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INFO	LOG-00	AID-00	A-01	CIAE-00	OASY-00	DODE-00	EUR-01
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DRAFTED BY: S/NIS:AJOHNSON:DME
APPROVED BY: S/NIS:DSPECKHARD

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FM SECSTATE WASHDC
TO CIS COLLECTIVE IMMEDIATE

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E.O. 12356: N/A
TAGS: OPRC
SUBJECT: S/NIS PRESS GUIDANCE - APRIL 11, 1995

1. THE FOLLOWING PRESS GUIDANCE WAS PREPARED AND APPROVED BY THE OFFICE OF THE AMBASSADOR-AT-LARGE FOR THE NEW INDEPENDENT STATES FOR THE DEPARTMENT BRIEFINGS. QUESTIONS SHOULD BE REFERRED TO ANNE JOHNSON, S/NIS, PUBLIC AFFAIRS.

RUSSIA: CHECHNYA

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: THEODORE SELLIN
DATE/CASE ID: 08 OCT 2009 200901541

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Q: DO YOU HAVE A REACTION TO REPORTS THAT THE RUSSIANS ARE MASSACRING CIVILIANS AND ENGAGING IN A SCORCHED-EARTH POLICY IN CHECHNYA?

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- A: -- WE CONTINUE TO BE VERY DEEPLY DISTURBED BY THE REPORTS OF CONTINUED LARGE-SCALE BOMBING IN THE SOUTH OF CHECHNYA AND INTENSIVE FIGHTING IN AND AROUND SAMASHKI, 18 MILES WEST OF GROZNY, AND BY REPORTS OF RUSSIAN ATROCITIES AGAINST CIVILIANS.
- WE HAVE SEEN REPORTS THAT FIGHTING CONTINUES NEAR THE CHECHEN BORDER WITH INGUSHETIA, NEAR THE TOWNS OF BAMUT AND ACHKOI-MARTAN.
- THE PRESIDENT AND THE SECRETARY HAVE STRESSED REPEATEDLY THAT THE FIGHTING MUST STOP AND THAT IT IS HAVING A CORROSIVE EFFECT ON THE DEVELOPMENT OF RUSSIAN DEMOCRACY AND ON U.S.-RUSSIAN RELATIONS.
- DEPUTY SECRETARY TALBOTT ALSO STRESSED THIS IN HIS RECENT MEETINGS IN MOSCOW.
- WE AGAIN URGE ALL INVOLVED TO STOP THE FIGHTING IMMEDIATELY AND TO ALLOW LARGE-SCALE HUMANITARIAN EFFORTS TO WORK UNIMPEDED, IN ORDER TO PREVENT A HUMANITARIAN CATASTROPHE IN CHECHNYA.
- WE HAVE REPEATEDLY URGED THE RUSSIANS TO DO
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EVERYTHING POSSIBLE TO FACILITATE THE MOVEMENT OF THE HUMANITARIAN RELIEF ORGANIZATIONS.

- I WOULD LIKE TO POINT OUT THAT TODAY IN VIENNA, THE OSCE PERMANENT COUNCIL INCLUDING THE RUSSIAN DELEGATIONS APPROVED THE MANDATE FOR THE OSCE ASSISTANCE GROUP IN CHECHNYA.
- THE GROUP WILL HAVE A WIDE MANDATE, INCLUDING

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THE PROMOTION OF HUMAN RIGHTS, AND THE
RESTORATION OF LOCAL AUTHORITY, AND THE
PROMOTION OF THE PEACEFUL RESOLUTION OF THE
CRISIS AND THE STABILIZATION OF THE SITUATION
IN CONFORMITY WITH THE PRINCIPLE OF THE
TERRITORIAL INTEGRITY OF THE RUSSIAN FEDERATION
AND IN ACCORDANCE WITH OSCE PRINCIPLES.

- THE GROUP ALSO HAS A MANDATE TO FACILITATE DELIVERY OF HUMANITARIAN AID AND PURSUE DIALOGUE AND NEGOTIATIONS, AS APPROPRIATE, THROUGH PARTICIPATION IN ROUNDTABLES, WITH A VIEW TO ESTABLISHING A CEASEFIRE AND ELIMINATING SOURCES OF TENSION.
 - WE AGAIN URGE THE RUSSIANS TO WORK WITH THE OSCE TO ESTABLISH AS QUICKLY AS POSSIBLE THE OSCE ASSISTANCE GROUP IN THE FIELD.
 - THE GROUP MAY BE PERMANENTLY IN CHECHNYA WITHIN A WEEK OR TWO; A REPRESENTATIVE OF THE CHAIRMAN IN OFFICE WILL BE ON THE GROUND IN THE NEXT TWO
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OR THREE DAYS TO SELECT OFFICE SITES AND TO LAUNCH THE MISSION OF THE ASSISTANCE GROUP.

Q: WHAT ABOUT CHARGES THAT RUSSIA IS ENGAGING IN GENOCIDE IN CHECHNYA?

- A: -- WE HAVE SEEN REPORTS THAT A RUSSIAN HUMAN RIGHTS ACTIVIST -- ALEKSANDR GURYANOV -- SAID THAT RUSSIA ACTIONS ARE "NOTHING LESS THAN GENOCIDE."
- UNDER THE 1948 CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, TO WHICH THE UNITED STATES, RUSSIA, AND 100 OTHER COUNTRIES ARE PARTIES, THE TERM "GENOCIDE" HAS A SPECIFIC LEGAL DEFINITION.
- WE DEPLORE THE INDISCRIMINATE ATTACKS ON

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CIVILIANS AND ARE DEEPLY **UNCLASSIFIED**
REPORTS OF ATROCITIES. BUT WE HAVE NOT SEEN
EVIDENCE TO SUPPORT A CONCLUSION THAT RUSSIAN
ACTIONS IN CHECHNYA CONSTITUTE GENOCIDE.

-- HOWEVER, THIS IN NO WAY MITIGATES THE TRAGEDY
OR THE SIGNIFICANCE OF THE INDICRIMINATE AND
WIDESPREAD VIOLENCE DIRECTED AGAINST CIVILIANS
IN CHECHNYA.

FYI: BACKGROUND ON GENOCIDE:

UNDER THE 1948 CONVENTION ON THE PREVENTION AND
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PUNISHMENT OF THE CRIME OF GENOCIDE, TO WHICH THE UNITED
STATES, RUSSIA AND 100 OTHER COUNTRIES ARE PARTIES,
"GENOCIDE" IS DEFINED TO INCLUDE ANY OF THE FOLLOWING
ACTS COMMITTED WITH INTENT TO DESTROY, IN WHOLE OR IN
PART, A NATIONAL, ETHNIC, RACIAL OR RELIGIOUS GROUP:

- (A) KILLING MEMBERS OF THE GROUP;
- (B) CAUSING SERIOUS BODILY OR MENTAL HARM TO MEMBERS
OF THE GROUP;
- (C) DELIBERATELY INFLECTING ON THE GROUP CONDITIONS
OF LIFE CALCULATED TO BRING ABOUT ITS PHYSICAL
DESTRUCTION IN WHOLE OR IN PART;
- (D) IMPOSING MEASURES INTENDED TO PREVENT BIRTHS
WITHIN THE GROUP;
- (E) FORCIBLY TRANSFERRING CHILDREN OF THE GROUP TO
ANOTHER GROUP. (ARTICLE II)

THUS, AS A MATTER OF INTERNATIONAL LAW, THE CRIME OF
GENOCIDE INCLUDES THREE PRINCIPAL ELEMENTS: (1) ONE OR
MORE OF THE PROHIBITED ACTS (2) DIRECTED AT A PARTICULAR
NATIONAL, ETHNIC, RACIAL OR RELIGIOUS GROUP (3) WITH THE
INTENT OF DESTROYING THAT GROUP IN WHOLE OR IN PART.

FORCIBLE REPRESSION OF AN ARMED REBELLION WOULD NOT,
IN AND OF ITSELF, CONSTITUTE GENOCIDE, NOR WOULD
INDISCRIMINATE KILLING OF INNOCENT NONCOMBATANTS OR

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CONSTITUTING THE CRIME OF GENOCIDE WOULD NOT BE RENDERED
LEGITIMATE BECAUSE THEY WERE CARRIED OUT IN RESPONSE TO
AN ARMED INSURRECTION OR REBELLION.

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IN RATIFYING THE GENOCIDE CONVENTION, THE UNITED STATES PUT ON RECORD ITS VIEW THAT, IN ORDER TO MEET THE CONVENTION'S CRITERIA, THERE MUST BE "SPECIFIC INTENT TO DESTROY, IN WHOLE OR IN SUBSTANTIAL PART, A NATIONAL, ETHNIC, RACIAL OR RELIGIOUS GROUP AS SUCH BY THE ACTS SPECIFIED IN ARTICLE II."

RUSSIA: INTELLECTUAL PROPERTY RIGHTS VIOLATIONS

Q: HOW SERIOUS IS THE THEFT OF INTELLECTUAL PROPERTY FOR U.S. BUSINESSES AND/OR THE RUSSIAN ECONOMY GENERALLY? WHAT'S BEING DONE TO FIGHT IT?

A: -- WE ARE EXTREMELY CONCERNED ABOUT PIRACY OF COPYRIGHTED MATERIALS IN RUSSIA. THE INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA) ESTIMATES THAT LOSSES TO U.S. COMPANIES WERE OVER \$800 MILLION IN 1994. IT IS DIFFICULT TO ESTIMATE THE HARM DONE TO THE RUSSIAN ECONOMY AS A RESULT OF IPR VIOLATIONS, BUT IT IS CLEAR THAT LACK OF EFFECTIVE IPR PROTECTION IS DAMAGING TO THE DEVELOPMENT OF RUSSIA'S OWN SOFTWARE INDUSTRY AND OTHER SECTORS.

-- WITH THE PASSAGE OF A COPYRIGHT LAW IN 1993, RUSSIA COMPLETED ITS LEGISLATIVE FRAMEWORK FOR IPR PROTECTION. IT HAS ALSO ACCEDED TO THE

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BERNE AND GENEVA PHONOGRAMS CONVENTIONS.
HOWEVER, ENFORCEMENT REMAINS A PROBLEM BECAUSE
OF THE LACK OF SUFFICIENT PENALTIES FOR IPR
INFRINGEMENT. THE RUSSIAN DUMA IS CONSIDERING
SOME CHANGES TO THE PENAL AND ADMINISTRATIVE
CODES THAT WOULD AT LEAST PARTIALLY ADDRESS THE
PROBLEM.

-- WE ARE ENGAGED IN A DIALOGUE WITH THE
GOVERNMENT OF RUSSIA ON BOTH GENERAL CONCERNS
AND SPECIFIC CASES. THE RUSSIAN GOVERNMENT
RECOGNIZES THE PROBLEM. WE ARE ALSO PROVIDING
TECHNICAL ASSISTANCE TO THE GOVERNMENT TO HELP
CREATE EFFECTIVE ENFORCEMENT LEGISLATION.

(IF ASKED ABOUT 301):

-- THE USG IS CURRENTLY ENGAGED IN A WORLD-WIDE
SPECIAL 301 REVIEW, ALTHOUGH NO DECISION HAS
BEEN MADE AT THIS TIME AS TO THE DESIGNATION OF
ANY SPECIFIC COUNTRIES.

AZERBAIJAN: CASPIAN OIL DEAL

Q: WHAT IS OUR COMMENT ON THE CHOICE OF EXXON OVER IRAN
FOR A SHARE IN THE CASPIAN OIL CONSORTIUM? HAS THIS
A RESULT OF U.S. PRESSURE? WHAT WAS THE USG ROLE IF
ANY IN THE DECISION?

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A: -- THE U.S. WELCOMES AZERBAIJAN'S DECISION TO SELL
SOME OF ITS SHARE IN THE AZERBAIJAN
INTERNATIONAL OPERATING COMPANY (AIOC) TO

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- THE DECISIONS BY THE CONSORTIUM TO EXCLUDE IRAN AND INCLUDE EXXON WERE TWO SEPARATE MATTERS.
- THE USG INFORMED THE GOVERNMENT OF AZERBAIJAN AND U.S. COMPANIES IN THE CONSORTIUM THAT WE OPPOSE IRANIAN PARTICIPATION, AS IT COULD HAVE PROVIDED IRAN WITH POLITICAL AND/OR FINANCIAL BENEFITS.
- WE SEEK TO FOCUS PRESSURE ON TEHRAN TO CHANGE ITS UNACCEPTABLE BEHAVIOR, WHICH INCLUDES SUPPORT FOR TERRORISM, PURSUIT OF WEAPONS OF MASS DESTRUCTION, AND SUBVERSION OF REGIONAL GOVERNMENTS.
- THE CONSORTIUM IN TURN OPOSED THE IRANIAN INVOLVEMENT.
- ONCE IRON WAS EXCLUDED, AZERBAIJAN'S STATE OWNED OIL COMPANY SOCAR CONSIDERED OFFERS FROM A VARIETY OF WESTERN FIRMS.
- THE USG STRONGLY SUPPORTED THE BIDS BY THE U.S. COMPANIES IN THE COMPETITION.
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(IF PRESSED ON USG ACTIONS)

- THE U.S. AMBASSADOR DISCUSSED WITH SENIOR LEADERSHIP IN AZERBAIJAN THE BENEFITS OF INCLUDING EXXON AND/OR MOBIL IN THE CONSORTIUM, AND SENIOR ADMINISTRATION OFFICIALS MADE CALLS TO PROMOTE U.S. COMPANY INVOLVEMENT.

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