned at continuing reports of serious human rights abuses in the Chechen Republic.

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