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Amnestied People as Targets for Persecution in Chechnya

International Helsinki Federation for Human Rights (IHF)

16 May 2007

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Executive Summary

Following the death on 10 July 2006 of Shamil Basaev, the leader of a Chechen armed resistance fraction responsible for numerous terrorist attacks, Russian Federal Security Service (FSB) director Nikolai Patrushev, on behalf of the anti-terrorist committee of the Russian Federation, called on all members of illegal armed groups in Chechnya to lay down their arms within two weeks. An official text spelling out the conditions for the amnesty, and marking the 15 January 2007 as the final deadline, was adopted only in late September, when the Russian State Duma quickly passed a draft law put forward by President Putin.

This law was applicable not only to members of illegal armed groups but also Russian servicemen who had committed crimes “during the counter-terrorist operations in the territory of Russian entities within the Southern Federal District.” However, persons on the both sides who had committed grave and particularly grave crimes were excluded from the amnesty. The Human Rights Center “Memorial” and several other human rights organizations criticized this aspect of the law, arguing that it rendered the law largely meaningless with respect to real fighters. The organisations expressed concern that the law would primarily be used to formally amnesty former rebel fighters who had already joined the “Kadyrovtsy,” thereby legitimizing their position. According to official figures, 546 armed militants in Chechnya and other parts of the North Caucasus laid down their arms under the amnesty after Patrushev’s call to surrender and till 15 January 2007.

In this report, the *International Helsinki Federation for Human Rights (IHF)* presents a series of cases of persons who went through previous amnesty processes as well as through the latest one.

Unfortunately, according to numerous testimonies civilians most at risk of persecutions are amnestied militants and their relatives. They are abducted and tortured, frequently with the purpose of fabricating criminal cases against them. Some are extra-judicially executed.

Many individuals were forced into an “amnesty” as a result of torture, threats or coercion. Others were persuaded to do that by the law-enforcement agencies and the local administrations, which were interested in showing impressive numbers of the surrendered fighters to raise their status in the eyes of Chechen President Ramzan Kadyrov and his team. Yet, again others were supporters of the separatist movement, but never took part in the actual fighting and either have did services or none at all to the armed rebels, but who thought going through the amnesty process would improve their security situation and that of their families. Notably, many of those individuals were persecuted (including abducted, tortured and killed) after their "amnesty". In one more case a person, according to his own words, was simply tired of hiding and wanted to live a normal life. However, that individual admitted that he made a decision to surrender after his brother had been arrested.

Though the Federal authorities are incapable of or unwilling to guarantee the safety of surrendering individuals, such guarantees are given by Ramzan Kadyrov, who became Chechen President in April 2007, but was the de-facto ruler already as of May 2004. Kadyrov claims to ensure the safety and the impunity of those former fighters who are ready to renounce their separatist past by means of changing from rebel armed formations to the armed formations under his own command. In such cases it does not matter whether an official amnesty act is enforced or not. If these persons then tried to leave Kadyrov’s security agencies, they would be detained as members of an illegal armed formation, or

worse, would risk not only their own lives, but also the lives of their relatives. The report, following the Chechen population's habitual language use, calls this "grey amnesty" or "Kadyrov's amnesty".

Judging by all appearances, the latest Chechen amnesty is yet another link in the chain of virtual conflict resolution, following the flawed 2003 Referendum on the Constitution of Chechnya and the Presidential and Parliamentary elections in the republic. An amnesty process capable of creating a feeling of fairness among the concerned parties and representing a clear marker for an end to the conflict in Chechnya is still missing.

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1. Introduction

A few days after the death on 10 July 2006 of Shamil Basaev, the leader of a Chechen armed resistance fraction responsible for numerous terrorist attacks such as those at the Dubrovka theatre in Moscow in October 2002 and the Beslan school in September 2005, on 15 July 2006, the Russian Federal Security Service (FSB) director Nikolai Patrushev, on behalf of the anti-terrorist committee of the Russian Federation, proposed to participants of illegal armed formations “to start talks with representatives of the legitimate authorities of Chechnya and the Federal Government, to lay down arms and join in with the people”¹. Two months later, on 18 September 2006, President Putin submitted to the State Duma an amnesty draft decree on Chechnya and the Northern Caucasus, which was immediately reviewed by the Duma and adopted without any notable changes on 23 September 2006. The new amnesty was to be enforced until 15 January 2007.

However, an amnesty-related process in Chechnya started immediately after Patrushev’s announcement, with no legal backing. As of mid-July, the authorities were providing daily reports on record-breaking numbers of surrendering rebels. The media spoke of scores of members of illegal military formations striving for peaceful life and pledging loyalty to Ramzan Kadyrov and his team. It appeared as if the hostilities in Chechnya had indeed ended, and even more importantly, that the hour of internal armistice had come. Is there any truth behind those assertions?

From 1997 to date, four amnesties have taken place in the Chechen Republic². What was the destiny of those who used the previous amnesties? Do the people who surrendered under state guarantees feel safe? Unfortunately, according to numerous testimonies, in Chechnya, as well as in the Republic of Ingushetia, the biggest group of civilians at risk happens to be the amnestied militants and their relatives. They are abducted, tortured and sometimes killed, frequently with the purpose of fabricating criminal cases against them.

From an interview with **Islam Zakriev**³ (born in 1978), resident of Gudermes district (Chechen Republic)

“During the first war I fought on the side of the militants. At the beginning of the second war, as soon as the federal troops entered the Gudermes district, I laid down arms and was amnestied. At that time about twenty other people were amnestied as well. We were all given relevant amnesty documents. We simply wanted to avoid arrests and repressions and that is why we took that step. For a certain period after the amnesty, I lived uneventfully at home. But soon, several of my amnestied fellow-villagers were abducted by masked military men. These incidents forced me, and others like me, to abandon our places of permanent residence. Since then, I have gone into hiding and I don’t live at home. People in masks have broken thrice into my family home.

¹ <http://newsru.com/russia/31jul2006/patrushev.html>

² The amnesty from 12 March 1997 – lasting for six months - was a large scale amnesty symbolizing the end of the first Chechen war. A second amnesty till then was lasting from 13 December 1999 till 15 May 2000. A third one was after the referendum about the new Chechen constitution, from 6 June 2003 till 1 September 2003 (some claim it was in fact till spring 2004). And the present one, declared on 15 July 2006, enacted on 23 September 2006 and valid till 15 January 2007.

If one looks at the time period from the beginning of the first Chechen war, this is already the seventh amnesty, with the first one having been announced in December 1994.

³ The name was changed for security reasons.

According to my own information, out of the fellows amnestied with me, three persons have disappeared without a trace, and, based on unverified report, eight persons got killed.”

When speaking to Zakriev and others one cannot help but think that the logic behind those practices is to make henceforth everyone who once fought, helped, or simply openly sympathized with the rebel fighters, to fear to even contemplate the idea of armed resistance.

Though the State is incapable of or unwilling to guarantee the safety of surrendering individuals, such guarantees are given by Ramzan Kadyrov, who became acting Chechen President on 15 February 2007 and Chechen President on 5 April 2007, but was the de-facto ruler already as of May 2004, when he was appointed Deputy Prime Minister of the Chechen Republic with special responsibility for security.⁴ Until then it was his father, Akhmad Kadyrov, who was assassinated in May 2004, who gave personal guarantees, in other words, "grey amnesty", to surrendering fighters.

Kadyrov claims to ensure the safety of a former fighter, if that person is ready to renounce his separatist past by means of changing from rebel armed formations to the armed formations under his own command. And it is of no importance whether at that time an official amnesty act is enforced or not. An individual can surrender under Kadyrov's guarantees and the prosecutor's office would not initiate criminal proceedings against him. Once released from criminal liability, that individual will continue fighting the war, though on the other side. If he then tries to leave Kadyrov's security agencies, he will be detained as a member of an illegal armed formation. Moreover, in such a case the person will risk not only his own life, but also the lives of his relatives.

It is remarkable, that in the perception of the inhabitants of Chechnya, the showing up with a confession of guilt and the refusal of authorities to institute criminal proceedings already represents an amnesty. This flawed understanding of the amnesty process results from the fact that until 23 September 2006, i.e., before the Amnesty Decree enactment, self-surrender under personal guarantees on condition of joining Kadyrov's forces was indeed the only way to leave rebel armed formations. However, on 12 September 2006, while commenting on the detention of Ruslan Sheptukaev⁵ for the Chechen TV, the head of the Prosecutor's Office of Chechnya, Valeriy Kuznetsov, stated that "the refusal of the prosecutor's office to initiate criminal proceedings" does not qualify as a proper amnesty. *De jure* he was correct, but *de facto* his message appeared incomprehensible to the residents of the republic. The erroneous beliefs of the local population were also reinforced by consistent media reports about the successful amnesty process during the time-period prior to the actual enforcement of the amnesty decree. For example, the media stressed that only in one day, on 29 August 2006, forty nine rebels have supposedly surrendered under the amnesty process⁶.

⁴ Ramzan Kadyrov headed the Chechen Presidential Security Service, created as a personal security service for the Moscow-appointed head of the Chechen administration, and Ramzan's father, Akhmad Kadyrov, from the beginning of its existence in 2000. This Security Service, that never had any formal legal status, gradually grew into a powerful military formation that became known as "Kadyrovtsy".

⁵ In March 2006, Ruslan Sheptukaev handed in the weapon of a killed fellow villager, who had been an armed rebel, and received from the police a certificate in April 2006, releasing him from criminal liability. However, in September 2006, he was detained by a law-enforcement agency. The case raised the interest of journalists. For more information about Sheptukaev's case, see page 22 of this report.

⁶<http://www.rambler.ru/db/news/msg.html?ph=1&mid=8571253>

All in all, between mid-July and the end of August, some 188 rebel fighters gave themselves up, according to other official data.⁷ At the end of the amnesty period, at 15 January 2007, the official figure for the number of armed militants in Chechnya and other parts of the North Caucasus had laid down their arms under the amnesty was 546. However, the official numbers were distorted from the beginning due to several factors, including the local authorities' entering into a sort of a competition for highest quantitative indices.

This report retells personal stories of numerous individuals who were forced into an "amnesty" as a result of torture, threats or coercion. Of course, among the surrendered there are people, who are tired of hiding and want to live a normal life. Some, on the other hand, are strong supporters of the separatist movement. The fighters who are active in the resistance do not surrender voluntarily.

Finally, among the recently "amnestied" individuals interviewed by the IHF researchers in the course of the past year, there are people who never took part in the actual fighting but thought to improve their security situation and that of their families by means of going through the amnesty process "just in case". Some of them, in fact, were persuaded to do that by the law-enforcement agencies and the local administrations, which are interested in showing impressive numbers of the surrendered fighters to raise their status in the eyes of Ramzan Kadyrov and his team.

Also, it is important to note that those individuals that never played a significant role in the rebel movement but are coerced into claiming an amnesty become particularly vulnerable to later fabrications of criminal cases against them in connection to crimes that they allegedly failed to report in the course of the amnesty process.

Judging by all appearances, the latest Chechen amnesty is yet another link in the chain of virtual conflict resolution, following the 2003 Referendum on the Constitution of Chechnya and the Presidential and Parliamentary elections in the republic.

From an (7 August 2006) interview with Magomed Khambiev, a well-known field commander from Aslan Maskhadov's inner circle and Minister of Defense of the Chechen Republic of Ichkeria, currently a member of the Parliament of the Chechen Republic.

- An amnesty is announced. Statistics are available, indicating that people are surrendering. According to your information how many rebels are still in the mountains?

- I can't say how many people are in the mountains right now. They are showing on the TV some, who are surrendering. I don't know them. Those, whom I know are still in the mountains, and I would like them to come back. I know them very well. They are decent fellows, and they have never ever abducted people. I would like to talk to them, but they are unwilling.

- They don't trust the amnesty?

- Frankly speaking: where could they return today? In Chechnya they are still abducting and killing people. The only guarantee for all who have surrendered is the word of Ramzan [Kadyrov]. I know many individuals who are praying that nothing bad happens to Ramzan. And that's understandable, since such people leave the rebels, lay down arms, and are entered into a

⁷ <http://www.rambler.ru/db/news/msg.html?ph=1&mid=8571253>

special registrar, which is kept in a safe deposit box. A man like that gets no official document, confirming that he was administered.

- Have you any concrete examples?

- In Nozhai-Yurt, a local rebel commander, Boris Aydamirov, has quit together with me. Even to this day he has not got a passport or an amnesty document. He is looking for justice and trying to complain to all relevant authorities. As a result, the prosecutor's office is threatening him with reprisals every time he brings a complaint. There are many examples like this. People are coming to me asking for help, they say – you are an MP now and you have also been there with us. But I can't tell them anything. This is up to the federal power agencies to sort it out⁸.

⁸ Newspaper «Chechenskoe obshtestvo» (Chechen society), 7 August 2006.
See at: http://www.chechensociety.net/index.php?id_article=414

2.1 “Amnesty” cases after the first Chechnya war, 1997

Adam Bayzataev (born in 1945), amnestied in 1997, kidnapped/killed in April 2004

Adam Bayzataev fought on the side of the separatists during the first Chechen war. Then, at the end of the first war, he was given amnesty and did not participate in the second war. He lived at home and worked as a welder. Bayzataev was kidnapped by unknown armed personnel on 22 October 2004. To date, his fate remains unknown.

On 22 October 2004, at around 11 a.m., Adam Bayzataev (resident of Sheripov Str., 17 Gikalo village, Grozny rural district, Chechen Republic) came out of the house and went to the local mosque for Friday prayers. After this he never came home. His relatives started searching for him and found eyewitnesses of his kidnapping. According to those witnesses, two VAZ 2107 cars drove up to him when he was walking in the direction of the mosque. Armed and camouflaged servicemen jumped out of the car, put a sack over Bayzataev's head, forced him into one of the cars and drove away. The family of the kidnapped addressed the law enforcement authorities of the republic, but in vain.

Magomed Merzhoev (born in 1967), amnestied in 1997, kidnapped/disappeared in May 2005

Magomed Merzhoev, resident of Karabulak (Ingushetia), fought on the side of the separatists during the first Chechen war, and was given amnesty after the war. On 16 May 2005, Merzhoev was kidnapped by armed servicemen in masks. He has been missing since.

During the first Chechen campaign, Merzhoev fought on the side of the separatists. He was wounded and lost his right hand. After the amnesty at the end of the war was announced, Merzhoev came back home. According to his brother, Beslan Merzhoev, Magomed lived a quiet and peaceful life and did not display much interest for the events in Chechnya. He worked as a security guard at the Keramzit plant.

On 16 May 2005 at around six in the morning, Magomed Merzhoev was kidnapped from his workplace by armed people in masks, supposedly servicemen of the federal forces. According to one of the witness, a worker of a neighboring enterprise, an APC (Armored Personnel Carrier) and three cars (two VAZ-2107 -- dark red and green -- and one UAZ-469 with tinted windows) left the grounds of the plant that morning.

His relatives submitted a written application to the law enforcement authorities of the Ingush Republic. The prosecutor's office of Karabulak opened a criminal case on his kidnapping, but did not give any encouraging information.

His relatives then attempted to clarify his fate through their private channels. They found out that Russian and Chechen security agencies were involved in the kidnapping. According to some unofficial accounts, Merzhoev was taken to the Khankala military base in Chechnya.

Furthermore, they established that several days before his kidnapping a military man came to the territory of the plant and inquired about the prices for construction materials. He was dressed in camouflaged uniform and spoke Russian with a strong accent (most likely this was a Dagestani accent). He drove a dark red car VAZ-2107. This fact gives Merzhoev's relatives grounds to believe that the visit of the military man was not a coincidence, because a similar car was seen on the grounds of the plant on the day of the abduction. The owner of the plant, M. Idigov, was worried by the strange visitor and secretly followed his car. According to Idigov, the dark red car entered the location of the republican OMON (Special Task Police Force) in Karabulak.

2.2 “Amnesty” cases at the beginning of the second Chechnya war, 1999/2000

Ruslan Islamov/Azigov (born in 1967), amnestied in winter 1999/2000, kidnapped/disappeared in November 2004

Ruslan Islamov/Azigov served as the head of administration of Grozny’s Zavodskoy district between 1997 and 1999. At the beginning of the second Chechen war he was wounded and imprisoned. Then, Islamov was given amnesty and returned to peaceful life. On 20 November 2004, he was kidnapped from the house of his sister in Pobedinskoye village (Grozny rural district, Chechen Republic) by unknown armed persons, who were dressed in camouflaged uniforms and wore face-masks. He subsequently “disappeared”. His family turned to all law enforcement agencies of the republic, but these attempts did not yield any result.

Vakha Mukhaev (born in 1955) and his brother Mekhti Mukhaev (born in 1958), both amnestied in winter 1999/2000. Vakha was kidnapped/disappeared in January 2005; Mekhti was illegally detained, tortured and fabrication of a criminal case in December 2005 to August 2006

Vakha and Mekhti Mukhaev, together with two more brothers, Vakhid (born in 1958) and Saliah (born in 1966), residents of the mountain village of Zumsoy (Itum-Kali district, Chechen Republic) were formally amnestied in 2000, although they had not actually taken part in any military action. In the beginning of the winter 1999/2000, when the federal forces approached to the village, another Mukhaev brother, who was head of administration of Zumsoy at the time, was killed when - asked by the residents of Zumsoy – he acted as a negotiator with the military.⁹ Afterwards, his brothers Vakha, Mekhti and Vakhid were afraid to stay in the village and went into hiding in the woods. They did not join the rebels but were simply waiting for an opportunity to return home safely. Through their relatives they addressed the military and FSB officials, who demanded that the fugitives “give themselves up and hand in their weapons”. Given that the brothers did not have any weapons, their relatives paid 3.000 rubles for each of them, after which Vakha, Mekhti and Vakhid were allowed to come out of the woods and received their amnesty certificates. After that they continued to live in their village working the land and breeding cattle.

On 15-16 January 2005, Vakha Mukhaev “disappeared” together with his son and two fellow villagers after a mop-up operation in Zumsoy. Mekhti Mukhaev, who had addressed the European Court on Human Rights regarding those “disappearances”, was illegally detained on 30 December 2005, tortured while in detention, and found guilty in a fabricated criminal case on 8 August 2006.

On 15-16 January 2005, federal servicemen conducted a harsh “mop-up operation” in the village of Zumsoy, in the course of which they beat up civilians, pillaged the houses and killed the cattle. In the course of the mop-up operation Vakha Mukhaev was kidnapped and consequently “disappeared” together with his 16-year-old son Atabi, and the fellow villagers Magomed Ibishev and Shakhran Nasipov. After it became clear to the Mukhaev family that Vakha and Atabi Mukhaev had “disappeared” they sent a relevant complaint to the European Court on Human Rights.

⁹ This practice formed during the first war in Chechnya, when the residents of villages in many cases managed to agree with the federal forces’ officials on the fate of their villages and often would save it from destruction by such actions.

On 30 December 2005, Mekhti Mukhaev (born in 1958) was illegally detained. The actual reasons behind his detention were on the one hand his prior amnesty (which allegedly indicated he had cooperated with the rebels in the past), and on the other hand the fact, that he came from a family of applicants to the European Court.¹⁰ Mukhaev was brutally tortured in the prison with the purpose of fabricating a criminal case against him. On 8 August 2006, the Urus-Martan district court sentenced the seriously ill Mekhti Mukhaev to nine months in jail, for a crime that he did not commit, namely participation in an illegal armed formation. Given that he had already spent eight months in jail, this sentence meant his close release. Despite the fact of Mukhaev's innocence and the falsification of his criminal case it was evident, that this combination of a guilty verdict with a virtually non-existent sentence could be considered as a relatively favorable outcome.¹¹

Said-Magomed Aliev¹² (born in 1981), amnestied in March 2000, kidnapped/killed in April 2004

Said-Magomed Aliev at the beginning of the second Chechen war joined a group of militants and took part in the armed fighting for Grozny. When leaving the city with rebel units, he was wounded and left in the hospital of Alkhan-Kala, a village near Grozny. While at the hospital, he was detained and taken to the filtration camp in Chernokozovo. He gained amnesty in March 2000, after which he never took part in any activities of the rebels. Aliev was kidnapped by unknown armed servicemen in face-masks on 14 April 2004. Several days later his disfigured corpse was accidentally found in the condensate well.

In the evening of 14 April 2004, Said-Magomed Aliev (resident of Grozny, living at B.Khmelnitsky Str., building 10) was on a date with a young woman. They were standing near the Temporary Accommodation Center for Refugees (TAC) on B.Khmelnitsky Street 133. Suddenly, two cars (UAZ model – both grey, with tinted windshields) drove up to them. A number of armed people jumped out of the cars. Having pushed Said-Magomed Aliev into one of the vehicles, they drove away. The frightened girl ran into the nearby house. She refused to provide any testimony, but told off the record to the relatives of Aliev that the kidnappers were speaking Russian.

On 21 April, 2004, in Leninski district of Grozny, on Dudayev Str., a local shepherd came upon a corpse of a young man in the condensate well. The body bore traces of fire wounds. No identification documents could be found. The relatives managed to recognize the body of Aliev only by his clothes. According to them, he had been shot in the head. Aliev's relatives addressed the prosecutor's office and were told, that after his amnesty Aliev had been kept under observation by the law enforcement agencies which did not result in any allegations of his involvement in criminal activity. The prosecutorial officials also admitted to the relatives that their investigation into his murder was at a dead-end.

The two brothers Valid (born in 1977) and Murad Kubaev (born in 1982), amnestied in winter 1999/2000, illegally detained, tortured, acquitted in February 2006, still harassed after

Valid and Murad Kubaev, both residents of Grozny joined a rebel fighters' unit at the very beginning of the second Chechen war, following an official appeal of Maskhadov's government, but were mainly

¹⁰ See: <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>

¹¹ It is hard to say what affected the decision of the judges. Either it was the fact, that Mukhaev's case had attracted the attention of Russian and international human rights organizations, or it was the promise given by Ramzan Kadyrov to the Mukhaev family on the local TV to help Mukhaev get released.

¹² See for more detail: http://www.ihf-hr.org/documents/doc_summary.php?sec_id=43&d_id=3951

engaged in the construction of defense fortifications. By mid November 1999, Murad Kubaev was wounded in artillery fire and returned home. Three days later, his brother Valid also came back home. All in all, the brothers were part of the rebel fighters for about three months. They did not participate in any military action. Following the amnesty announcement, they considered themselves amnestied and lived at home, without hiding. On 15 March 2006, Valid Kubaev was unlawfully detained. Six days later, on 21 March, the second brother, Murad, was also unlawfully detained. The brothers were imprisoned in the ORB-2 (Operative Investigation Bureau #2) in Grozny. There, they were subjected to cruel physical and psychological torture. A criminal trial was initiated against them based on false evidence, but the court ruled the Kubaev brothers not guilty. However, even after the acquittal, the persecution of the brothers continued.

In October 2006, the two brothers left the Russian Federation, out of fear for further persecution.

On 15 March 2006, Valid Kubaev was seized by some armed men not far from his house. Immediately upon his detention, i.e., already in the car, they started beating him. He was taken to the ORB-2 and subjected to severe torture. The ORB-2 servicemen wanted him to confess his involvement in terrorist acts that he had no idea of. Only on 18 March, Valid's detention was officially registered. For the first three days he was considered missing.

On 21 March, Valid's brother Murad was kidnapped. Murad was also delivered to the ORB-2 and cruelly tortured with the aim of forcing him to confess of terrorist crimes. With the purpose of exhorting psychological pressure, the two brothers were tortured in front of each other.

The Kubaevs' case was brought before the Leninski district court of Grozny. The court dismissed the case on account of lapse of time (the maximal term of criminal liability for the crimes they were accused of is six years). However, their lawyer Djabrail Abubakarov believes that the judge passed that verdict only due to the fact that during the hearings his attention was brought to the beatings and torture, which the brothers were subjected to at the ORB-2. Even more so, the judge ordered an inquest into the circumstances of the torture that the brothers suffered. Naturally, the inquest was a formal one only, and no criminal charges were brought against the officials who tortured them.

The acquittal did not save the brothers from further persecution. Thus, in two or three weeks after their release, Valid Kubaev was attacked again. Around 3 p.m. he was passing by the movie house "Russia" in Grozny when a car stopped behind him, some people jumped out and started beating him heavily. According to Valid, there were six or seven of the attackers. Although they were not masked, he could not see their faces as the attack was so swift and unexpected. The perpetrators left, when Kubaev lost consciousness.

At several occasions, Murad Kubaev noticed a car, which was following him. Fearing for his life, he would not stay at home overnight. According to neighbors and acquaintances of the Kubaevs, some strangers kept coming to their place of residence to inquire about the brothers' whereabouts.

In October 2006, the two brothers left the Russian Federation, out of fear for further persecution.

From an interview with Valid Kubaev

This happened on 15 March. I was coming home from work and saw ten armed people close to the house. They told me: "You have to come with us to give some clarifications. Afterwards, we will bring you back home". Well, what could I do? I agreed. It turned out that they took me not to the police, but to the ORB-2. And there they started: "We know, that you know, what we know – so, come on, talk to us!" They attached wires to my ears and started torturing me with electric

current. And one and the same thing was repeated all the time: “We know, that you know, what we know...” And how could I know what they need from me? What could I tell them?

That at the beginning of the war I came forth together with everyone else? However, when I understood that this is not a war, but some kind of a cursed system, I went back home. Where is my crime here? They jumped on me, tied me with wires and let the current on: “Admit to one of those terrorist acts, when a bus was blown up, or when the OMON commanders were killed. Go on, make a choice! Or else we’ll tear you apart!” I refused: “No, simply kill me at once”. And then they said: “We won’t kill you at once. We will kill you slowly. And also, we will tear your brother to pieces” What could I do? He is my brother... If I had been free, I would have.... But in that situation I could do nothing. I screamed, and I heard my screams and I also heard his screams and how he was tortured behind the wall...

During the first five days I was blindfolded for the whole time. They tortured me all the time with electricity and put a gas-mask on my face so as not to let me breathe. My tongue was burned by electricity, there were sparks. The tongue had swollen up and fell out of my mouth. I was then beaten with truncheons, with feet and hands. They nearly made me suffocate –I could not breathe at all, I felt I was dying and I lost consciousness. Apparently, they took off the gas mask then, and waited for me to come to my senses, in order to ask me again: “Go on, talk to us!”

All that time I was in one room and my younger brother was in another one, right behind the wall. They tortured him with electricity, I screamed, feeling his pain...and they said then: “Your brother told us already that you have killed women, that you have a lot of arms...” I answered: “That’s not true!” The same they explained to my brother: “Your elder brother has told us all about you...”

They flogged me between the legs. It used to be black all over down there. I still have the scars on my legs. I am a walking corpse. I can’t think, can’t work, and can’t do anything at all.

I am now trying to tell you how it was, and I hardly remember anything. I was in a sort of a black out. When they transferred me to the remand prison fifteen days later, the women who registered me looked at me in such a strange way...I was at the remand prison for two days and they put my medical file together. But then, again, I was taken to the ORB-2 for interrogation. I said: “I am innocent. Don’t beat me!” They answered: “You won’t come out of here alive just like that. Admit to three crimes and then you may go...”

However, finally, they only managed to bring charges against us under article 208: participation in illegal armed formations. If they had sentenced us for that offense, they have had to imprison all the young males in Chechnya.

From an interview with Murad Kubaev

On 15 March, Valid was taken away. On that day, our mother tried to reach him on his cell phone. He did not answer. Mother was alarmed. When I came home she asked me: “Find out what has happened to him!” I looked for him for several days. I was afraid for my parents – Mother was sick, and Father had heart problems too. On 18 March, we finally found out that he was at the ORB-2. We immediately hired him a lawyer. On 21 March, my father and I were returning from the ORB-2 and went to the hospital in the Chernorechie district of Grozny. My wife and my child were there for medical treatment. My father went into the building, I stayed in the yard. Some unknown people came to me. They swore obscenely, seized me, put a bag over my head, forced me into their car and drove away. They brought me somewhere. Pushed me into some room and started demanding: “Tell us everything!” But what could I tell them? I didn’t

know what was of interest for them. In 1999, still during the Maskhadov time, I went to help the others. We dug trenches, and I was given a gun. A shrapnel splinter wounded me then, and I was already at home when the Russians came. I did not even manage to make a single shot. I told them all about that, and for once they seemed interested. They kept asking, who my commander was, and which other fellows were in the same group. I told them I didn't remember. And then it started: "How comes that you don't remember? Is it that you also don't remember how you performed terrorist acts and killed people? Recollect!" And then they hit me so badly in the kidneys that I stopped breathing. They fastened wires to my toes and started torturing me with electric current: "Go on, tell us!" But what could I tell them? I kept losing consciousness and they kept doing this again and again. Then, they removed the wires for a while, put me on my belly, and plugged my mouth with a piece of cloth, so that I could breathe only with my nose. One of them sat on my back, another one put his foot under my heart, and they started beating me on the feet, hitting the most sensitive points. And they applied electric current again.

After a while, they gave me a break. I didn't know anymore who I was and where I was. Then, they said: "We don't need you to take on yourself someone else's offence, we know exactly what you have done: seven terrorist acts and two OMON policemen killed. And they mentioned dates and places. I don't even know that places.

I had never been detained before. I told them: "If you are so confident of everything, go on put me on trial. I told you about everything I have done. I believe I did the right thing then, since everyone went out to resist. And I would have done the same thing again. It wasn't against the law".

This went on for a long time. I also asked them: "Why are you taking two brothers from one and the same family? Isn't it because their parents are old?" I would not take on myself any crime, neither terrorist acts nor killings. They continued threatening: "We will now bring your wife and rape her here, right in front of you!" I was thinking: "Are they really going to bring my wife?" I decided that if such a thing happened, there would be no space for retreat, I would have to admit to every crime possible. But I decided to stand firm until the very last moment.

I did not sleep for several days. They would torture me and then tie me to a chair. In their room, the chair and the table were of iron and they used to fasten me with handcuffs up to the iron table close to the wall. I had to sit in this position for several days. During the first night, after the torture with electricity I wanted to drink. I asked for water. They gave me some liquid... I don't know what that was, but I got something like dysentery afterwards. They never gave me anything to eat. Not that I could eat, anyway.

At some point they brought my brother in and set him upright, so that he could look at me. They asked me: "Do you know him? What is his name, his given name?" Then they took him away, and I asked: "Why have you detained him? He hasn't done anything wrong. Why are you tormenting him like this?" And they started swearing in such lousy, obscene words, that I could not listen.

They never gave me a lawyer, and I don't know who the examining magistrate was, since they put a mask over my face. Afterwards, I told the senior examining magistrate about this, but to no avail. That continued for ten days, and then they transferred me to the remand prison.

I had a medical examination there, and the scars visible on the surface were documented. In that cell there was a young fellow from Urus-Martan. I don't remember his name. They have beaten him badly. When the doctor came on the third day and pressed his spine with a finger, the guy fainted right away. And the doctor told him afterwards: "You are simulating very skillfully, go to your cell!" The doctors there were different - there was a Chechen man and a Dagestani man.

They gave us injections as if we were cattle. They would just stick a needle in and let you go. There was one normal woman doctor, though.

Shamsudin Yunusov (born in 1979), amnestied in second Chechen war, kidnapped/killed in March 2005

Shamsudin Yunusov fought on the side of the rebel fighters together with his brother Shamil Yunusov in the second Chechen war. After his brother was killed in fighting, he decided to return to peaceful life and gained amnesty. However, on 19 March 2005, Yunusov was taken away from home by unknown armed persons in face-masks. Two weeks later, the relatives of the kidnapped retrieved his dead body.

On 19 March 2005, at around 8 a.m., several steel-colored VAZ 21099 cars drove up to the house in the city of Argun (Chechen Republic), where Shamsudin Yunusov lived. Yunusov, his wife and the small children of one of his relatives were at home, when armed people dressed in camouflage uniform rushed into his apartment. The intruders started swearing and brutally beating Yunusov. After the “search” of the apartment was carried out, that is after everything was rummaged and destroyed, Yunusov was forcibly taken away, put into one of the cars and driven to an unknown destination. Relatives of the kidnapped turned to the law enforcement agencies right away, and the prosecutor’s office initiated an investigation into his abduction.

Two weeks later, in the first days of April, the family of the kidnapped was officially notified that the corpse of Yunusov had been discovered in the neighborhood of Alkhan-Kala. According to the investigators, Yunusov was dressed in a camouflage uniform and there was a grenade and a machine gun near his body. According to his relatives, however, at the time of the kidnapping Yunusov was dressed in a T-shirt and sport pants.

Yunusov’s body bore numerous traces of beatings and torture. The family insisted on a forensic examination of the corpse but did not receive the results of the expert. The prosecutor’s office failed to open a criminal case into the murder of Yunusov. To note, he had four children left without a bread-winner.

2.3 “Grey (Kadyrov) amnesty” cases during the second Chechen war

Khamzat Barazov¹³ (born in 1980), unlawfully detained in April 2003, tortured, forced to become “Kadyrovtsy”, after flight family members taken hostage

Khamzat Barazov, resident of the Shali district of Chechen Republic, fought on the side of the rebel fighters during the second Chechen war. He was seized by Ramzan Kadyrov’s servicemen and forced to change sides and join them. However, as soon as he got a chance he fled abroad. As a punishment, Kadyrov took Barazov’s family members as hostages.

Khamzat Barazov joined the rebel fighters in 2001. He was seized as prisoner in April 2003 and taken to Argun, where Kadyrov’s servicemen had a temporary military base. In another day or two, Barazov was transferred to Tsentoroi (Khosi-Yurt), Ramzan Kadyrov’s home village, where

¹³ The name was changed for security reasons.

he spent another three months in confinement. Finally, he claimed an unofficial amnesty and was appointed a security guard for Ramzan Kadyrov himself.¹⁴

From Barazov's account:

Two Federal Security Service officials started beating me right away when I was brought to Khosi-Yurt. They were ethnic Dagestanis. One was called Kamil. They wanted me to confess in sixteen to seventeen murders, which happened in our district during the war. I did not have any relation to those murders. I actually heard for the first time in my life some of the names they were quoting. But they kept beating me demanding that I sign the "confession paper". This was going on for a week. Sometimes Ramzan [Kadyrov] would turn up during those interrogations. I asked him: "Ramzan, what do they want from me? Why do they demand that I take on the guilt for the murders, which I did not perpetrate? Take them away from me." After this they were beating me less and did not demand to sign anything anymore. Three months went by. Then, they let me go but only on the condition that I become Ramzan's guard. At this point, Ramzan himself told me, that he had ordered the commander of his Security Service to kill me but the man had not dared to do so. And therefore Ramzan decided to release me on such conditions.

At first, I served in that village [Tsenteroi] and could not go anywhere. Then I told him [Ramzan], that I want to show up at home at least once in a while and need papers to pass the road-blocks. So, Ramzan gave me his man to accompany me and sent me to the Shali department of the Federal Security Service. There, after several formal questions, I was given a paper, saying that I handed in my weapon and gave myself up of own free will. Besides this I was given an ID for some other name (as if I were a relative of Kadyrov).

Said-Emin Khamaev (born in 1978), became "Kadyrovtsy" in 2003, was not taken over to "Sever" battalion in May 2006, kidnapped/killed in June 2006

Said-Emin Khamaev, resident of Chiri-Yurt village, Shali district, Chechen Republic, fought on the side of the rebel fighters from the start of the second Chechen campaign. In 2003, he changed sides and joined one of Kadyrov's Anti-Terrorist Centers (ATC), enforcement agencies staffed by ethnic Chechens and manned by Kadyrovtsy, which had no legal status but existed till May 2006.¹⁵ At the start of June 2006, he found civilian employment. However, already on 28 June 006, he was kidnapped by unknown people dressed in camouflage uniform. On 30 June, his relatives were informed, that Khamaev's body could be claimed in the morgue of Mozdok city (North Ossetia). The body evidenced multiple and severe traces of torture, which gives grounds to believe that Khamaev was beaten to death.

On 28 June at around 19:00, Said-Emin Khamaev was walking home from the cement plant located on the outskirts of Chiri-Yurt. Armed kidnappers drove up in three cars, a VAZ (tenth model), a Niva and a yellow Gazel with tinted windows. According to witness accounts, the security officials pushed Khamaev into the Gazel and drove away.

According to Khamaev's relatives, the next day after his kidnapping, on 29 June, officials of the Shali district unit of the Operative Investigative Bureau (ORB) came to his home. They assured his family-members that he was held by them and had a criminal case initiated against him. They also asked for his passport, which they needed for procedural reasons.

¹⁴ For other details see the Report "In a Climate of Fear. "Political Process" and the Parliamentary Elections in Chechnya. 2005" at http://www.iuhf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4205

¹⁵ Out of the personnel of the ATCs, the two battalions "Yug" ("South") and "Sever" ("North"), both formally subordinated to the federal Ministry of Interior, were formed.

A day later, on 30 June, according to Khamaev's relatives, a deputy-prosecutor from the Leninsky district of Grozny called them and said that Khamaev allegedly died of a heart attack and his body was already in the morgue of Mozdok. With the assistance of Musa Arsanukayev, head of the Chiri-Yurt administration, his relatives managed to retrieve the body from the morgue and to lay Khamaev to rest at the family burial plot. They did not receive a certificate noting the reasons for his death. There were numerous bruises on his body, and his right hand was broken. His relatives were not ready to push for an official investigation into the circumstances of his death because they thought "this all is useless". On the other hand, Khamaev's brother, Islam Khamaev, a servicemen of the battalion "Sever" ("North"), with the support of the leadership of the battalion, addressed Ramzan Kadyrov and expects that the latter will personally "investigate" the situation and punish the guilty ones.

To note, Said-Emin Khamaev served in the Anti-Terrorist Center in the Kurchaloy district of Chechnya for over two years together with his brother. During the restructuring of Chechen enforcement agencies in 2006 (i.e. dispersal of the anti-terrorist centers and creation of the internal troops battalions "North" and "South" in their place), Islam was transferred to the "North" battalion. According to his brother, Said-Emin also asked for such a transfer but failed to get it, because despite the fact that he had been unofficially amnestied in 2003 "there is something hanging on him" [i.e. there is a crime or crimes on his personal record which was not void in spite of relevant assurances]. At the end of spring 2006, Said-Emin Khamaev received guarantees from his former ATC commander that the problem would be solved and that he would be invited to join the "Sever" battalion in the near future. Meanwhile, he had found a temporary employment at the Chiri-yurt cement plant. However, he was kidnapped and killed only a few weeks later.

According to Islam Khamaev, this is not the only case, when participants of separatist groups who joined Kadyrov's security services and were promised a de-facto amnesty were later seized on account of actions, which they had undertaken while fighting on the side of the militants.

From an interview with Amud Khamaev (born in 1935, Said-Emin's father):

Now people from the whole village came to me. They eased my sorrow with their condolences. Everybody was saying: "Such a good boy you had!" They would not have told this if he had really done something wrong. And he, since the age of seven, was such a great son to me.

Will there be peace on this land some day? We all lived in one family before, in the Soviet Union, and so, is it the Chechens to be blamed for the collapse? At that time, Yeltsin said himself – take as much independence as you want! What are the people blamed for, then? And those who died, they died for freedom! For as long as I remember myself, there has been a genocide of the Chechens. I was sent in exile as a little child. And this genocide continues. It will probably go on until the last Chechen dies. And now some Chechens are set against the others. Nothing is too much for them. Putin here makes an advertisement campaign for external purposes, for the other states, but we know what is going on inside...

I don't want any criminal case about my son. And I do not need any kind of a death certificate, I need nothing. I still have three more sons. I am scared for them. I will not do anything. I came here only in 1991 to live, and I already lost two sons, one died in a land mine explosion during the war, the other one was killed now. I am afraid for those that are still living.

I will not look for the man who killed my son. Even if I find the guilty one, I will not be able to return my son. I leave everything to the Almighty. The murderers will not escape their

punishment: until there is God – there is Judgment of the Almighty for all. And His Judgment is harsher than mine. So, not only I would not touch the murderer – I would not let anyone to do this either. I would have rather died myself in the place of my son – he was young, he had a family...

From an interview with Islam Khamaev (26 years of age, Said-Emin's brother):

My brother joined the ATC two years ago or so. He served in the Geldagan village, that is in the Kurchaloy district. Then he had to quit. It happened so.

And then, in the evening, he was coming back from the cement plant, on the 28 June and he was taken away. On Friday 30 June, we got a phone call from the deputy-prosecutor of the Leninski district of Grozny, and he said that my brother had died in his cell from some heart seizure. On the evening of 1 July, his body was brought back home from Mozdok and buried right away...

I know that he was killed at the ORB-2 [Operative Investigative Bureau #2] in Grozny. Right in the cell. We even know in which cell. We are carrying out our own investigation. I am working for the security agencies myself – it used to be the ATC [Anti-Terrorist Centre] and now it's the "Sever" battalion. Several weeks after what happened to my brother, one of our servicemen was kidnapped. And we were able to get him out of the ORB-2 on our own. There, we found all the clues about my brother and what happened. The body was transferred from that cell to the Leninski district prosecutor's office. There, they started talking about a heart seizure attack and sent the body off to Mozdok. And when our cousin was retrieving the body from that place, he demanded an official document describing the cause of death. But he was told: "What do you need, the corpse or the paper?" So, we took the corpse from the morgue just like that – without any papers.

When I looked at the body I could not see a single spot that was intact. They beat him to pulp. They thought he could know something because he was a former militant. Though I don't think there are any rebels left now. The ORB-2 people probably do this to show their authority and earn themselves some bonuses.

My brother is two and a half years older than I am, and we always did things together. We worked together, we moved together. After the amnesty we both joined the ATC. And then I got a placement at the "Sever" battalion but he did not – he had some problems with the documents. In general, our commander told him that he would arrange everything and Said-Emin just needed to sit quietly and wait for a vacant spot.

You know, when there was that amnesty two-three years ago, people would go through it and then to come to work at the anti-terrorist centers. Though in fact some of them remained wanted by police. They just did not know about it. They were promised that all would be taken care of, that their personal records would be cleaned up... And that did not happen, despite the given guarantees. Well, at least not for everyone. Well, there was supposedly a sort of a court hearing on Said-Emin's case and he supposedly got two years of probation. Well, that's what they told him back then, and they also explained something along the lines of it being too difficult to void the fact of his participation in an illegal armed formation. But they promised that all would be fine in the end. And when we had to apply for transfer to the "Sever" battalion it turned out that there were still problems with his personal records. He was only waiting for things to clear and then he was taken away. Now, many fellows are having problems because of some old cases. That guy, our co-worker that I mentioned: we managed to return him from the ORB-2 and Ramzan [Kadyrov] immediately moved him to some security agency. That man could not possibly walk around just like this – they would take him again and it would be over for him...

The two brothers Kudus (born in 1968) and Zayndi Bataev (born in 1975), surrendered in June 2006, fear persecution from both sides

Kudus and Zayndi Bataev, inhabitants of the mountain village Dai (Shatoi district of Chechnya) did not take part in militant actions. On the other hand, under pressure from the rebel fighters they had to assist them by means of providing food supplies. When in summer 2006 the Shatoi district administration and the local police were actively promoting the amnesty, the brothers decided that it was in their security interest to claim it. On 23 June 2006, Kudus and Zayndi Bataev surrendered to the district police department of Shatoi, confessed that they had rendered assistance to the armed rebels and gave up their guns. They admitted, in particular, that they passed on food items to a rebel group led by a certain Soloev. Both of them were released from criminal liability on the basis of a comment to Article 208 of the Russian Federation's Criminal Code ("participation in illegal armed formations, not aggravated by other criminal activities"). The certificates on their release from criminal liability, dated 30 August, were received by the brothers at the beginning of September 2006.

According to the amnestied Kudus and Zayndi Bataev, after the "amnesty" they continue to live at home and have not been attacked. However, they hear rumors about threats addressed to them by the rebel fighters. Also, they are afraid that the security agencies may re-consider and come back for them asking for more information.

From an interview with their elder brother Mohammed Bataev:

Two years ago Kudus and Zayndi had to cooperate with the rebel fighters. That was going on for about six months. They provided those rebels with food stuffs. Afterwards, the rebel fighters constantly disturbed them. So, I finally advised them to claim an amnesty and stop living in a state of permanent fear.

It was immediately after Patrushev and Kadyrov announced the amnesty. I told them that they have to benefit from this occasion. Whether this regime is good or bad, one has to live with it somehow. It was a difficult job trying to convince them but they followed my advice in the end. On Friday 23 July, I took them to the police station in Shatoi. There was the new district police chief, Adam [Arsaliev], and the head of local criminal police Said-Ahmet [Minkaev]. Both were ready to give them security guarantees. With the other guys, who also surrendered to them, everything was all right.

As a whole, the brothers were kept there for interrogation for about two or three days. They were not tortured. They went through an investigation process and had to answer different questions, like what kind of rebel fighters they assisted, where they drove them, what did they bring to them. They wanted to take them to Khankala [the main Russian military base in Chechnya] or Khosi-Yurt [Kadyrov's home village also known as Tsenteroi], but Arsaliev and Minkaev stood up for them and the boys were released and returned home. So far, so good, but there are rumors that the rebel fighters are unhappy now And our fellow villagers are telling all kind of things...

Do you know what our life is like in general? The ones in tanks and armored carriers drive around during the day. And at night the others come with their Tommy-guns and submachine guns – you have to drive them to Shatoi, hither and thither. It is difficult not to claim that amnesty and it's dangerous to claim it. Either way people are going to look at you sidelong. And these boys have not killed, have not done anything wrong. Well, they passed bread and meat to the militants, gave them a drive once in a while. But that's that.

It's true that the Tommy-guns were their own. I mean the guns that they surrendered to the police. But we have been living with so many armed groups around for so many years, that without weapons of your own, you understand, one just could not defend himself, his family...

It's so difficult to live like that. Take my neighbor Umar, for instance. Recently he bought some goats and sheep. Then, the bearded fellows [rebels] knocked on his window in the middle of the night: "Give us a sheep!" He was afraid to give it to them. So, they threatened him: We will first burn up your car and then it will be even worse if you don't do what we tell you". So, he considered his options and moved to the valley, to the village of Samashki. But our family has no place to go.

There would not be any bandits or terrorists, if they put this place in order. And what kind of order do we have? Nowadays, they've fallen so low they don't even hesitate to seize women, taunt and humiliate them. This is such a disgrace for us in Chechnya!

Many claim to be happy that that electricity was brought to these mountains and, supposedly, they'll hook us up to gas, too. As for me – I don't need their gas or their pensions. I would like them to leave me alone. There is land and this is all we need here. We have enough space to breed the cattle. However, today it's dangerous to go into the forest. One stays away from the woods. If you only dare to make a step in the direction of the woods, someone will report on you. I mean I could easily tell on you now, tell just about anything, and you will be arrested too. And so we live..."

Ruslan Sheptukaev, released from criminal liability in March 2006, arrested by ORB-2 in September 2006

Ruslan Sheptukaev, resident of the Starye Atagi village in the Chechen Republic, turned himself in to the Grozny rural district police department and handed in the weapon of a killed fellow villager in March 2006. Based on the results of the preliminary inquiry into his case, no criminal proceedings were initiated against him. Being confident of his safety, Sheptukaev returned home. However, on 12 September 2006, he was detained by a law-enforcement agency.

At the beginning of April 2005, around midnight, two fellow villagers of Ruslan Sheptukaev, Khamzat Etaev and Adam Habirov, who - as rebel fighters - at that time were hiding from the authorities, knocked on the door of Ruslan's house. They insisted that Ruslan accommodate them for the night. Fearing for the safety of his family members, Sheptukaev was forced to let the self-invited guests spend the night. Before leaving, Etaev asked Sheptukaev to temporarily keep his gun for him, which the latter then hid in his yard. Afraid of further visits from the rebel fighters, Sheptukaev temporarily moved from Chechnya to Ingushetia together with his family. After a certain time period, Sheptukaev learned that Etaev and Habirov were killed during a special operation on 18 May 2005. Following on this, Sheptukaev returned to his native village. In March 2006 he decided to hand in Etaev's old gun to the law-enforcement and processed a "voluntary surrender" to the district police authorities. On the basis of the above mentioned, the police lieutenant A.H. Solsaev confirmed that his institution had refused to initiate criminal proceedings against P. M Sheptukaev because of the absence of a *corpus delicti*.¹⁶

¹⁶ Excerpt from the certificate on Sheptukaev's release from criminal liability, dated 6 April 2006: "Both, Article 208 p.2 of the Russian Federation Criminal Code (participation in illegal armed formation) and Article 222 p. 2 of the Russian Federation Criminal Code (unlawful acquisition, transmission, sale, keeping, transportation or carrying of arms), provide for signs of corpus delicti in the actions of Sheptukaev R.M. However, according to the comments to those articles incriminated to Sheptukaev, a person who voluntarily terminated his participation

However, on 12 September 2006, in the midst of the already formalized amnesty process in the Chechen Republic, Sheptukaev was detained.

According to his wife, Regina Sheptukaeva, and his mother, Yakha Sheptukaeva, on 2 September 2006, Ruslan Sheptukaev left his house together with a few friends in order to take his car for repairs. Near the garage, they were stopped by two automobiles – Zhiguli 2110 and UAZ 469. Several unknown armed members of enforcement agencies in camouflage uniforms approached Sheptukaev and demanded to see his identification documents. Having taken his passport, they handcuffed him, forced into a car and drove away in the direction of the city of Grozny. Sheptukaev's family-members were not duly informed about his detention.

One of Sheptukaev's friends followed the abductors and was able to establish that Sheptukaev was taken to ORB-2 (Operative Investigation Bureau #2) in Grozny, which is particularly infamous for the use of torture against the detainees. Under those circumstances, he immediately contacted a defense lawyer, Idris Tutaev. Idris Tutaev agreed to act as a defense counsel to Ruslan Sheptukaev and, having met his client on the premises of OBR-2, found out that as a result of physical pressure by his interrogators Sheptukaev already confessed to a number of serious crimes that he had not committed.

By good fortune this fact attracted the attention of journalists who approached the head of the Prosecutor's Office of Chechnya, Valery Kuznetsov. In response to their question: "Why is Sheptukaev in detention if he's already amnestied?" Kuznetsov stated, that "the refusal to initiate criminal proceedings by no means stands for an amnesty" However, it is exactly that "status" that was given to all the individuals "amnestied" during the period between the 15 July call by Patrushev and the publication of the official Amnesty Decree, dated 23 September 2006.

2.4 "Amnesty" cases after July 2006

Abdul-Hamid Shamilev, amnestied in August 2006

The surrender of **Abdul Hamid Shamilev**, ex-rebel fighter, to Chechen law-enforcement authorities could be considered as a real amnesty case. At the end of August 2006, he turned himself in to the Shatoi district police department. Once his amnesty was processed, Shamilev freely returned to his family home, where he is now living peacefully. However, from his interview quoted below it's evident that he chose to claim an amnesty only after the detention of his brother.

On 31 August 2006, Chechen and Russian news agencies transmitted information about the surrender and amnesty of yet another rebel fighter, "prominent bandit Abdul-Hamid Shamilev, known under the nickname '*Lame Fox*'". Allegedly, he came to the Shatoi district police department by his own free will and handed in his weapon, which, according to his confession, he had obtained during the Chechen campaign of 1994-1996. At that time, he claimed, he mainly transported wounded rebel fighters and provided them with food. Still during the first war he fell into an ambush in the mountain and suffered a serious wound to his leg.

During the first two years of the second Chechen war, from 1999 to 2000, he was directly subordinated to the so-called Commander of the South and South-East Front of Ichkeria, Daud Ahmadov. The groups of Khattab and Ruslan Gelaev were part of that armed formation.¹⁷

in illegal armed formations and who gave up his arms, is released from criminal liability in the absence of other corpus delicti in his activities".

¹⁷ <http://news.ntv.ru/93124/>

From an interview with Abdul-Hamid Shamilev

It's already two weeks since I am back. How did I make up my mind? I got tired of all this, of this way of living. And of all those rumors, that I am allegedly a monster and was involved in abducting people...of all the gossips... Of course, I could have turned myself in a long time ago. But all in all, I lived in the valley all that time and moved freely. It was not complicated. To live in the valley is different from living in the mountains. It's easy. And somehow all these things did not concern me directly. But it happened so that they seized my brother. And then I understood that it had to do with me. And I immediately surrendered.

After they had detained my brother, I moved closer to here right away. It seems, I knew more about those with whom I had to negotiate my amnesty, than they knew about me. It was important for me to go there voluntarily, not to be detained. So, I left the car and stayed quietly at my place in the valley. For two-three days, I did not go anywhere. I sent my wife and my son to Shatoi to talk with Said-Ahmet [Minkaev], he is the criminal police head there nowadays. I did that because through a relative of mine I was informed by him that I could return safely under personal guarantees. They agreed on everything. They decided where I would be picked up by their driver in the morning. And it was this way for two days – I slept at home during the night and each morning their driver would pick me up and take me to Shatoi for a conversation at the police station. Afterwards, their driver drove me to the place that I specified. And everything was normal. I am back and I am alive. My brother was also released. Everything is over. Why should we discuss this further?

What was I doing during the first war? Same as in this one. A Chechen who lives in Moscow told me once: "Here I am and I did not fight". I answered him: "If you saw a wounded person asking for help, would you pass by? You wouldn't be able to do that. I could not either. In Moscow you could not see those things, but I was down here". When people from this village and from others – Itum-Kale, Zumsoy – were starving and dying of hunger, I distributed Arab humanitarian aid to them. I traveled and drove food to those place. I acted like a humanitarian organization.

They are saying [on TV] there are not more than fifty rebel fighters left. It's interesting which particular territory do they have in mind? If they mean fifty in each village, then, they might be right. In the Shatoi district they are less than in the Vedeno district. In comparison with Shatoi, it's like a valley over there. Shatoi is harder – both for those who hide here and for those who chase after them.

Of course, I knew everyone. They have all – Khattab, Basaev and Gelaev - come to me. Sometimes they would come several times a day. They came when they wanted to eat. I fed them all.

Today everyone is tired. Besides, those in the woods aren't as strong as they used to be. They will come to an agreement, I believe. Everyone is very tired.

Now, many will go for that amnesty, most probably. Some are preparing already. Some will think and decide to turn themselves in after my recent televised statement when I announced that I was amnestied under personal safety guarantees. I know that many want to come back. Not only those from the mountains, but also those from Baku [Azerbaijan]. They have a hard life there. Why should they stay there? Those who fought should be amnestied. Is there any other way? It was a war and the people were fighting. I am talking exactly about those, who fought. Not about the wahhabits, not about those, who caused explosions and abducted people. This is banditism, not a war. In general, those explosions were invented by the wahhabits. For the Chechens, it's the

same as shooting in the back. All those who fought should be given their chances. And then everything will be settled somehow. The people are tired.

Mokhdan Elgakaev and Myukhdi Aslambekov, amnestied in August 2006, unlawfully detained, tortured and fabrication of criminal case in October 2006¹⁸

The two Ingush residents, Mokhdan Elgakaev and Myukhdi Aslambekov, did participate in the second Chechen war for about three months at its beginning. On 27 July 2006, the two men together with thirteen other relatives applied for amnesty acknowledging their involvement at the beginning of the war. After a carefully check they were informed that no criminal cases would be opened against them. However, on 24 October 2006, Elgakaev and Aslambekov were kidnapped by unknown armed people in masks. Only after some days, their families could find out that Elgakaev was detained in the SIZO in Vladikavkaz, Northern Ossetia, and that Aslambekov was held in the Achkhoy-Martan district police station (ROVD) in Chechnya. Elgakaev was so gravely tortured that he had to be delivered to the prison hospital. He was accused of having participated in the armed raid in Nazran and other Ingush cities at 21/22 June 2004, which according to his relatives he was not.

Mokhdan Elgakaev and Myukhdi Aslambekov did participate in the second Chechen war, but only at its very beginning. They were with the rebel fighters for about three months, but neither of the two was responsible for or involved in grave crimes like murders or kidnappings. That is why they decided to make use of the amnesty offer given by FSB head, Nikolay Patrushev.

On 27 July 2006, Elgakaev, Aslambekov and thirteen other relatives, under a preliminary arrangement with the Prosecutors Office and the FSB, addressed the ROVD in Achkhoy-Martan district (Chechen Republic) with the application for an official amnesty, acknowledging their involvement in the armed struggle at the beginning of the war. The picture of this group “giving themselves up” has been shown in the national TV in Russia as proof of the effectiveness of the amnesty offer. During ten days all these people were carefully checked by law-enforcement agencies, and only after that the fifteen men were informed that no criminal cases would be opened against them.

However, on 24 October 2006, Mokhdan Elgakaev and Myukhdi Aslambekov were kidnapped by unknown armed people in masks from the house of Elgakaev’s mother in Karabulak (Republic of Ingushetia). Two days the relatives did not know anything about the destiny of them. Only at the third day, the Elgakaev family was informed through a phone-call that Elgakaev is detained in the SIZO (pre-trial establishment) in Vladikavkaz, Northern Ossetia, and accused of having participated in the armed raid in Nazran and other Ingush cities at 21/22 June 2004. After some more days, it was possible to find out that the second disappeared person, Myukhdi Aslambekov, is held in the Achkhoy-Martan district police station (ROVD) in Chechnya.

According to his relatives, Mokhdan Elgakaev is subjected to torture and beatings in the SIZO Vladikavkaz in order to force him to sign a paper confirming that he participated in crimes which have not been perpetrated by him. Through the applied torture, Elgakaev’s condition is so grave, that he had to be delivered to the prison hospital.

¹⁸ The information was given to the IHF by Umar Khaykharov, who was amnestied together with the two men and has addressed our office, on 24 October 2006, his stepbrother.

See: Open letter by the International Helsinki Federation for Human Rights regarding the unlawful detention of the officially amnestied Mohdan Elgakaev and Myukhdi Aslambekov

Ruslan Artzuev (born in 1970), asked to be amnestied in August 2006, was asked to come with brother Timur

Ruslan Artzuev fought in the first Chechen war on the side of the separatists. Throughout the second, though, he lived at home without hiding. However, not only he, but also his younger brother **Timur Artzuev (born in 1976)**, who had never taken part in any armed fighting, became subject to persecution. Faced with severe pressure from security agencies, Timur decided that his only option was to flee the country. He left for Germany but his application for a refugee status was rejected by the immigration authorities. Upon his deportation from Germany, Timur was once again unlawfully detained and tortured in Chechnya.

During a mop-up operation in July 2003, Timur Artzuev was detained and delivered to the building of the secondary school # 2 in the village of Sernovodsk, which at that time housed a temporary filtration camp. There, Timur was tortured and severely beaten with the purpose of forcing him to provide information about wahhabits and rebel fighters. He was released the very next day. However, according to his relatives, when Timur returned from the filtration camp he was a broken man. In the twenty-four hours of his detention he turned gray.

Immediately, he fled to Germany but could not secure a refugee status and was deported in 2004. Timur's relatives knew about the deportation and a relative of his was waiting for him at the Moscow airport. However, Timur never came out with the other passengers on his flight.

Later it became clear that the police executives detained him right after the landing. On the second day, the police put him on an air-carrier flying from Moscow to Ingushetia, where he was detained upon arrival directly at the exit of the aircraft. Then, he was kept in an unknown place for over a week. During that time, he was beaten and tortured. Finally, he was thrown out on the road between the villages of Troitskaya and Karabulak in Ingushetia. Afterwards, Timur had to spend one month at the hospital of the Sleptsovskaya settlement in Ingushetia to recover from physical injuries.

On 7 March 2005, in the course of yet another mop-up operation in Sernovodsk, Timur Artzuev was detained together with his elder brother Ruslan. They were taken to the police department of the Sunzha district of Chechnya, where both of them were beaten and tortured with electric current. The torturers wanted them to confess their participation in terrorist attacks and in particular to admit that they were preparing an attempt on the life of the head of the Sunzha district police department. The Artzuevs, however, firmly refused to sign the protocol with those false confessions. Then the brothers were taken to the yard and thrown to the ground with a kick in the groin. They were caned, beaten with a log and an iron bar. Cigarettes were stubbed out on their bodies. One of the torturers, whose weight was around 120 kg., started jumping on the chests of the brothers from the hood of a truck that was standing in the corner of the yard.

Then, Ruslan, whose eyes were tightly covered, heard a gun shot. Someone whispered in his ear, "We have just shot your brother dead. If you don't talk, we will shoot you too". In the evening of the same day, the Artzuev brothers were set free. However, Timur was in such a bad condition that the policemen themselves had to take him to the Sunzha district hospital.¹⁹

¹⁹ From the medical history of Timur Artzuev: Artzuev T.S., (1976), was delivered on 7.03.2005 to the emergency room with the following diagnosis: blunt cranium-cerebral trauma, a cut-wound of 3-4 cm in the head crown-temple area, bending of the nasal septum, haematomas all around the body, lumbar area injury, kidneys injury, broken X-X right ribs, post-traumatic arthritis of the right knee joint. He has an expressed astheno-neurotic syndrome. The patient is in a serious condition, his reactions are impeded.

However, two hours later when Timur was already registered as a patient, police officials returned to the hospital and asked the doctors to destroy his medical records. They threatened him with repercussions if he dared to complain. Fearing for Timur's life, his relatives took him from the hospital and arranged for him to be treated at home. The doctors destroyed his medical file and only Xerox copies were left.

Finally, Timur made another attempt to flee to a safe country. Ruslan went into hiding and would not come home. Representatives of the law-enforcement agencies, on the other hand, were repeatedly asking Artzuevs' neighbors questions about the brothers' whereabouts.

At the end of August 2006, the elder brother, Ruslan Artzuev, decided to claim an amnesty. The police officials, whom his relatives informed of his intention, told them that Ruslan could indeed be amnestied on the condition that he not only admits to his participation in an illegal armed formation and surrenders an automatic weapon, but also turns in his brother Timur. By that time, though, Timur has already left Russia.

Ibrahim Gaziev (born in 1980), detained by ORB-2 in 2001 but released the next day, pushed to accept amnesty in June to August 2006

Ibrahim Gaziev, resident of the Katayama settlement in the Staropromyslovsky district of Grozny, was first detained in 2001 by personnel of the Operative Investigative Bureau #2 (ORB-2) because of his alleged participation in the activities of an "illegal armed formation", that is the rebel fighters. As those allegations were not confirmed, Gaziev was released the next day. Since the summer of 2006, he has been forced to go into hiding and cannot stay at home because local authorities persistently demand that he surrenders with a confession regarding his involvement with the rebel fighters and turn in his weapon. Gaziev refuses to "be amnestied", since he never ever had any relationships with the rebel fighters and considered self-slander unacceptable.

In July 2006, Ibrahim's mother lodged a complaint with the Prosecutor of the Chechen Republic against the unlawful actions of the law-enforcement personnel against her son Ibrahim and other family members. Recently, she received an answer from the prosecutor's office that a relevant inquiry was conducted by Ahmadov T.S, the prosecutor's examining magistrate in the Staropromyslovsky district of Grozny, which resulted in a decision not to initiate criminal proceedings in connection with her application.

In the period of active hostilities Ibrahim Gaziev lived outside of the Chechen Republic. In 2001, he came back home and immediately went to work making furniture and helping house-builders. In 2001, he was held for one day at the ORB-2 on suspicion of his participation in the gang of Arbi Baraev, a well-know field-commander guilty of numerous heinous crimes. At the ORB-2, Ibrahim was beaten, but as absolutely no evidence was found against him, the ORB-2 personnel chose to let him go. As his mother, Zura Gazieva, described: "if he was involved in whatever, he would not have gotten out of there alive. Since they released him, he is certainly not guilty of a thing!" However, after that one day spent at the ORB-2, Ibrahim Gaziev must have had his name and details entered into the security agencies' internal date-base.

In March 2005, a neighbor of the Gazievs filmed Ibrahim Gaziev together with his younger brothers Hassan (1982) and Hussein (1985), and other guys from the neighborhood on a video-camera. He also happened to film several young men who appeared to be suspected of cooperation with the rebel fighters. The tape got into the hands of the law enforcement agencies. Having seen Gaziev in that amateur video-film they easily found him and came forth with the following accusation: "If you know those *wahhabits*, then you are also involved yourself."

In June-August 2006, the law-enforcement agencies were especially active in pursuing Gaziev. They did not try to hold him accountable for any specific offence but solely wanted to “amnesty” him thus improving their quantitative indices on surrendering members of illegal armed formations. They specified to Gaziev and the members of his family that in order to surrender one also had to hand in an automatic gun. However, since neither Gaziev nor any members of his family had any weapons, it was implied that they had to procure one specifically for the amnesty purposes. According to the local residents, today this has become a common practice in Chechnya in connection with the new “amnesty” and relevant competition between different districts for the highest number of surrendering rebels.

The chief of the Staropromyslovsky district police department (ROVD), Delimhanov, his deputy Baudinov and the district policeman of Katayama, Shovhalov, all attempted to have Gaziev go through the amnesty process. According to his relatives and neighbors, the police authorities claimed that if he did not comply with their demands voluntarily, he would be “caught and killed”, though not by police, but by the ORB-2 personnel. The head of administration of the Staropromyslovsky district of Grozny, Estamirov, was also trying to convince his family that there was no way out of the amnesty. According to the Gazievs, he stressed, “I have already delivered thirty people to be amnestied by the authorities. This one should also surrender and hand in his gun”.

However, Gaziev would not succumb to pressure. “I wouldn’t do this”, he insisted, “Let them kill me, if they want. I can’t slander on myself that say that I have participated in such things. That would be tantamount to becoming a collaborator with Raduev, Basaev and Khattab²⁰. But I haven’t done any such thing and can’t take this on myself. I won’t go against my conscience!” Finally, Gaziev had to leave home and ignore the police subpoena writs, since he feared that, if they turned up for questioning, they would force him to make a false confession.

From an interview with Ibrahim Gaziev’s relatives:

The chief of ROVD [Staropromyslovsky district police department] and our district policeman are telling us that Ibrahim must surrender as a rebel fighter. For this he should first go to the local administration with a gun, which is to be given up, and from there on they will take him to police to process his amnesty. In this case, we’d have to buy a weapon. One can’t be amnestied otherwise.

Everything happened because of that video-tape made by a girl from the neighborhood in March this year. There isn’t anything special on that tape. It is simply the everyday life of our street. And even if there happen to be wahhabits living in one of the houses, what are we guilty of? Another guy from the neighborhood, who is also on that tape, was tortured last summer. He was taken to the ORB-2. It’s good that it turned out the family had a relative working for the Federal Security Service in Moscow who used his connections and the guy was released. We have seen in what condition was he brought back home. It was terrible to look at him.

They come to us that summer – it seems, it was in June or the beginning of July 2005 – because of the video-tape. Ibrahim was not at home. So, they took his younger brothers Hassan and Hussein to OMON [special task police force] headquarters for an interrogation about the tape, and they were also very interested in Ibrahim. They realized the boys were absolutely innocent and let them go. We have, just in case, sent them away from home, and it was such a good idea to send them away, because soon afterwards some Russian military broke in our house during the night,

²⁰ Three particularly infamous rebel leaders responsible for most cruel crimes, including hostage-taking.

asking, "Where are your sons? We need them!" Then, another six months later, already in January this year, some armed people in camouflage came to us. Though, these ones were looking for Ibrahim only. He was not in. And they interrogated Hassan and Hussein who were already back home by then. But they finally left the boys alone and we calmed down somewhat. And now – again - it's such a nightmare with this pressure on Ibrahim to claim an amnesty.

In July they brought a police subpoena writ, demanding that Ibrahim to present himself at the ORB-2 and give some explanations. We asked then, "What do you want from him?" The answer was, "Let him come, we will tell him on the spot" He did not go... Then on 23 July some other armed people came in UAZ cars. They were most probably also from the ORB-2, but did not introduce themselves. They shouted and threatened, crying blue murder: "If you don't bring your Ibrahim to us, we will arrest all the guys from the street, and you will then have to bring him!"

The district policeman would come regularly and we are constantly to the police station or to the district administration office. And everyone tells us that he should surrender. But where and why should he surrender, if he has never ever done anything wrong?

Appendix I – What was Behind the Contemporary “Amnesty” Process in Chechnya?²¹

The Mechanics of the “Amnesty” Process

Five days after the violent death on 10 July 2006 of Shamil Basaev, the leader of a Chechen armed resistance fraction responsible for numerous terrorist attacks, FSB Head and Chair of the National Anti-Terrorist Committee (NAK) Nikolai Patrushev made an amnesty offer. He called on “members of illegal armed groups” to lay down their arms and start talks with “the representatives of the legitimate authorities of Chechnya or the federal government” by 1 August 2006 in return for “guarantees of objective and unbiased consideration” of “all circumstances” relating to their participation in such groups. The then president of the Chechen Republic, Alu Alkhanov, also stated that the rights of those requesting amnesty would be observed and that “an objective investigation” would be carried out into their cases and “a fair decision” made.”²² One day before the expiration of the deadline, the NAK extended it until 30 September 2006, explaining that this was partly because of “numerous requests and statements” that the deadline be extended and partly because a draft amnesty bill had been submitted to the State Duma for consideration.²³

On 18 September 2007, President Putin asked the State Duma to approve the draft amnesty bill and four days later the State Duma passed it without any amendments. The bill was entitled “On amnesty to people having committed crimes during the counter-terrorist operations in the territory of Russian entities within the Southern Federal District”. This law was applicable not only to members of illegal armed groups but also Russian servicemen. However, persons who had committed grave and particularly grave crimes were excluded from the amnesty. The chairman of the Duma committee on criminal legislation, Pavel Krasheninnikov, was quoted by *Itar-Tass* as saying that the amnesty would not apply to “recidivists, foreigners or persons without citizenship.”²⁴

After the first amnesty offer was made, according to which fighters who wished to request amnesty could approach both Chechen authorities and federal ones, it was reported that 17 members of the Federation Council (the upper body of the Russian parliament) had agreed to act as intermediaries between the law-enforcement authorities and rebels. These included Federation Council Deputy Speaker Svetlana Orlova, the chairmen of three parliamentary committees, eight deputy chairmen and five other senators. Yet, when a *Kommersant* correspondent pretended to be a Chechen rebel who wanted to surrender directly to the federal authorities, rather than to the Chechen authorities, he was unable to do so as his phone calls were not answered or returned by the members of the Federation Council in question.²⁵ Later on, according to the mufti of Chechnya, Sultan-Khadzi Mirzoev, it was the imams of the mosques who “helped those who wanted to surrender approach the law-enforcement bodies.”²⁶

“Amnesty” as One Step to Reconcile a Conflict?

When asked by the Russian news agency Interfax about the amnesty offer first made by NAK, Ludmilla Alexeyeva, chair of the Moscow Helsinki Group and former IHF President, answered that

²¹ Based on material published by the electronic “Chechnya Weekly” of the Jamestown Foundation. See: <http://www.jamestown.org>

²² Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 29, 20 July 2006.

²³ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 31, 3 August 2006.

²⁴ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 36, 21 September 2006.

²⁵ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 31, 3 August 2006.

²⁶ Jamestown Foundation, *Chechnya Weekly*, Volume 8, Issue 3, 18 January 2007.

“the very idea of an amnesty is good and it was proposed at the right time - after Basaev’s killing”. She saw the amnesty as part of a possible strategy that could help end hostilities in Chechnya and enabling rebels who were not guilty of serious crime to return to a normal life.

Other human rights activists expressed doubts that the amnesty could contribute to a peaceful solution of the conflict in Chechnya. One, unnamed, activist, quoted by *Prague Watchdog* said “What is needed is a real political dialogue with the armed opposition, not threats and ultimatums”. But that would mean, first of all, to acknowledge that there is an armed opposition that cannot be reduced to armed criminals and terrorists.²⁷

Some lawmakers and high-ranking political advisers offered alternative thoughts on how to implement the amnesty process. For example, Issa Kostoev, Ingushetia’s senator in the Federation Council, called for a carefully worded amnesty law, which would describe in detail the procedure for surrender and negotiations, include a list of crimes covered by the amnesty and explain the extent to which a surrendering militant would be held accountable for such crimes.²⁸

Aleksandr Torshin, a Federation Council deputy speaker who is also the chairman of the Council’s Interim Commission for the Analysis of the North Caucasian Situation, proposed that all militants be amnestied, irrespective of what crimes they had committed. “It is necessary to take out of the woods those on whom there is blood, who have really been fighting, otherwise we will be involved in this process for a long time,” He said. He added that this is a very complicated procedure as only the president of the country can pardon serious crimes, and only individuals who have already been convicted can be pardoned, but that he “does not see any other way out.”²⁹

President Putin’s adviser on the North Caucasus, Aslambek Aslakhonov, proposed that the amnesty be extended to those he called “sincere resistance fighters,” a different category than “bandits” according to him. As “sincere resistance fighters” he regarded “those who believed in the idea of Chechen independence” – who according to him already understand that they were mistaken – and those who took up arms “because their mother was killed”.³⁰

Even the acting head of the Chechen FSB, Sergei Bogomolov, noting the “absence of channels” with rebel fighters in mountainous regions, called for a new approach to organise amnesty in those regions and called on Chechnya’s president and parliament to put forward legislation that would reduce the punishments for various crimes not covered by the amnesty.³¹

The Motives of the “Amnesty”

The amnesty, besides being intended to weaken the armed resistance, was primarily aimed at removing young men with little operational experience from the ranks of the fighters.³² Connected

²⁷ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 32, 10 August 2006.

²⁸ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 31, 3 August 2006. Kostoev was interviewed by a *Kommersant* reporter, who posed as a rebel wanting to surrender. *Kommersant*, 1 August 2006.

²⁹ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 31, 3 August 2006.

³⁰ Jamestown Foundation, *Chechnya Weekly*, Volume 8, Issue 3, 18 January 2007, quoting *Kommersant* from 16 January 2007.

³¹ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 34, 8 September 2006.

³² Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 30, 27 July 2006. Andrew McGregor, „The Amnesty Offensive: Breaking Down Basaev’s Network“.

Mc Gregor quotes several federal and local officials, showing that they all follow a similar script in addressing themselves to “those who were deceived by Basaev” (statement by the Karachaevo-Cherkessia FSB, quoted by the *Caucasus Times*, July 20), “those dragged into criminal activities” (Ramzan Kadyrov, quoted by *Itar-Tass*, July 18), “those who were tricked into going to the forest” (Arkady Yedelev, quoted by *RIA Novosti*, July 18) and “citizens of Russia deceived by gang leaders” (Nikolai Patrushev, quoted by *Itar-Tass*, July 18).

with this purpose was one outlined by President Putin on 1 August 2006, when he expressed support for the amnesty but added that “the campaign against those who continue their illegal activities should be stepped up.” Tatyana Stanovaya, head of the analytical department at the Center for Political Technologies commented on this statement by saying: “It is possible that the FSB is publicly making it understood that the chance to be amnestied has been given to everyone, and that he who doesn’t take advantage of it is an irreconcilable militant. Thus the amnesty, at the end of the day, is needed to show that the militants remaining in Chechnya will be subject to destruction.”³³

A comment by Chechen State Duma Deputy Frants Klintsevich after the end of the amnesty supports this interpretation. He said that not one of the irreconcilable fighters, according to him there are about 200 of them in the special services’ card index, will, under any circumstances, lay down their arms. “These people can only be destroyed.” he said, adding “The task of the amnesty was to pull away from them those who had ended up there by chance, and that was done.”³⁴

Another interpretation about the real aim of the amnesty, expressed for example by Geidar Dzhemal, chairman of the Islamic Committee of Russia, is that the amnesty was developed in the interests of then Chechen Prime Minister, Ramzan Kadyrov, so that Kadyrov could declare that the rebel underground has been crushed. Unsurprisingly, Kadyrov indeed (once again) announced that “illegal armed formations in Chechnya have been totally destroyed and peace has come to the Chechen republic once and for all”.³⁵

Yet another possible interpretation is that the massive publicity around the amnesty process was designed to overshadow the quiet burial of President Putins decree from 2 August 2006, instructing the military command to submit by 15 December 2006 a plan for a stage-by-stage withdrawal of troops from Chechnya in 2007-2008, as a proof that the war has ended. After the decree, Russian generals issued one statement after another pointing to the serious security problems in the Chechen Republic that did not allow for a troop withdrawal of any kind³⁶, and when the deadline arrived on 15 December, nothing was heard about the need for a withdrawal plan that was supposed to have been submitted to Vladimir Putin. Therefore, new methods had to be found to persuade everyone that the situation in the republic was improving.³⁷

³³ Jamestown Foundation, Chechnya Weekly, Volume 7, Issue 31, 3 August 2006. Stanoyeva’s article was posted on the Politcom.ru website on 1 August.

³⁴ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 3, 18 January 2007.

³⁵ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 7, 15 February 2007, quoting Kavkazky Uzel (Caucasian Knot) from 11 February 2007.

³⁶ For example, on 10 August, Leonid Krivonos, the acting military commandant of Chechnya, commented that the military command in Chechnya expects rebel activity in Chechnya to increase in August and September, completely contradicting the optimism of the FSB. And on 5 August, Arkady Edelev, head of the Center of Operations in Chechnya, said during a press conference in Rostov-on-Don that “the threat that comes from the insurgency should be regarded as real.” See: Jamestown Foundation, Chechnya Weekly, Volume 7, Issue 33, 17 August 2006. Andrei Smirnov, “Russia’s uncertain military future in Chechnya”.

Andrei Smirnov, in above article, further argues that “(t)he warnings from Krivonos and Edelev, however, should not be treated as merely another reminder about the real situation in Chechnya. Rather, the generals may be voicing a broader dissatisfaction within Russian military circles regarding the latest decree issued by Russian President Vladimir Putin. The decree ordered the security bodies to “submit by December 15 this year a plan of stage-by-stage withdrawal of troops from Chechnya to be carried in 2007-2008”.

³⁷ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 1, 4 January 2007. Andrei Smirnov, „The Illusion of Victory: Kremlin proxies mount year-end propaganda drive”.

Background to the “Amnesty” – How strong are the “illegal armed formations” in Chechnya and the North Caucasus / Southern Federal District

On 26 July 2006, some two weeks after the death of Basaev, the Federal Deputy Interior Minister Arkady Yedelev said that the total number of ‘illegal armed formation’ members in the Southern Federal District today does not exceed 800, down from the earlier number of 1,200-1,800. In contrast to that, on 18 July 2006, then Chechen Prime Minister, Ramzan Kadyrov, told the board of the Chechen Interior Ministry that only 50 active rebels remain in Chechnya, with part-time rebels and rebel sympathizers numbering only 200-300.³⁸

On 2 February 2007, that is after the end of the amnesty, in an interview with Rossiiskaya Gazeta, Yedelev, gave as a total 450 fighters in 46 groups as being still active in Chechnya. Kadyrov declared the “illegal armed formations” as being “totally destroyed”.³⁹

Who are the “Amnestied” Persons?

According to an unnamed NAK official quoted by the Russian news agency Interfax on 15 January 2007, a total of 546 people had made use of the amnesty. He said that “practically all” of them had belonged to “various rebel gangs” and that around 200 had participated in “sabotage-terrorist acts”. Furthermore, four were on the federal wanted list and three were women who had been trained to commit suicide attacks.

As examples of those who surrendered he mentioned: the rebel “emirs” of Argun and of the “Sharia Guards” of Chechnya’s Shelkovsky district, relatives of the late rebel commander Salman Raduev, of the former president of the separatist Chechen Republic of Ichkeria (ChRI) Abdul-Khalim Sadulaev (also deceased) and Dokku Umarov, the current ChRI president. Two high-level rebels, Isa Aliev and Islam Sharipov, had also asked for amnesty, along with Turpal-Ali Kaimov, a leader of the Chechen diaspora in Oslo, Norway.⁴⁰

The Chechen deputy prosecutor, Nikolai Kalugin, gave more precise information regarding the amnesty process in Chechnya. He said on 16 January 2007 to the New York Times that of the 467 former militants in Chechnya who had requested amnesty, 305 had already been granted amnesty, 19 were under criminal investigation because they were suspected of committing crimes too serious to waive, and the remaining cases were still under review. He also added that the total number of applicants might grow as up-to-date tallies are included from the neighboring republics.⁴¹

Predictably, many Russian officials and members of the pro-Moscow administration hailed the amnesty as a success. Then Chechen Prime Minister Ramzan Kadyrov said on 15 January 2007 that “if 400 well-armed militants with experience in guerrilla actions saved as many lives [by giving up], and remain alive themselves, then it is possible to call the amnesty that just passed effective.” Also Federation Council Deputy Chairman and NAK Member Aleksandr Torshin praised the amnesty campaign as most effective, “both in terms of the number of militants who desired to return to peaceful life and in terms of the amount of armaments surrendered.”

However, many others expressed scepticism about the results of the amnesty.⁴² An unnamed Chechen political scientist was quoted by Kavkazky Uzel (Caucasian Knot) on 15 January 2007 as saying. “At

³⁸ Jamestown Foundation, Chechnya Weekly, Volume 7, Issue 30, 27 July 2006.

³⁹ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 7, 15 February 2007.

⁴⁰ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 3, 18 January 2006.

⁴¹ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 3, 18 January 2007.

⁴² As is easy to note, Kadyrov also contradicts himself, when he before the amnesty claims there are only 50 fighters, and after the amnesty claims that 400 well-armed militants have given themselves up.

the end of the day, only former members of the armed groups surrendered to the authorities. There was practically no one who came out of the woods with their weapons in hand. And, at the same time, so-called ‘accomplices’ – that is, persons who rendered one or another service to the militants (delivered them food, medicine; provided lodging, and so on) were counted among those who laid down their arms.”⁴³

Likewise, after the largest single rebel surrender in Gudermes on 29 August 2006, when 49 purported militants gave themselves up, a Kommersant article concluded that, “Nikolai Patrushev’s call and Ramzan Kadyrov’s efforts have resulted in the surrender only of those NVF [illegal armed formation] participants who had the most remote connections to the illegal formations. For instance, servicing and provisioning the bandit groups. And they showed up at the law-enforcement organs because they were sure there are no criminal cases against them, will not be any and that they have nothing to fear.”⁴⁴

Geidar Dzhemal, chairman of the Islamic Committee of Russia, said in a 16 January 2007 interview with Kommersant that among those who surrendered were only “people who had not fought; someone’s relatives [or] acquaintances, whom they persuaded to pretend they were putting down their arms so that Ramzan Kadyrov could declare that the [rebel] underground has been crushed.”⁴⁵

Even some officials conceded this. Chechen Deputy Prosecutor Nikolai Kalugin told the New York Times that most of those who sought amnesty were low-level militants or commanders leading formations of no more than six or seven fighters, and that no prominent separatists had sought amnesty.⁴⁶ And another security official, the acting head of the Federal Security Service (FSB) in Chechnya, Sergei Bogomolov, admitted on 31 August that there had been instances of “forced surrenders” and that it could not be ruled out that dishonest “juggling” of statistics concerning rebel surrenders had also taken place, all in order to increase the number of surrenders by militants. Interfax quoted him as telling a meeting of the Republican Anti-Terrorist Commission in Grozny that “it is necessary to stop the improper actions of officials at various levels in the organs of power [and] administration, the law-enforcement organs, who are trying to use the process of voluntary surrender by militants for their own mercenary goals.” Bogomolov also warned that separatist leaders might try to undermine the amnesty or use it for their own purposes - for example, using it to place accomplices among the civilian population.⁴⁷

Human rights groups were critical of the amnesty, in particular its narrow scope with respect to crimes covered. Oleg Orlov, head of the Human Rights Center “Memorial”, was quoted by Kommersant as saying “When participation in military actions against federal forces is regarded as a crime that isn’t covered under the amnesty, it is impossible to understand whom the amnesty was directed at. ... To those in the ranks of the militants who boiled the kasha?”⁴⁸ Similarly, Aleksandr Cherkasov, North Caucasus expert from “Memorial” noted that the amnesty did not cover the kind of crimes [typically?] committed by militants in the North Caucasus. “According to the letter of this resolution it will be possible to amnesty detachments of scouts who collected herbarium in the mountainous wooded areas of Chechnya,” the Hro.org website on 19 September quoted Cherkasov as saying. “Attempts on the

⁴³ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 3, 18 January 2006.

⁴⁴ Jamestown Foundation, Chechnya Weekly, Volume 7, Issue 34, 8 September 2006.

⁴⁵ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 3, 18 January 2007.

⁴⁶ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 3, 18 January 2007.

⁴⁷ Jamestown Foundation, Chechnya Weekly, Volume 7, Issue 34, 8 September 2006.

⁴⁸ Jamestown Foundation, Chechnya Weekly, Volume 8, Issue 3, 18 January 2007.

lives of servicemen or members of the law-enforcement bodies are, according to the law, grave crimes. Consequently, this amnesty does not provide for the removal of real fighters from opposition.”⁴⁹

“Grey Amnesty” as Part of the Chechenisation Process

According to Aleksandr Cherkasov, North Caucasus expert of the Human Rights Center “Memorial”, a so-called “grey amnesty” has taken place in Chechnya in the last few years. Other human rights activists confirm this.

Under the “grey amnesty,” hundreds of rebel fighters have surrendered in response for personal guarantees made by first Akhmad Kadyrov and later his son Ramzan Kadyrov. These rebels have served to fill the ranks of the kadyrovtsy. Cherkasov commented: “This method leads only to the passage of participants in the conflict from one side to the other. Huge military structures personally loyal to Ramzan Kadyrov are being formed. Members of these structures are undoubtedly dependent on him, because it is he who guarantees that from this moment on they will not be regarded as [rebel] fighters”.⁵⁰ Arkady Yedelev, head of the Regional Operations Headquarters for the Anti-Terrorist Operation in the North Caucasus, confirmed this in a *Rossiiskaya Gazeta* interview, while of course adding a different spin. He said that amnestied Chechen militants are employed in the local law-enforcement agencies, and that “it is logical to give people a chance to show themselves”. In other words, they continue to fight, but this time on the Russian side.⁵¹

The strategy of incorporating the surrendered militants into Chechen Interior Ministry units or, more recently, the North and South special battalions of the federal Interior Ministry’s Internal Troops has been the main and the most effective guarantee for former militants.⁵² In numerous cases, though, this incorporation happened not voluntarily but accompanied by torture and other forms of pressure and coercion.

At least with respect to the high number of those having gone through the “grey amnesty” – but of course not with respect to the “security guarantee” - this is also confirmed by Chechen authorities. For example, the then Chechen President Alu Alkhanov was quoted on 15 January 2007 as saying that more than 7,000 rebels have surrendered since 2001, and that 5,000 of these have found employment, “including in the executive branch and law-and-order organs.”⁵³ This is a huge number compared to the 546, who according to the official accounts surrendered during this amnesty, and the less than 200 fighters who surrendered during the federal amnesty implemented in 2003.⁵⁴

⁴⁹ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 36, 21 September 2006.

⁵⁰ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 36, 21 September 2006.

⁵¹ Jamestown Foundation, *Chechnya Weekly*, Volume 8, Issue 7, 15 February 2007, quoting an interview in *Rossiiskaya Gazeta* from 2 February 2007.

⁵² Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 31, 3 August 2006, quoting a *Kommersant* article from 1 August.

⁵³ Jamestown Foundation, *Chechnya Weekly*, Volume 8, Issue 3, 18 January 2007, quoting *Kavkazky Uzel* (Caucasian Knot) from 16 January 2007 that is citing Newsru.com

⁵⁴ Jamestown Foundation, *Chechnya Weekly*, Volume 7, Issue 30, 27 July 2006.

Appendix II – One Example in What Manner Liberal Russian Media reported about the “Amnesty” Process

Article “Ramzan and the 49 Scoundrels” (Gazeta.ru, 29.08.2006, 19:13)

About 50 rebel fighters, among whom were high ranked functionaries of the self-proclaimed Ichkeria, surrendered to Ramzan Kadyrov. One of them has even told the Chechen Prime Minister how he managed to successfully hide himself for such a long time.

On Tuesday almost 50, i.e. 49 rebel fighters have voluntarily laid down arms in Chechnya. They have registered at the special police regiment, where Ramzan Kadyrov, head of the Chechen government had personally received them. Some of the surrendering rebel fighters, proved to be, according to Kadyrov, “prominent persons, “emirs” of different regions”.

For instance, among them was the ex-head of the Ichkeria Shariah Security Ministry Penal Service Department, Arbi Habaev. As Habaev himself told the prime minister he had lately lived in the downtown of Grozny and had long ago intended to surrender, but could not get the Prime minister on the phone.

“I have many times called you on your mobile phone, but you never picked up. If I had the chance to talk with you on the phone, I would have come even earlier”, - were the words of Habaev, communicated by “*Interfax*”. However, to find Habaev at the downtown was not easy at all. “I have been in the downtown of Grozny, my name is Arbi Habaev, but according to my documents, my name is Movdi. Apparently this misled those, who were trying to find me”, honestly confessed the ex-Ichkeria functionary.

Another surrendering rebel fighter, ex-commander of an Ichkeria battalion, Ali Suleimanov, was more loquacious. He stated that until then the rebel fighters simply “did not have authentic information about the conditions of surrender”. Having understood, that “no one was going to kill them, or shoot them” and that on the contrary they are “being received properly”, Suleimanov volunteered to “conduct explanatory work” among the rebel fighters, who have not yet realized all the benefits of the voluntary surrender to authorities. “Those are quite numerous. The majority of them has gone to the woods and is forced to hide. I am sure that we should all take the pains and make efforts to legalize these people”, - he underlined.

One more participant of the illegal bandit formations, Ahmed Mutalipov, turned out to be an ex-head of the Ichkeria Shariah Security Ministry’s Staropromyslovsky Regional Department. He boasted that he had been awarded the golden “honor of the nation” medal, and among those, who surrendered, there were not so many people of that level, according to him.

Answering the question of why he did not show-up earlier to the police, Mutalipov stated, that “amnesty is an abstract phenomenon”, and he needed the guarantees of a specific person, which for him became Ramzan Kadyrov.

The Chechen Prime minister himself explained the voluntary surrender of almost 50 rebel fighters in one day by the fact, that the fighters “believed they are serving the people, but they were deeply wrong”, and, “having realized that, they renounced the meaningless struggle and showed up”. Kadyrov observed, that “these people have never been Basaev’s partisans and could not even stand him”, and promised to find appropriate jobs for the rebel fighters who have surrendered. “A peaceful

life expects all those people, standing in front of you. We have given them our word, that there will be a just investigation, that no one will be brought to justice for uncommitted acts. We will make everything possible for them to have work and a possibility to honestly earn their own and their families' living", - said Kadyrov.

It's curious that, according to the official version, the number of fighters, who have voluntarily laid down arms, is practically equal to the number of the fighters, who are still actively resisting the federal authorities.

"According to our operative data, including the ringleaders, up to 50 Chechens might be in the woods", stated the vice-prime minister of Chechnya Adam Demilhanov. "Besides, on the territory of the Chechen Republic there are about 20-30 foreign mercenaries". It's not difficult to figure out that, according to the Chechen government's assessment, from 70 to 80 fighters are currently opposing the authorities in the Republic.

The Chechen National Anti-terrorist Committee (NAC) has also summed up the intermediate results of the amnesty, announced for the fighters in the middle of July. According to data, available on 28 August, already 178 fighters have laid down arms (Demilhanov mentioned the figure of 188 persons).

The NAC has decided to simultaneously count the number of those fighters, who did not manage to surrender, since they were liquidated by the Russian army. Since 1 September 2003, 864 fighters, including "135 ringleaders, and 24 emissaries of foreign organizations", offering armed resistance, have been liquidated, claimed the NAC representatives. Besides, in the same period more than three thousand fighters and persons, suspected of participation in illegal armed formations, were detained.

Meanwhile, since the beginning of 2006, according to the NAC data, more than 90 rebel fighters have been exterminated within the counter-terrorist operation in the North Caucasus. Let's mention, that if the current speed of extermination is further preserved, already by the end of the year the remaining 70-80 fighters in Chechnya will be liquidated. If peaceful life is still not back by that time, the federal authorities will have to persecute the so-far non-reported rebel fighters. (Iliya Azar)

<http://www.rambler.ru/db/news/msg.html?ph=1&mid=8571253>