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**The Silencing of Human Rights
Defenders in Chechnya and
Ingushetia**

**International Helsinki Federation
for Human Rights (IHF)
Norwegian Helsinki Committee (NHC)**

15 September 2004 (Embargoed)

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I. Preface

The International Helsinki Federation for Human Rights (IHF) has monitored and reported on the human rights situation in Chechnya since 1995, when the first Chechen war was taking place. In the fall of 1999, with the start of the second Chechen war, the so-called “anti-terrorist operation”, which has led to an on-going human rights crisis without parallel in Europe, the IHF has intensified its involvement in Chechnya. During the General Assembly of the IHF in The Hague in November 2002, at the initiative of the Norwegian Helsinki Committee, the member Helsinki committees adopted a plan of action on Chechnya in order to focus and coordinate a wide range of monitoring and advocacy activities pertaining to the human rights crisis in the Northern Caucasus. The present report is part of the IHF Chechnya program supported by the Open Society Institute and the Mott Foundation.

The human rights crisis in Chechnya is based on the reign of impunity currently in place in the republic. In Chechnya, crimes are seldom investigated and perpetrators are rarely charged, let alone convicted. Grave human rights abuses and violations of humanitarian law continue to occur on a daily basis and on a grand scale in Chechnya and, increasingly, in Ingushetia. While criminals remain free, those who speak up against the reign of impunity are under threat. There are a number of people in Chechnya and Ingushetia (and in other parts of the Russian Federation) today who qualify as human rights defenders. This report intends to focus on the extreme situation they are in, the threats they are faced with, and the need for real international support to human rights defenders active in Chechnya and Ingushetia.

The current report is partly based on interviews and on-site research by the IHF and Helsinki committee associates conducted during several missions to the region since 2001, and partly on written research material from a few selected sources: Memorial Human Rights Center, Human Rights Watch, Stitching Chechnya Justice Initiative, and the Russian-Chechen Friendship Society. Some information was also collected from the Danish Refugee Council, Médecins Sans Frontières, and the Committee to Protect Journalists.

The report aims at giving an overview on the forms and extent of persecution of human rights defenders during the second Chechen war. It does not cover persecution of human rights defenders across the Russian Federation but focuses on defenders involved in the crisis in Chechnya, especially those working on the local level in Chechnya and Ingushetia. However, attacks against and harassment of defenders involved in the Chechen crisis have occurred elsewhere, too, and some of such cases are mentioned in this report. It must be remembered that the information collected here is only part of the picture: Investigating abuses in Chechnya is very difficult, and documenting all abuses is beyond the capacity of the Russian and international human rights community working with the crisis. Given these restrictions, it is difficult to arrive at a clear estimate of the abuses committed against human rights defenders. However, based on the data presented in this report and on other human rights data collected over many years, a partial assessment can be made.

Another complicating factor is the fact that it is often difficult to establish who the perpetrators are, since crimes in Chechnya occur in a climate of impunity and fear and since there are a large number of possible culprits. There is a number of state- and non-state armed groups operating in Chechnya and Ingushetia. Among the federal or Russian forces are: federal (Russian) military forces, federal (Russian) Ministry of Internal Affairs forces, FSB (federal security) forces, and GRU (federal military security) forces. Among the forces of the local authorities loyal to the federal authorities are: Chechen

and Ingush police forces, and Chechen security forces. Among the non-state armed groups are various armed insurgent formations (some of which are islamist or “wahhabist” in orientation), and various criminal groups that may or may not have affiliations with the authorities or insurgents.¹ In this report, the main distinction is between federal and local forces, both of whom represent the Russian state, and non-state formations.

Although the individuals mentioned in this report all in one way or another qualify as human rights defenders, it is not always clear whether abuses against them are committed for that specific reason.² People in Chechnya and Ingushetia are always in danger of becoming victims of human rights abuse or random violence, and human rights defenders are not an exception. In most of the cases described in this report, however, there are indications that the various abuses were linked to the victims’ activities as human rights defenders. In some of the cases described in this report, names have been changed in order to protect the identity of witnesses and family members.

¹ It is often alleged that certain well-known criminals, such as Arbi Baraev from the village Alkhan-Kala, cooperate or cooperated with the authorities. In Baraev’s case, Russian journalists were reportedly able to document that he was in possession of FSB documents that allowed him to travel freely through federal checkpoints.

² For instance: There was an incident in Moscow with a Memorial researcher some years ago. The police harassed him and tried to extort money from him. The incident is not mentioned here. The incident was probably related to the fact that the researcher is an ethnic Chechen, and not to the fact that he is a human rights defender.

II. Summary

Human rights defenders in Chechnya and Ingushetia have been under a constant threat for many years. There were a number of high profile abduction cases and killings involving humanitarian workers and journalists in the inter-war period -- that is, from the fall of 1996 to the fall of 1999. However, persecution of human rights defenders appears to have intensified with the start of the second Chechen war in the fall of 1999. During the second war local activists have become the main targets. Reports of harassment of human rights defenders appeared early in the war: for instance, the detention and abduction of Radio Liberty Correspondent Andrey Babitsky in January and February 2000. Since then, reports of persecution of defenders have appeared monthly or even weekly.

The cases collected here do not represent the totality of cases of abuse against human rights defenders connected with the crisis in Chechnya. But the material does provide an overview of the forms and extent of persecution of human rights defenders working with the crisis in Chechnya up until the present. Among the cases are 13 killings of human rights defenders, 6 enforced disappearances, 4 abductions, 19 instances of torture/beatings, 19 illegal detentions and 69 counts of harassment or threats. A few cases of attacks and harassment of defenders involved with the crisis in Chechnya have been reported in Moscow and in Nizhny Novgorod, but the overwhelming majority of the incidents have occurred in the conflict zone of Northern Caucasus, especially in Chechnya and, increasingly, in the neighboring republic of Ingushetia. Some of the victims were foreigners or individuals from other parts of the Russian Federation, but most of the victims are local. However, in July and August 2004 two cases of anonymous threats were reported against ECtHR applicants and witnesses residing as refugees in Norway. As a result, both involved families received assistance from the Norwegian police.

In some cases the perpetrators are unidentified, while in other cases (in 6 out of 141 counts of abuse listed in the table presented at the end of this report) Chechen criminal or insurgent groups are believed to be behind attacks. However, in the majority of the cases (108 out of 141 counts of abuse listed in the table) local or federal authorities are believed to be involved.

The report clearly indicates that security for defenders has deteriorated in 2003 and 2004. While 67 counts of abuse against defenders were reported in a period of more than three years from the start of the war to 2002, 74 counts of abuse are listed for 2003 and 2004 up to and including July (a total of 19 months). An important factor in explaining this increase are the many incidents reported over the last year and a half concerning persecution of applicants to the European Court of Human Rights (ECtHR). In some cases, persecution appears to have had an intimidating effect: Applicants to the ECtHR have withdrawn their applications, and IDP representatives in Ingushetia have been coerced into returning to Chechnya. The deterioration of the security situation appears to be linked to several developments. One factor is the consolidation of a powerful and brutal local government in Chechnya (formerly led by the late President Akhmat Kadyrov), which is determined to root out opposition and dissent. Another factor is that after the election of Murat Zyazikov as President in April 2002 the human rights situation in Ingushetia, which previously was a relatively safe haven for defenders, more and more resembles the one in Chechnya. Above all, this seems to be the work of a federal political decision that aims to intimidate or eliminate dissent and close Chechnya to outside scrutiny.

The material collected here underlines that the Russian government is in breach of its obligations under Article 12.2 of the Declaration on Human Rights Defenders, which holds that:

The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

Not only have Russian authorities failed to “take all necessary measures to ensure the protection” of human rights defenders, but evidence indicates that state officials themselves are often the perpetrators.

Even though the cases described in this report do not offer the whole picture of persecution of defenders, analysis of the collected material overwhelmingly supports a number of grave conclusions:

- **Human rights defenders have been targeted since the start of the second war in Chechnya.**
- **Human rights defenders are increasingly at risk: There has been a steep rise in incidents of persecution of defenders in 2003 and 2004.**
- **State agents are responsible for most of the attacks on human rights defenders.**
- **No effective measures have been taken by the Russian authorities in order to protect defenders in the conflict zone of Chechnya and Ingushetia.**
- **The international community has failed to adequately address the Russian Federation about persecution of human rights defenders.**

III. The Persecution of Human Rights Defenders in Chechnya and Ingushetia

A. The Growing Threat

President Putin's State of the Nation Address

In his televised state of the nation address of 26 May 2004, President Vladimir Putin emphasized the state's commitment to the main goals of "a mature democracy and a developed civil society." Yet in the same speech he criticized Russia's non-governmental organizations, stating that,

[f]or some of these organizations, the priority is to receive financing from influential foreign foundations. Others serve dubious groups and commercial interests. And the most serious problems of the country and its citizens remain unnoticed.

I must say that when violations of fundamental and basic human rights are concerned, when people's real interests are infringed upon, the voice of such organizations is often not even heard. And this is not surprising: they simply cannot bite the hand that feeds them.

Although it is a little unclear to which organizations Putin refers, what is meant by phrases like "people's real interests", and which "violations of fundamental and basic human rights" remain unnoticed, this paragraph seem to issue a warning to Russian NGOs, especially those concerned with the protection of human rights, who receive funding from abroad. That would include several of the most widely acknowledged human rights NGOs in Russia.

Given the backdrop of increased state control in Russia -- where traditional components of a "mature democracy" like free media, free and fair elections, an independent judiciary, and functioning political parties, have all in some way become increasingly "managed", i.e. subject to state influence -- Russian human rights activists reacted negatively to Putin's state of the nation speech. There are fears that the authorities regard criticism from human rights groups as "information pressure" (to quote Putin) designed to weaken the Russian state. Consequently, the state of the nation speech was interpreted as a signal to the Russian law enforcement agencies and local authorities to actively control and discipline human rights activists. The recent killing of the well-known activist Nikola Girenko, an expert on minority rights, racism and xenophobia in today's Russia, in his home in St. Petersburg on 28 June 2004, and the murder of the writer and editor Paul Klebnikov in Moscow on 9 July 2004, testify to the danger faced by human rights defenders in Russia today. Moreover, these deaths underscore the need for Russia to live up to its international obligations to protect human rights defenders.

Nowhere was President Putin's warning taken more seriously than in Chechnya and Ingushetia, where over the last few years human rights defenders and their families have been harassed, illegally detained, tortured, kidnapped and killed. The issue of human rights abuses and violations of humanitarian law committed by state agents in Chechnya has been a main source of conflict between the human rights community and President Putin since his appointment to the post of Prime Minister in September 1999 -- an appointment that coincided with the outbreak of the second Chechen war. Russian authorities have consistently portrayed the federal military intervention in Chechnya as an "anti-terrorist operation", and have vigorously denied allegations of serious human rights abuses. Anyone who presents a dissenting view runs the risk of being perceived as enemy of the state and of

facing consequences that, especially in the case of Chechnya, have sometimes proven to be grave indeed. Although pressure against human rights defenders involved in the issue of Chechnya is felt in Moscow, the situation is especially difficult in the conflict zone of Chechnya and Ingushetia.

Lack of Protection in the Conflict Zone

Three factors have recently contributed to the worsening of the situation for human rights defenders in Chechnya and Ingushetia: 1) Political changes on the federal level, 2) establishment of a powerful and brutal local government in Chechnya, and 3) the growing “chechenization” of the neighboring Ingushetia, which was previously considered a relatively safe haven for refugees, foreign humanitarian workers and human rights defenders.

The human rights community in Chechnya and Ingushetia was previously supported by influential political groups in Russia, and some activists operated under the protection of deputies of the state Duma. But the Parliamentary elections of December 2003, in which candidates supported by the government tended to win seats, led to a dramatic weakening of the liberal forces in Russian politics. Local activists now have less support in Moscow than before.

Whereas federal power and security agencies dominated Chechnya in the first years of the war, the human rights community in Chechnya and Ingushetia has lately felt increasingly threatened by the security organs of the local Chechen authorities, established by the late President Akhmat Kadyrov and to a large degree controlled by his son, Ramzan. Chechen authorities have often stated their displeasure with the human rights community, and Chechen security forces have allegedly been involved in several grave instances of persecution of human rights defenders described below. There are hardly any indications that the assassination of President Kadyrov on 9 May 2004, and the upcoming Presidential elections in the Republic of Chechnya in September, will entail a shift in the policy of the local authorities towards the human rights community. The local authorities represent a very real threat to the safety of human rights defenders in Chechnya and Ingushetia.

After the election of the former FSB general Murat Zyazikov as President of Ingushetia in April 2002, the human rights and security situation have worsened significantly. The signing of an action plan to force the Chechen IDPs out of Ingushetia and back “home” (which in most instances means other IDP facilities within Chechnya) has led to an increased, sometimes coercive, pressure on IDPs to return. The “opening” of Ingushetia to representatives of the Chechen authorities, including security personnel, led to an increased pressure on the republic’s human rights community, which had established itself during the Presidency of Ruslan Aushev. The number of grave human rights abuses reported in Ingushetia has risen steeply since the summer of 2003, with a reported 10 disappearances monthly in 2004. Representatives of Chechen authorities are implicated in several of the attacks on defenders in Ingushetia.

With the large scale attacks by armed insurgents on the night between 21 and 22 June 2004, when about one hundred people, mostly policemen and soldiers, were killed across Ingushetia, the security situation deteriorated to an extent that has made the two republics nearly indistinguishable. Similar forms of guerilla warfare and military counterinsurgency operations are taking place in both republics. As for the human rights situation, the authorities launched a series of operations in IDP settlements across Ingushetia after the attacks. There have been numerous reports of harassment and maltreatment in connection with the sweep operations, including illegal detentions, beatings and theft. Reportedly a number of male IDPs left for Chechnya after the attacks of 21 and 22 June for fear that the attacks

would be followed by reprisals against the IDPs. After the sweep operations a new wave of IDPs returned to Chechnya.

As of August 2004, the citizens of Chechnya and Ingushetia suffer from the same form of grave abuses of human rights and violations of humanitarian law, such as extrajudicial executions, disappearances and torture. The consequences for human rights defenders are a loss of protection and an increase in harassment by local authorities in Ingushetia, as can be seen in cases described below.

The International Response

The response of the international community to the human rights crisis in Chechnya has been generally oblique and inadequate. Over the years, the Russian government has successfully managed to remove human rights abuses in Chechnya from the international agenda, aided in part by the paradigm shift in international affairs caused by the terrorist attacks of 11 September 2001. While some international bodies, like the Parliamentary Assembly of the Council of Europe (PACE) and the Council of Europe's Committee for the Prevention of Torture (CPT), have issued criticism and demands to the Russian Federation, individual states have mostly avoided the issue of human rights in Chechnya in bilateral contacts. This is also the case with efforts to protect human rights defenders. The EU recently issued a set of "Guidelines on Human Rights Defenders", to, inter alia, "identify ways and means to effectively work towards the promotion and protection of human rights defenders in third countries". But there have been few direct initiatives by EU or its member states aimed at alleviating the difficult situation for human rights defenders in the conflict zone. Although the protection of the European legal space under the ECtHR – which should be a priority for all Council of Europe member states – should entail concern for ECtHR applicants under threat, this concern is not always manifested in practice. When the applicant Marzet Imakaeva was threatened, some European states approached by her lawyers would not give her temporary protection. The defense of the ECtHR seemed to be less important than asylum concerns. Imakaeva finally received asylum in the United States. However, some Council of Europe member states, like Norway, did provide asylum for applicants under threat.

B. Persecution of Activists and Lawyers

Case of the Russian-Chechen Friendship Society

The Russian-Chechen Friendship Society (RCFS) is an NGO based in Nizhny Novgorod and Chechnya/Ingushetia. The RCFS works with humanitarian issues and maintains a network of "human rights correspondents". Material from the correspondents is published on a webpage and in a newspaper, *Pravozaschita*. Four of RCFS's associates were killed during the second war. The circumstances indicate that the killings were connected with the victims' human rights and information-gathering activities.

On 14 October 2000 **Ruslan Akhmatov**, a RCFS employee, was killed near Karabulak, Ingushetia. The previous day police had searched the offices of the RCFS in Karabulak without a legal warrant, confiscated office equipment and detained the RCFS leader **Imran Ezhiev**. Ezhiev was released the next day. That night Akhmatov left the RCFS office to walk back to his home in the IDP settlement near the village of Yandare. He was wearing Ezhiev's jacket, and the person(s) who attacked him may

have mistaken him for Ezhiev in the dark. Akhmatov was struck fatally in the back with a sharp object.

On 13 December 2001, **Luiza Betergirieva** (born 1955), a RCFS employee, was killed at a roadblock outside the town of Argun in Chechnya. Betergirieva had tried to enter the town in order to interview people in the town hospital. She was turned back by the federal soldiers manning the checkpoint. The soldiers explained to her that the town was cordoned off. The driver turned the car around. When the car started to drive away, soldiers opened fire. Betergirieva was killed immediately. Her driver, **Umar Musaev**, a RCFS volunteer, was wounded.

On 18 December 2001, Imran Ezhiev's brother, **Akhmad Ezhiev** (born 1937), a RCFS volunteer who held the eulogy for Betergirieva a few days earlier, was killed in his family's house in the village of Serzhen-Yurt, Chechnya. A group of masked servicemen arrived at the house in two vehicles (one of them an APC³) at around 3 am. They broke down the door, asked for Akhmad Ezhiev, and shot him. His older brother, **Makhmud Ezhiev** (born 1926), followed the soldiers as they were leaving the site. In the yard the servicemen turned around and fired at him. Makhmud Ezhiev was wounded in the leg.

On 9 January 2004, **Aslan Davletukaev** (born 1973), a RCFS correspondent, was detained by federal forces at his home in the village of Avtury, Chechnya. His body, with signs of torture, was found near Gudermes on 17 January 2004. One of his teeth was missing, his nose was pressed in, and his face was unrecognizable due to the many bruises. In his forehead there were holes with a diameter similar to that of a nail, his arm and leg were broken, and his joints had been damaged by a sharp object. The cause of death was a gun shot in the back of the head.

Criminal cases were opened in connection with all the killings, but investigations have been inconclusive. The perpetrators have not been identified, even though there is a number of witnesses, particularly in the last three cases.

The head of the RCFS's branch in Chechnya/Ingushetia, **Imran Ezhiev** (born 1951), has been detained and maltreated on a number of occasions by local security and police officers, as well as by federal forces and unidentified armed persons. He was detained by federal forces on the border between Chechnya and Ingushetia on 17 September 2000. He was beaten in custody, and released on 21 September. On 5 January 2001, the RCFS offices were raided by a group of men who were looking for Ezhiev. Ezhiev, who was not there at the time, spent some days in hiding after the incident. On 13 October 2001, he was illegally detained by local police in Ingushetia and held in custody in detention facilities in Sleptsovsk and Grozny. No charges were filed against him, but his family received word that he could be released for ransom. After a number of appeals from Russian and international human rights organizations, Ezhiev was released on 11 November 2001. On 7 December 2001, Ingush policemen attempted to capture Ezhiev from his home in an IDP settlement in the village of Yandare, Ingushetia. The policemen did not present any arrest warrant or search documents. Other IDPs protested against the detention, and in the ensuing scuffle Ezhiev was able to get away. There was an attempt to kidnap Ezhiev from his home in the IDP settlement in the village of Yandare during the night of 2 November 2002. However, IDPs again came to his assistance and forced the masked and armed men to retreat. Based on statements from Ingush policemen manning a nearby roadblock, it was believed that the group belonged to the security forces of the Chechen authorities. On 4 March 2003, when Ezhiev was in Argun, unknown persons fired at his car. No one was injured in the incident. On

³ APCs (armed personnel carriers) are used exclusively by the federal forces.

15 March 2003 Ezhiev's car was overtaken by two vehicles, and his driver, Zaur Kharipov, was forced to stop. A group of masked men speaking unaccented Russian stepped out of the cars and abducted Ezhiev at gunpoint. He was released three days later after a national and international outcry. On 7 June 2003, while he was attending a memorial service for a relative at the cemetery in his native village of Serzhen-Yurt, federal troops opened fire on the congregation of people. **Ezhiev's ten-year-old niece** was wounded in the incident. On 29 December 2003, **Sheikhi Ezhiev** (born 1961), a cousin of Imran Ezhiev, was detained by Ingush police at a checkpoint on the Rostov-Baku highway. The policemen claimed that they were looking for his car, which was often used by RCFS staff in Chechnya. Sheikhi was released the next day. On 29 January 2004 Ezhiev was detained after visiting the Satsita IDP tent camp and reportedly beaten by Ingush police, who threatened to hand him over to the FSB. He was released the next day, when the head of the Presidential Human Rights Commission personally intervened. Imran Ezhiev has filed complaints about some of the episodes mentioned above. Cases were opened concerning some of the incidents, but none have ended up in court so far.

Other RCFS associates have had similar problems. On 31 March 2000, Pravozaschita correspondents **Igor Kalyapin, Sergey Shimovolos and Aleksander Kurskov** from Nizhny Novogorod, traveling together with the local assistant **Leila Amirkhadzieva**, were illegally detained and threatened at a checkpoint near the border with Ingushetia. The federal policemen brought them to the Yandare IDP settlement in Ingushetia, believing that the correspondents would find money to secure their release there. However, in the settlement the policemen were surrounded by IDPs and forced to let the correspondents go. The three filed a complaint about forced abduction and extortion to the local prosecutor's office in Ingushetia. A criminal case was opened. In a court hearing on 16 August 2001, a policeman was convicted for extortion. He was sentenced to three years in custody, but was immediately amnestied and released.

On 19 February 2001 police and military servicemen conducted an illegal search of the house of the RCFS leader **Ruslan Kutaev** (born 1951). The house is situated in the village of Achkoy-Martan,. The servicemen confiscated money, jewelry, and a number of other valuable items.

On two separate occasions in 2001 (15 March and 5 April) **RCFS staff** was attacked in Ingushetia and beaten by groups of unidentified persons in civilian clothes. On 4 August 2003, **Artur Akhmatkhanov**, a member of the RCFS who had recently married Imran Ezhiev's niece, disappeared after being taken away by Russian soldiers in an APC.

Persecution of RCFS has taken place not only in the conflict zone. Just before the presidential elections in Russia, on March 11, 2004, representatives of the OBEP (department investigating financial crimes) at the Nizhny Novgorod Region police office seized the 5,000 circulation of the Pravozaschita newspaper. The alleged reason for the confiscation was financial irregularities in the printing house "Riyad-Balakhna". Since 2002 the RCFS and "Pravozaschita" newspaper have been checked three times by the fiscal police, two times by the Ministry of Justice and one time by the Mass Media Ministry. On court decision the newspaper was returned to the editors more than a month later, i.e. after the presidential elections.

On 9 July 2004, as part of a bigger police operation against the IDP settlements, there was a security sweep operation in the IDP settlement in Yandare, a camp in which many RCFS staff members live, including Imran Ezhiev, who used to be the camp administrator. No one was detained in the operation, but police verbally harassed the RCFS staff. On 12 July Ingush police raided the offices of the RCFS in the town of Karabulak, Ingushetia. They allegedly presented neither a warrant nor identification

documents. One staff member, **Khamzat Kuchiev**, was detained in the operation, but was freed later on the same day, apparently after the intervention of members of the Presidential Commission on Human Rights in Moscow.

Case of the Chechnya and Ingushetia Branch of Memorial Human Rights Center

Memorial is among the most well-known human rights NGOs in Russia. Several influential politicians have been affiliated with Memorial, notably Sergey Kovalyov, who served as human rights ombudsman under President Yeltsin. Memorial has worked with the human rights crisis in Chechnya since the start of the first war in December 1994. The group gathers information about the human rights situation in Chechnya and Ingushetia through an extensive network of offices and monitors. Memorial also represents several clients from Chechnya before the European Court of Human Rights in Strasbourg, as well as in cases currently considered by the domestic Russian courts. However, Memorial's influential contacts or its prominence and international recognition have not protected its staff in Chechnya and Ingushetia from persecution.

Shamsudin Tangiev (born 1968) has worked for Memorial since April 2000. In an incident on the night between 11 and 12 January 2000 his parents (**Abdul-Vagap Tangiev** and **Khadzan Gadabosheva**) and his uncle (**Ismail Gadaboshev**) were shot dead at their family house in Grozny. The bodies were burned. A neighbor (**Valentina Foteeva**) was also killed that night. The neighbors believe that the perpetrators were federal servicemen from a nearby checkpoint. At the time, heavy fighting and bombardments were taking place in Grozny, and Tangiev was an IDP in Ingushetia. His father was buried right after the incident, but the bodies of Tangiev's mother and uncle could not be accessed and buried at that time. In March 2000 Tangiev managed to re-enter the city and bury his mother and uncle. He filed a complaint to the prosecutor. A criminal case was opened in the Staropromyslovsky region of Grozny some months later, but no investigation followed.

In April 2000 Shamsudin Tangiev started to work for Memorial. Since the attack on his house he has been unable to live there regularly. More than 15 sweep operations were reported in the neighborhood since then, and on several occasions soldiers came to the house asking for Tangiev. Federal servicemen have conducted several unauthorized searches in the house and illegally confiscated Tangiev's belongings. In 2002 the house was subjected to random fire from a nearby checkpoint (the roof was badly damaged). Tangiev has received death threats from the police, while friends and neighbors were harassed and threatened by soldiers asking questions about the work of Memorial. Concerned by the unlawful actions of the authorities and by the repeated threats against Tangiev, Memorial made an official inquiry about the cases of harassment to law enforcement agencies in Grozny in the summer of 2003. However, on the advice of involved friends who were afraid of reprisals, Tangiev did not file complaints about the incidents. At the end of 2003, rumors started circulating about his alleged involvement in the armed insurgency. He had to leave Grozny for a month after this. Shamsudin Tangiev suspects that the sources of these rumors were people close to the local law enforcement agencies.

Lipkhan Bazaeva (born 1949) was an anti-war campaigner during the first war. In the inter-war period, she worked in the foreign ministry of the Republic of Ichkeria before resigning after the appointment of Movladi Udugov as Foreign Minister. On 29 October 1999 Bazaeva's car with her family's property was destroyed in a bombardment by Russian military planes. The aircrafts were bombing a convoy of civilians leaving Grozny, and the attack claimed dozens of lives. A criminal investigation into the indiscriminate bombing was opened in May 2000, but was later closed. In July

2000 Bazaeva filed a complaint with the European Court of Human Rights in Strasbourg, and her case was declared admissible in January 2003. Bazaeva fled to Ingushetia in 1999 and has worked for Memorial since 2000. In August 2003 a man approached her and tried to persuade her to write a false declaration about an alleged persecution of a Chechen man staying in Norway. She refused. That man is suspected to have been a wired representative of the RUBOP (the Department for Combating Organized Crime) trying to provoke Bazaeva to break the law. On 19 October 2003 armed and masked men in camouflage arrived at Bazaeva's house in Grozny. They conducted an illegal search of the house, threatened and beat **the tenants** who stayed there. The tenants were questioned about the whereabouts of Bazaeva. Memorial sent an official letter about the incident to the Prosecutor General of the Russian Federation, and the Deputy Minister of Internal Affairs of the Chechen Republic, A. S. Dakaev, answered in a formal letter that no illegal actions had been undertaken and that Bazaeva's past political affiliations were sufficient grounds for prosecuting her. In early 2004 the house in Grozny was again illegally searched by unidentified armed men. The neighbors were questioned about the whereabouts of the family. On 23 July 2004 unidentified armed men arrived at the apartment building where Bazaeva rents a flat in Nazran, Ingushetia, and asked for her. Since there were no numbers on the doors of the apartments, and the neighbors offered wrong directions, Bazaeva was not apprehended.

On 12 September 2000, **Natalya Estemirova**, working for the Nazran-office of Memorial, was detained at a check-point near the village Dzhugurty (Kurchaloy district) together with **Victor Popkov**, an orthodox priest dressed in a cassock and member of the NGO "Civil Assistance". They were engaged in monitoring the humanitarian situation in mountain villages of the Chechen Republic. They were forced into an APC (armed personnel carrier) and brought to the camp of the 15th regiment near Ahkinchu-Borzoy, where they were kept the whole day in the APC. They were released late at night, but without documents. In the following days Estemirova and Popkov stayed in the village Alleroi, where a mop-up operation started in the evening of the 14 September. Only on 16 September, due to the public protests of human rights NGOs and journalists they got back their documents and continued their work. After Popkov's return to the Vedeno district he was again detained by Russian soldiers and beaten up.

Other Memorial staff members (who declined to be mentioned by name) have also received unofficial direct threats, or "warnings", that they are wanted by the security services or are in danger of disappearing. In 2001 one staff member was threatened by a local military commander and had to flee Chechnya for some time. Another staff member received a warning that he was "next on the list" after the disappearance of Ali Astamirov in 2003. At least two more similar cases were reported in 2004. These incidents have taken place in both Chechnya (where Memorial has four offices) and Ingushetia (where the regional head office is located).

Case of "Sintar": Enforced Disappearance of Sulumbek Tashtamirov

On 13 March 2003 Ingush police detained **Sulumbek Tashtamirov**, head of a local human rights NGO called Sintar. He had participated in a demonstration against the Constitutional Referendum in Chechnya, which was to be conducted on 22 March. The protest was held in the IDP tent camp "Satstita". While police claims that Tashtamirov escaped from custody the next day, neither his relatives nor his colleagues have heard from him. It is therefore believed that Sulumbek Tashtamirov disappeared in custody.

Case of Koalitsa: Enforced Disappearance of Kazbek B.

Kazbek B. (not his real name), born 1976, was an activist from a human rights group called Koalitsa. On the morning of 10 April 2003 a group of Russian-speaking armed men in masks entered B's family house in a village of the Urus Martan district of Chechnya. They threatened the family and detained Kazbek B. His relatives filed an application regarding his enforced disappearance to the prosecutor soon afterwards, but there has been no progress in the case. No one has seen Kazbek B since he was detained.

Case of "Omega": Killing of Viktor Popkov

On 18 April 2001 human rights activist and Orthodox priest **Viktor Popkov**, head of the humanitarian organization "Omega", was attacked near the village of Alkhan-Kala. Popkov was with a medical doctor, **Roza Murazova**, and a **driver**, when their car was overtaken by another vehicle. They were told to get out, after which the driver of the other vehicle fired at them. All were wounded, Popkov seriously. Although Popkov was bleeding profusely, the three wounded people were held up for more than an hour afterwards at a military checkpoint. Popkov was taken to a local hospital, and eventually transported to a military hospital near Moscow. Viktor Popkov died from his wounds on 2 June 2001. No one has been charged after the incident. It is believed that the perpetrators were Chechens.

Case of "Civil Protest": Maltreatment of Ruslan Susaev and Family

The leader of the civil rights group "Civil Protest", **Ruslan Susaev**, was detained from his house in Sernovodsk, Chechnya, on 2 July 2001 by Russian OMON servicemen. The federal policemen beat **Susaev's wife and ten-year-old daughter** during the arrest. According to witnesses, for several months after the incident the daughter suffered from the physical injuries sustained in the attack. Ruslan Susaev was taken to a detention facility where he was kept for several days. He was interrogated and tortured.

Break Up of the Commemoration Meeting of 23 February 2004

On 23 February 2004 a meeting was held in central Moscow to oppose the ongoing armed conflict in Chechnya and to commemorate the sixtieth anniversary of the mass deportation of the Chechen people from Chechnya to Kazakhstan. According to eyewitnesses, the demonstrators (about 50 people) had just declared a minute of silence to commemorate the victims of the Chechnya conflict when police moved in and roughly detained the demonstration organizers, **Lev Ponomaryov**, Executive Director of the Movement for Human Rights, and **Nikolai Khramov** of the Transnational Radical Party, as well as approximately eleven other persons believed to be members of that party. Ponomarev and Khramov were later fined for organizing the event.

Attack on Stanislav Markelov

Moscow lawyer **Stanislav Markelov** (born 1974) has been involved in a number of high profile court cases, including the trial of Sergey Lapin, an OMON serviceman from the Khanty-Mansyski Region, in connection with the enforced disappearance and torture of the Chechen student **Zelimkhan Murdalov** in Grozny in 2001. Markelov has also represented the journalist **Anna Politkovskaya**, who allegedly received threats from Lapin after publishing an article about the Murdalov case in the paper *Novaya Gazeta*. Late in the evening of 16 April 2004 Markelov was attacked in the metro by a group

of young men. He was beaten and left unconscious in the wagon. The men did not touch his money or other valuables, but took his lawyer's card and some of the case files from his bag. Markelov was not allowed to file a complaint about the incident at the local Department of the Internal Affairs, but he later filed a complaint at the Moscow City Department of Internal Affairs. No one has been charged after the incident.

C. Persecution of Journalists and Writers

The conditions for journalists have been extremely difficult throughout the second Chechen conflict. It is difficult for outsiders to get accreditation in order to access the conflict zone. Chechnya is "barred from outside scrutiny", as Human Rights Watch commented after their application for official access to Chechnya had been rejected for the tenth time in March 2003. Consequently, the few journalists that do go to Chechnya travel together with the Russian military and are not allowed to seek out information independently. Consequences have sometimes been grave for the few who manage to get in without accreditation. **Roddy Scott** (born 1971), a British freelance cameraman, was killed in clashes between Chechen fighters and federal troops near the village of Galashki, Ingushetia, on 26 September 2002.⁴ Scott had followed a group of fighters, lead by the commander Ruslan Gelaev, across the border from Georgia. In Chechnya it is not only journalists who get caught in crossfire who are in danger, however, but anyone who persists in reporting what they see independently of the authorities.

Abduction of Andrey Babitsky

Andrey Babitsky, a *Radio Liberty* correspondent, was working in Chechnya without official accreditation when he was detained by Russian forces in mid-January 2000 and taken to Chernokozovo detention center, where guards beat him several times. In early February, the Russian government announced that Babitsky had been handed over to a group of Chechen rebels in exchange for captured Russian soldiers. Allegedly, this was a staged operation in which a group connected to the federal security services posed as Chechen resistance fighters. Several weeks later Babitsky resurfaced in Dagestan and was arrested for carrying falsified identity papers. He was released in Moscow on February 29 2000. On 6 October 2000, Babitsky was convicted for carrying false documents, but immediately pardoned under an amnesty program adopted earlier that year. After receiving a new passport, Babitsky left Russia together with his family and moved to Prague.

Threats, Detention and Harassment of Anna Politkovskaya

The Moscow-based journalist **Anna Politkovskaya** has worked with the Chechnya crisis since 1999, and traveled extensively in Chechnya. Politkovskaya has been threatened and harassed on several occasions because of her journalistic work. On February 21 2001, federal forces detained Politkovskaya in the village of Khatuni. Russian forces interrogated her and kept her overnight in a basement on a military base.

After publishing an article on 10 September 2001 about the enforced disappearance of **Zelimkhan Murdalov** in *Novaya Gazeta*, Politkovskaya received threatening e-mails from Sergey Lapin, an

⁴ His case is listed in the table at the end as "accidentally killed", in other words, his death was probably not a result of persecution of human rights defenders as such.

OMON serviceman from the Khanty-Mansyski Region whom she implicated in the disappearance. Lapin was charged with issuing death threats in July 2002, but remained free, even though at that time he was also on trial in connection with the disappearance of Murdalov. Lapin was cleared of the charges in March 2003, when the court found that a now-deceased person had sent the emails containing the threats and signed them with Lapin's nickname, "Kadet".

On 17 September 2001 she filed a story about the fatal crash of a helicopter, carrying an investigating commission consisting of high-ranking military officers in Grozny, and her editor was summoned to a meeting with the military intelligence, GRU. Allegedly, in that meeting on 20 September the GRU official indirectly threatened Politkovskaya and the newspaper, warning the editor against publishing Politkovskaya's article in full. Fearing for her safety, Politkovskaya left Russia in the beginning of October 2001 and stayed in Austria for four weeks before returning to Moscow.

While on one of her fact-finding trips to Chechnya, Anna Politkovskaya was brought two times to the house of Ramzan Kadyrov in Tsenteroi, where she was verbally harassed and threatened by Kadyrov. On 10 June 2004 she was supposed to meet the then presidential candidate Alu Alkhanov, but while Alkhanov, who was attending the funeral of his father, was not present, Kadyrov was, and he behaved very aggressive vis-à-vis Politkovskaya, telling her with raised voice *"You are defending bandits! You are an enemy!"*

The next day, on 11 June, Politkovskaya received a phone call from Taus Dzhabrailov, head of the Chechen state council, who invited her to come again to Tsenteroi in order to interview a captured commander of the armed insurgents, who allegedly had given his agreement to the interview. When she arrived in Tsenteroi, it turned out that Kadyrov had arranged for her to meet Ibragim Garsiev, whose story she had covered in a Novaya Gazeta article a year ago. He had worked as a guard in the Malik Saidullaev election campaign, and had shown Politkovskaya traces of beating on his body, telling her how Ramzan Kadyrov personally tortured him, demanding that he should blow up Saidullaev. Moreover, Garsiev wrote to the general procuratura asking to initiate a criminal case against Kadyrov. Now, a year later, in Kadyrov's house, Garsiev refuted his own allegations and claimed that he never wrote to the procuratura, since he cannot write at all, and that he had only signed a paper given to him by Saidullaev's brother Rustam. He further stated that the traces of beating were only marks of a car accident that took place under influence of alcohol. The head of the Urus-Martan police, who was present during this meeting, confirmed the fact of the mentioned accident. In Ramzan Kadyrov's presence Garsiev then dictated and sent to the procuratura a letter rebuffing his first one. Kadyrov and the people surrounding him were again aggressive towards Politkovskaya, yelling that she should have been shot back in Moscow.⁵

Killing of Adam Tepsurkaev

On November 21, 2000, unidentified gunmen speaking Chechen shot dead a freelance cameraman **Adam Tepsurkaev** in Alkhan-Kala. Tepsurkaev had shot extensive footage of Russian soldiers abusing Chechen civilians. Russian soldiers had earlier detained and tortured **Tepsurkaev's younger brother**, demanding that Adam Tepsurkaev turn himself in to Russian authorities.

⁵ See *Novaya Gazeta*, N43, 21 June 2004

Enforced Disappearance of Ali Astamirov

On July 4, 2003, in the center of Nazran, three unidentified armed men abducted **Ali Astamirov**, a 34-year-old Chechen who was an Agence France Press (AFP) journalist in Ingushetia and Chechnya for more than a year. According to media reports, prior to the abduction he received anonymous threatening phone calls. The official investigation, opened several days after the abduction, did not produce any results. Apparently, neither AFP nor the journalist's family have received ransom demands. Despite a number of statements from international journalist organizations and the AFP's numerous appeals to the authorities, Ali Astamirov remains missing.

The Illegal detention of Ruslan Soltakhanov

On 13 February 2004, Ruslan Soltakhanov, a resident of Mozdok, a town in the Republic of North Osetia-Alania, was detained at his home by a group of men dressed in civilian clothes. Although they showed identification to the wife of Mr. Soltakhanov, there was no possibility to record their names and other information. The men returned several hours after detaining Soltakhanov, confiscated documents and claimed to have found explosives. Mrs. Soltakhanov denied that any weapons or explosives were ever in the house. Family members notified the police authorities, but the latter claimed to have no knowledge or involvement in the case. On 12 March he was released from captivity. During the whole time of his captivity, no one heard from him, and his family was not informed why or by whom he was abducted.

The illegal detention is believed to be related to Soltakhanov's work as a driver for foreigners in the region. Between 8th and 11th of February 2004, Soltakhanov went to Chechnya with **Rebecca Santana**, an American journalist. Upon their return Santana and Soltakhanov were questioned by servicemen from the FSB and the police. On 12 February Santana left for Moscow from Mineralnye Vody. She was stopped at the airport and all her materials, including cameras and notebooks, were confiscated. The officials who confiscated the material did not identify themselves and did not state the purpose or legal basis for their actions. The materials were later returned to the journalist in Moscow.

Killing of Adlan Khasanov

During the victory day celebrations at the Dinamo stadium in Grozny on 9 May 2004, Chechen armed insurgents assassinated President Akhmat Kadyrov in an indiscriminate bomb attack that killed and wounded a number of civilian bystanders. **Adlan Khasanov** (born 1970), a Reuters photographer and cameraman, was among the killed.

The Threats against Musa Muradov

Musa Muradov was the editor of the weekly paper *Groznenskij Rabochy*. In September 1999 the offices of the paper received a hit during an air attack. A *Groznenskij Rabochy* reporter, **Supian Ependiev**, was fatally wounded in a rocket attack on 29 October 1999.⁶ After moving to Ingushetia as an IDP, and after being harassed by federal forces several times, Muradov in August 2001 received

⁶ His case is listed in the table at the end as "accidentally killed" – in other words, his death was probably not a result of persecution of human rights defenders as such.

death threats from a “Shariat Supreme Court”, an entity of uncertain background and standing. He moved to Moscow shortly afterwards.

Illegal Detentions of Musa Mutaev

The Chechen writer **Musa Mutaev** (born 1956) left the town of Argun together with his family and settled in an IDP camp in the Nazran district of Ingushetia at the end of 2001, after two incidents in which **his son Murat Mutaev** was detained and tortured by federal forces. On one of his trips back to Argun, in January 2002, Mutaev was detained and beaten by federal servicemen. He was detained by Ingush policemen in September 2003. They allegedly threatened to hand him over to FSB in Chechnya. He was released after paying a ransom. On 7 January 2004, at around 2 pm, Mutaev was detained again in the center of Nazran. He was approached by two men who asked him for help with registering a new phone card. The men told him to be quiet as soon as he entered their car, and brought him to the Republic of Ingushetia branch of the Department for Internal Affairs. Mutaev was kept in a basement together with some other Chechen detainees. In the afternoon an Ingush policeman took Mutaev aside and asked him questions about his writing and the whereabouts of his son Murat (who by that time had received asylum in Norway). He threatened to hand Mutaev over to a Russian investigator unless Mutaev cooperated. Next morning the price for Mutaev’s release was set at 500 USD. An acquaintance of Mutaev’s came with the money and Mutaev was released. In March 2004 Musa Mutaev received asylum in Norway.

Harassment of Chechenskoye Obschestvo

The weekly publication Chechenskoye Obschestvo (Chechen Society) was founded in 2003 with the well-known journalist Timur Aliev as its editor. In April 2004 the Media Ministry in Chechnya issued an official warning to the Obschestvo for its reporting on the February 13 assassination in Qatar of Zelimkhan Yandarbiyev, the former Chechen President. On 28 July 2004 officials from the Ingush Department of Internal Affairs’ Department for Fighting Organized Crime (RUBOP) summoned Aliev to their offices in Nazran and questioned him about the newspaper's recent reporting on human rights abuses committed by local authorities and federal forces operating in Chechnya. He was threatened and asked to shut down the publication. On 29 July Aliev was informed by the director of the local state-run printer that the weekly could no longer be printed.

D. Persecution of IDP and Community Leaders

The action plan to return the IDPs to Chechnya, signed by the new Ingush President Murat Zyazikov and the head of the Chechen administration Akhmad Kadyrov in May 2002, increasing pressure was placed on the IDPs in Ingushetia. Most affected by the new policy were the IDP leaders – camp administrators and those who, in one way or another, represented the IDPs from Chechnya. A number of these people have been threatened, detained, or forcibly disappeared. Some cases of persecution, like the story of **Imran Ezhiev**, have already been described above.

Community leaders in Chechnya have faced the same forms of persecution. A notorious example of the risk involved in cooperating with human rights organizations and being open about abuses committed is the case of the former head of administration of the village of Alkhan-Kala described below.

Killing of Malika Umazheva

On 29 November 2002 **Malika Umazheva**, the former head of the local administration of the village of Alkhan-Kala in Chechnya, was killed by masked men in uniforms. They entered her house around midnight and claimed to be looking for "Islamic extremists". It is alleged that Russian forces killed her in retaliation for her outspoken criticism of the numerous raids on her village. She had worked closely with several human rights organizations, including Memorial and the Russian Chechen Friendship Society.

Enforced Disappearance of Adam Arsamikov

Adam Arsamikov (born 1959) was the administrator of the Ingavto IDP settlement in Karabulak, Ingushetia. Arsamikov was in close cooperation with Imran Ezhev and other IDP leaders. On the morning of 29 October 2002, masked and armed men in camouflage uniforms came to Arsamikov's house and detained him. He was placed in a car, and the group disappeared in the direction of Chechnya. Witnesses believe that the perpetrators were security officers from the local administration in Chechnya. Arsamikov has not been seen since then.

Persecution of IDP Spokespersons from the Satsita Tent Camp

On 29 January 2004, **Natalya S.** (not her real name), a resident of the Satsita tent camp, met a delegation from the Presidential Human Rights Commission and claimed that pressure was exerted by the Chechen Committee for the Return of Refugees and the local heads of administration on the IDPs in order to force them back to Chechnya. Afterwards, the head of administration from the village of Achkoy-Martan, where Natalya lived with her family, threatened her and gave her a three-day deadline to return to Achkoy-Martan. The family stayed. On 10 February, Ingush police detained **Natalya's husband**. The official explanation was that he was wanted by the Achkoy-Martan police for having assaulted the head of the city's administration. At the end of February 2004, Natalya S. signed an application to return to Chechnya, and a few days later her husband was released from custody. Allegedly, he had been beaten while in detention. Another outspoken IDP from the Satsita camp, **Lorkhen Gunter**, cooperated openly with human rights organizations, openly rejected the officials' advice to return to Chechnya, and gave an interview to the Russian TV channel NTV on 22 February 2004, where she spoke about the pressure put on the IDPs to make them return. Throughout February 2004, Gunter was visited by a number of representatives of the authorities (some of whom refused to identify themselves), including a Russian FSB colonel, who threatened her and her son.

Illegal Detention of Ruslan Arsaev

In June 2003 federal forces launched a series of sweep operations across Ingushetia. At 4 am on 3 June 2003 a large group of armed men who did not identify themselves arrived in a convoy of vehicles that included six APCs (which are used exclusively by Russian federal forces). The men entered the IDP settlement located at the company "000 URS" in Nazran. During the operation some of the IDPs were beaten and maltreated. A number of items were taken from the IDPs, including watches, VCRs, car radios and food aid. The servicemen detained four people: the camp administrator **Ruslan Arsaev**, b. 1969, **Khasein Movlaev**, b. 1970, **Umar Muzaev**, b. 1967, and **Khavadzi Tashukhadziev**, b. 1972. They were taken to an unknown location, beaten and allegedly tortured with electrical shocks. Three of the them were released the following day, while Arsaev was held in custody at the Khankala

military base near Grozny until 17 June 2004. According to Arsaev, who was reluctant to speak with human rights monitors, he was not tortured and he does not know why he was taken away.

Attempted Detention of Petimat A.

On 25 June 2004, armed men driving a Volga car attempted to detain **Petimat A.** (not her real name), the administrator of an IDP settlement in the Nazran district of Ingushetia. There were other IDPs present and the attempt was unsuccessful. On 23 and 24 June there were sweep operations in the settlement. Many of the IDPs were beaten or had their property stolen during the operations. On 25 June, more than 30 persons from the camp were still detained by the Ingush authorities. There was an unofficial suggestion, allegedly emanating from Ingush police authorities, that these could be released if Petimat A. turned herself in. On June 24 Petimat A. spoke with reporters from the Ekho Moskvyy radio station and the TV channel NTV. Petimat A. later claimed to that she recognized one of the men who tried to detain her, a serviceman or associate of the Ingush MVD. By 3 July 2004 most IDPs, including Petimat A., had left the settlement.

E. Persecution of Applicants to the European Court of Human Rights

Given the reign of impunity and violence currently in place in Chechnya and Ingushetia, few people dare to file complaints about abuses by federal or local servicemen. First of all, there is little faith that a complaint will produce any results. Secondly, a complaint may provoke reprisals against the person who filed it. Consequently, many people are unwilling not only to approach the courts and the procuracy, but also to speak with human rights monitors and journalists. As the Russian judicial system fails to address the crimes committed in Chechnya, there remains the possibility of applying to the European Court of Human Rights (ECtHR). Some lawyers and organizations have offered legal assistance to victims, and there are now a number of applications about grave human rights abuses pending in Strasbourg. At the same time, many applicants have been threatened, harassed, detained, or even forcibly disappeared and killed. Some of the cases, notably that of **Lipkhan Bazaeva** who is both an activist and an applicant, have already been mentioned. There was a sharp rise in cases of persecution of applicants in 2003 and 2004. This pattern can be explained partly by the fact that there is a growing number of applicants. But even when this is taken into account, the number of attacks appears to have grown disproportionately of the number of applicants – a fact which suggests that persecution of applicants is an emerging trend.

Killing of Zura Bitieva

On 21 May 2003 **Zura Bitieva** was killed along with her husband **Ramzan Iduev**, her son **Idris Iduev** and her brother **Abubakar Bitiev**. According to witnesses, an APC stopped outside their house in the Kalinovskaia settlement in the Naursky region of Chechnya at 4 am. Fifteen men came out, four of them in masks. They broke into the house and shot the four people. A year-old child was left alive but with its mouth taped over. Neighbours explained that the men without masks did not look Chechen and that they spoke Russian. Two other people, **Turpal Ismailov** and **Islambek Gadiev**, were also shot to death in their houses that same morning, probably by the same group of people. Zura Bitieva was a well-known anti-war activist who had spent one month at an infamous federal detention facility,

the SIZO of Chernokozovo. She had submitted an application to the ECtHR relating to torture and maltreatment she suffered there.⁷

Enforced Disappearance of Said-Magomed Imakaev

Marzet and **Said-Magomed Imakaev** of the Noviye Atagi village in the Shali district of Chechnya had three children. On 17 December 2000 their son **Said-Khusein Imakaev** (born 1977) was detained by federal servicemen in front of a number of eyewitnesses. He has not been seen since. A case under Article 126 of the Criminal Code of the Russian Federation was opened on 4 January 2001. However, the case was not investigated and was apparently suspended some months later under Article 195 of the Procedural Code, due to the failure to identify the accountable person. Marzet and Said-Magomed Imakaev sent an application to the European Court of Human Rights on 12 February 2002 regarding the abduction of their son. However, on 2 June 2002, Said-Magomed Imakaev was himself abducted by Russian federal forces. He was taken from his home during a sweep operation in Noviye Atagi. After applying to all relevant official domestic bodies, Marzet Imakaeva sent another application to the European Court of Human Rights on 24 June 2002, this time in connection with the abduction of her husband. Despite such evidence as the registration numbers of the federal military vehicles involved in the operation a signed property confiscation receipt by the commander of the soldiers who detained Said-Magomed, and a number of witness statements, Russian authorities have failed to bring the perpetrators to justice. On two occasions afterwards, Marzet Imakaeva was questioned by government officials in a manner which, she felt, pressured her to withdraw the applications. On 4 July 2003 the European Court communicated the Imakaeva cases to the Russian government and asked for information, including the files of the criminal cases. The Russian government responded in a memorandum of 26 September 2003, but so far has failed to submit the files on the criminal cases, despite several new requests. The applicant, Marzet Imakaeva, left Russia in March 2004 and is currently residing as a political refugee in the United States. However, **a member of her close family** has been followed by military vehicles and detained for a brief period after the departure.

Killing of Anzor Pokaev

On 10 April 2004 armed military servicemen in camouflage uniforms detained the 24-year-old **Anzor Pokaev** at his parents' home in the village of Starye Atagi, Chechnya. The next day, villagers discovered his dead body, and it is believed that he became victim of an extrajudicial execution. Pokaev's father, **Sharfudin Sambiev**, is one of 11 applicants in a case that involves the disappearance of nine individuals, including Sambiev's younger son, **Amir Pokaev**, during a large sweep operation in the village of Starye Atagi in March 2002. Russian forces had allegedly been looking for Anzor Pokaev for more than a year, and several times threatened to arrest him and his father.

Threats Against the Kungaev Family

On the night of 26 March 2000, federal soldiers led by colonel Yuri Budanov entered the house of the **Kungaev** family. They took the oldest daughter, **Kheda** (also known as **Elza**) **Kungaeva** (born 1981). Her body was found the next day. She had been beaten and raped before she was strangled. The Budanov case is the most high profile of the few criminal cases that have reached the courts from Chechnya. On 25 July 2003, Budanov was convicted to ten years in prison. Throughout the many court hearings in the years between the crime and the verdict, **Visa Kungaev, Roza Bashaeva** and

⁷ Like Lipkhan Bazaeva, she could be listed as both activist and applicant in this report.

their remaining four children received threats from Budanov's supporters, including nationalists demonstrating outside the courtroom in Rostov-on-Don. At one point in Rostov the demonstrators shouted to Visa Kungaev: "We will do to you what Budanov did to your daughter." While visiting Chechnya with her fourteen-year-old son, Roza Bashaeva was stopped at a checkpoint. The soldiers commented that she was the "mother of a sniper" (Budanov defended himself by claiming that Elza had been a sniper with the resistance forces). They took the son aside and interrogated him for a long time. The Kungaev family received asylum in Norway in August 2003.

Persecution of other Applicants

Some of the organizations that represent applicants from Chechnya before the ECtHR, namely Memorial, European Human Rights Advocacy Centre, and Chechnya Justice Initiative, have reported other incidents aimed at some of their clients. In letters to the ECtHR they mention 13 cases, with a total of 29 counts of abuse, in which different applicants have been persecuted in connection with their search for justice.

The following story (the applicant's name has been changed) is fairly typical. The family in question, referred to as the Isaevs, had one son detained and tortured in 2001. After the incident the man is in hiding. The second son was illegally detained by federal forces in 2002; he subsequently disappeared. In 2003 the family filed an application to the ECtHR. In two separate incidents in July 2004, the family was attacked by federal forces in its home.

At approximately 4:00 in the morning on 4 July 2004, 36 armed military servicemen arrived at the Isaevs' home on 8 APCs and 4 other military vehicles. The servicemen drove two of the APCs through the fence surrounding the Isaev's courtyard. Without providing any identification or explanation, the military servicemen conducted an unsanctioned search of the house, stole money, clothing, gold jewelry, a video camera, foodstuffs, and numerous other household items of little or no value. The men spoke Russian.

While in the house, the military servicemen held Mrs. Isaeva and threatened to shoot her, her daughter-in-law, and her granddaughter. They beat Mr. Isaev severely on the head and torso. Mr. Isaev is a pensioner and is disabled. While in the house, a military serviceman struck Mr. Isaev in the ear with the butt of an automatic rifle, causing blood to flow from his other ear. The blow knocked Mr. Isaev unconscious. The servicemen then dragged Mr. Isaev into the courtyard and dropped him face down in the garden. They kicked Mr. Isaev numerous times in the back and torso before leaving. Mrs. Isaeva witnessed this from the window of the house and begged the servicemen to stop, but they responded by saying, "Shut up, or we'll shoot you."

Mr. Isaev was severely physically and emotionally traumatized after the incident, but has been afraid to seek medical attention. Witnesses confirmed that three weeks later, Mr. Isaev still walked with a limp and had wounds and bruises on his head and back. In the morning of 30 July 2004, armed men in masks, without providing any identification or explanation, again entered the home of the Isaev family and beat Mr. Isaev on his head, face and torso.

All in all, the cases of persecution of ECtHR applicants include both verbal and written threats, sometimes against other family members. In one case an applicant lost his job. In two cases, soldiers illegally searched an applicant's house. At least one of the applicants was robbed. In four cases, applicants were beaten. In one case, the applicant went into hiding. In at least two cases the applicants are considering withdrawing their applications to the courts. Two formally withdrew their

applications. Most of the threats and beatings were reported in 2003 and 2004. Federal forces are believed to be involved in all of these cases. The organizations representing the applicants claim that notifications about incidents from the ECtHR to the Russian authorities have had a positive effect in some cases, easing the pressure on individual applicants and their families.

Persecution of Applicants and Witnesses Abroad⁸

The mother and sister of **Zelimkhan Murdalov** (whose disappearance case is mentioned in the report on page 19), **Rukiyat and Zalina Murdalova**, received asylum in Norway in the fall of 2003. Zelimkhan's father **Astemir Murdalov** remained in Grozny. In August 2004 he visited his family in Norway. Before returning to Grozny he was interviewed on Norwegian television about the case against the Russian military officer (Sergey Lapin) who has been implicated in the torture and death of Zelimkhan. A few days later, on 12 August, after Astemir had departed, Rukiyat and Zalina Murdalova received a note in the mailbox at the refugee center where they were staying. The note warned the family in Russian that they would "answer to Lapin". It had been delivered to the family's mailbox in person. The note was handed over to the police who are investigating the case.

A similar case involving **another Chechen family** with asylum in Norway (they declined to be named) took place in early July 2004. Some members of the family are running a case against Russian servicemen concerning grave abuses, and they received threats by phone. The incident was reported to the Norwegian police, who took precautionary measures in order to protect the family.

F. Persecution of Foreign Human Rights Defenders

Foreigners, whether journalists or humanitarian workers, have been at risk for many years in Northern Caucasus. There were some brutal incidents in which a number of foreigners were killed in the period between the wars, notably the attack on the International Committee of the Red Cross personnel in Noviye Atagi on 17 December 1996, in which six foreigners were shot to death. Most likely, the killings were part of an attempt to isolate Chechnya in order to destabilize it. On the other hand, some crimes committed in this period, as well as during the current war, have an economic dimension. The political aim of destabilization appears to have merged with economic interest, creating something of a kidnapping industry in which military and police forces also have a share. The security threat has contributed to keeping foreigners away from Chechnya, a situation that the authorities have done little to change. As mentioned earlier, the Human Rights Watch application for official access to Chechnya was rejected for the tenth time in March 2003, and the authorities have not invited the UN thematic Rapporteurs, as called for by the UN Human Rights Commission Resolution of 2000.

The Organization for Security and Cooperation in Europe (OSCE) established an office in Znamenskoe, Chechnya in June 2001, but the Russian Federation refused to extend the mandate of the OSCE Advisory Group when it expired at the end of 2002. While there have been few foreigners inside Chechnya, some international and humanitarian organizations have maintained offices in Ingushetia. However, a number of the foreign representatives left Ingushetia after the June 2004 attacks. The international presence in Northern Caucasus is becoming increasingly diluted, resulting in the near-absence of witnesses and help from the outside.

⁸ These two cases are not included in the statistics at the end. They are currently under investigation by Norwegian police.

Attacks on the International Organizations

The last remaining representatives from the international community inside Chechnya were **two Council of Europe experts** working in the office of Abdul-Khakim Sultygov, the Russian President's Special Representative for Human Rights in Chechnya. On 21 April 2003 a roadside bomb targeted the convoy of four vehicles transporting the Council of Europe experts and their protection unit when they were leaving the Grozny Office of the Special Representative. The two experts did not suffer any physical injury, but four members of the protection unit suffered contusions and were hospitalized in Rostov-on-Don. The experts left Chechnya after the incident, and have not returned. The incident is considered an extremely serious one, in that it was the first time the Council of Europe staff was deliberately targeted in an attack

Abduction of Arjan Erkel

On August 12 2002, a Dutch Médecins Sans Frontières (MSF) representative, **Arjan Erkel**, was abducted by three gunmen in Makhachkala, the capital of the Republic of Dagestan. It is unclear who the perpetrators were, but it appears that Erkel was being followed by representatives of Russian security organs, who for some reason were unable or unwilling to intervene. A criminal case was initiated, but the investigation was delayed and even stopped for six months. On several occasions the MSF went public with criticism of the way the abduction case was handled by the Russian authorities. Arjan Erkel's freedom was finally bought by the Netherlands government on 11 April 2004, after a group of retired Russian security officers negotiated with the kidnappers. In July 2004 the Netherlands government sued Erkel's employer, MSF Switzerland, claiming that that the company failed to reimburse them for the 1 million Euro ransom.

Disappearance of Miriam Jevikova

The Slovak journalist and relief worker, **Miriam Jevikova** (born 1976) disappeared on the way from Pyatigorsk to Vladikavkaz around 1 June 2004. Jevikova has not been seen since then. Her Czech employer, the Organization for Aid to Refugees (OPU), officially confirmed that she is missing. There have been media reports suggesting that the disappearance of Jevikova is an abduction case, and that the perpetrators have asked for a ransom. On 15 July the prosecutor of Pyatigorsk opened a criminal case into the alleged abduction of Miriam Jevikova.

IV. Counts of Abuse Against Human Rights Defenders and Their Immediate Families⁹

Years of the Second Chechen War	1999 (from Septem ber)	2000	2001	2002	2003	2004 (Until July)	Total Cases
Killed		2	3	1	4	3	13
(Accidentally Killed)¹⁰	(1)			(1)			(2)
Enforced Disappearances				2	4		6
Abductions¹¹		1		1	1	1	4
Illegal Detentions		6	3	1	3	6	19
Injured by shrapnel or firearm		1	4		1		6
Tortured Beaten		4	3	2	4	6	19
Attack with Firearms/ Explosives				1	4		5
Harassment¹²		7	18	7	19	18	69
Total Cases	(1)	21	31	15 (1)	40	34	141¹³ (2)

⁹ The table is based on the cases described in this report. One case may result in more than one count. If a person is tortured and killed, it is registered as two counts in this table. Only cases involving defenders and their families are included. Incidents like the killing of Shamsuddin Tangiev's family before he started working in Memorial, or the abuses suffered by applicants to the ECtHR before they became applicants (and thereby defenders), are not listed.

¹⁰ Accidentally killed: caught in crossfire, killed in bombardments, etc.

¹¹ These are the cases: Babitsky, Erkel, Ezhiev, Jevikova. The perpetrators here are unknown. Other cases, similar in many ways except in that they are undertaken by police or military servicemen, are listed as "illegal detentions".

¹² Harassment: includes a variety of abuses: threats, attempted abductions, theft, extortion, brutal behavior that does not constitute beating/torture, etc.

¹³ Of these 141 counts of abuse, federal forces were suspected of involvement in 80, representatives of local forces in 28, Chechen armed formations in 6, while in the remaining 26 the identity of the perpetrators is uncertain.

V. Conclusion: Trends

The table above indicates that the situation for human rights defenders is deteriorating. Out of the total of 141 counts, 74 are reported to have taken place in 2003 and 2004 – that is, over the last 19 months of an almost five-year period. One reason for the dramatic increase is the rise in reported attacks on applicants to the ECtHR (which accounted for 21 counts in 2003 and 2004, and only 17 in the previous years). Not all kinds of human rights defenders have experienced the same increase in abuses. There have been fewer reports of harassment of journalists and correspondents from other parts of the Russian Federation in the last years. However, that does not necessarily mean that the situation for journalists has become better. Another explanation could be that the Russian media have become disciplined after repeated warnings, or that journalists are afraid to challenge the authorities.

Another reason for the many abuses registered in 2003 and 2004 may be that the network of human rights correspondents has become increasingly involved and increasingly efficient in collecting and distributing information about human rights abuses. But even when these factors are taken into account, the figures –though they represent only a sample of the total number of abuses against those who can be called human rights defenders connected with the crisis in Chechnya – clearly indicate that **human rights defenders are increasingly at risk**. Three factors appear to have contributed to the worsening of the situation for human rights defenders in Chechnya and Ingushetia: 1) Political changes on the federal level, 2) the establishment of a powerful and brutal local government in Chechnya, and 3) the growing “chechenization” of the neighboring republic Ingushetia, which previously was considered a relatively safe haven for refugees, foreign humanitarian workers and human rights defenders.

Another striking feature of the material presented here is that out of the 141 counts of abuse, servicemen (whether from the military, the department of internal affairs, or the security agencies) of the authorities (whether Chechen, Ingush or Federal) were implicated in 108 of the counts. In 27 counts (including the two cases of kidnapped foreigners and the bomb attack on the two Council of Europe Experts) the perpetrators were unknown, while in six counts the perpetrators appeared to be Chechen armed formations (however, while the killing of Adlan Khasanov in connection with the assassination of President Kadyrov was probably caused by armed insurgents, the killing of Adam Tepsurkaev in Alkhan-Kala was probably perpetrated by a notorious Chechen criminal group). From the figures, it is obvious that **state agents are responsible for most of the attacks on human rights defenders**. Sometimes, as in the extortion schemes of the Ingush police, personal enrichment may be the chief motive behind abuses. In other cases, the aim seems to be to cover up responsibility for crimes in order to avoid prosecution. In general, however, it seems beyond doubt that there is a political decision at work that aims to intimidate or eliminate dissent, and close Chechnya to outside scrutiny.

The material presented here underlines that **the Russian government is in breach of its obligations under Article 12.2 of the Declaration on Human Rights Defenders**, which holds that:

The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

Not only have Russian authorities failed to “take all necessary measures to ensure the protection” of human rights defenders. In most of the cases of abuse against human rights defenders concerned with the crisis in Chechnya and Ingushetia state officials have not only failed the obligation to protect human rights defenders. The evidence indicates that state officials themselves are the perpetrators. In his state of the nation address of 26 May 2004 President Putin failed to acknowledge the problem and instead used the opportunity to launch an attack on Russian human rights NGOs.

For many years the conflict in Chechnya has been the worst human rights crisis in Europe. There have been no serious efforts by the Russian government to combat the reign of impunity in the conflict zone and to end human rights abuses by state agents. Nor, for that matter, has there been a serious effort to end the conflict by peaceful means. The human rights crisis and the armed conflict in Chechnya have been remarkably stable since the end of major combat operations in the spring of 2000. Thousands of civilians have lost their lives in the conflict since then, and every day brings new casualties and abuses. However, apart from some initiatives from important Council of Europe institutions, **the international community has consistently refused to confront the crisis in Chechnya and Ingushetia in an effective manner.** If it had not been for the small but brave community of human rights defenders in the conflict zone, the suffering of the residents would have been ignored altogether. However, these defenders have not received the necessary support from the international community, and in some cases, unfortunately, persecution has been effective: applications to the European Court of Human Rights have been withdrawn, IDP representatives in Ingushetia have been coerced into returning to Chechnya. Persecution of human rights defenders has created a climate of fear in Chechnya and Ingushetia, in which very few persons are willing to speak up against abuses, employing the right set forth in Article 1 of the UN Declaration of Human Rights Defenders: “To promote and strive for the protection and realization of human rights and fundamental freedoms”.

VI. Recommendations

The International Helsinki Federation for Human Rights has the following recommendations:

To the government of the Russian Federation:

- Stop persecution of human rights defenders involved with the crisis in Chechnya,
- Investigate abuses against defenders and prosecute the perpetrators, as demanded by the Parliamentary Assembly of the Council of Europe's Resolution 1323 (2003),
- Guarantee the security of witnesses and applicants to the European Court of Human Rights,
- Grant unrestricted access to Chechnya to independent media and human rights monitors,
- Start a meaningful cooperation with the Council of Europe, UN treaty bodies and special mechanisms, including the immediate issuing of an invitation to the Special Representative of the UN Secretary General on the situation of human rights defenders, Hina Jilani,
- Renew the mandate of the Organization for Security and Cooperation in Europe (OSCE) Assistance Group to Chechnya, with an added emphasis on the monitoring human rights and protection of defenders.

To Chechen armed opposition groups:

- Stop attacks on innocent civilians, as well as indiscriminate and disproportionate attacks.

To other governments, including Council of Europe and EU member states:

- Demand that the Russian Federation fulfills its obligations under international law to protect human rights defenders,
- Consider means of protecting persecuted local defenders, including special measures of temporary resettlement in emergency cases, as per the newly issued EU Guidelines on Human Rights Defenders,
- Take immediate measures to protect ECtHR applicants, including special measures of temporary resettlement in emergency cases,
- Assist human rights defenders by collecting information(including asylum interviews) pertaining to violations of human rights and humanitarian law(including attacks on human rights defenders) in Chechnya and Ingushetia.

To the relevant Council of Europe bodies:

- Collect, in a systematic fashion, information about violations of human rights and humanitarian law, including attacks on human rights defenders, for a future process aimed at restoring accountability in Chechnya, as demanded by the Parliamentary Assembly of the Council of Europe's Resolution 1323 (2003),
- Establish a political mechanism for early warning and rapid response in emergency cases concerning persecution of witnesses and applicants to the ECtHR.

To the Organization for Security and Cooperation in Europe (OSCE):

- Establish a mechanism, for instance in the Office for Democratic Institutions and Human Rights (ODIHR), for early warning and rapid response in emergency cases concerning persecution of human rights defenders.
- Remind the Russian Federation of the need to re-establish the OSCE Advisory Group to Chechnya with a strengthened mandate concerning the monitoring of the human rights situation, including cooperation with, and protection of, the local human rights defenders.

VII. Defining Human Rights Defenders

a. Who Is a Human Rights Defender?

On 9 December 1998, on the eve of the 50th anniversary of the World Declaration on Human Rights, the UN General Assembly adopted the “UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms” (Declaration on Human Rights Defenders). The adoption of the document reflected the growing awareness of the importance of human rights defenders, and of the need to safeguard and protect them from threats and attacks.

Article 1 of the Declaration on Human Rights Defenders states that "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." In short, anyone can be a human rights defender. They are distinguished by their work aimed at promoting human rights and human rights values. Defenders are individuals who, in a non-violent way, work to strengthen the rule of law, state transparency and democratic governance; who struggle against all kinds of discrimination, impunity and abuse of power; who seek to alleviate the effects of war, natural and ecological disasters, disease, hunger and poverty; who promote tolerance and the rights of minorities and indigenous peoples; and who struggle for an adequate standard of living, including education, basic medical and social services.

A human rights defender is typically a journalist, a union activist, a lawyer or a person working in a human rights organization. A defender may be affiliated with associations and societies: women’s groups, student movements, minority associations, youth groups, etc. But a defender does not have to be either an employee or a volunteer in an association or institution promoting human rights. In critical circumstances, such as armed conflicts, social space diminishes, and acts that otherwise would belong to the private sphere become acts of human rights defense. An example is the decision made by many people in Chechnya to seek justice by addressing applications to the European Court of Human Rights (ECtHR) regarding abuses committed against them and their families. By choosing not to accept the failure of the domestic judicial system, not to be intimidated by threats and violence, and not to take the law into one’s own hands, the ECtHR applicants give their search for justice a higher significance, making it an act of human rights defense. They challenge the reign of impunity in Chechnya and thereby seek to strengthen the rule of law for all residents in the Russian Federation.

By inference, people aiding or assisting human rights defenders become human rights defenders themselves. Some of the cases presented below relate to attacks on, and possible reprisals against, persons who have aided human rights defenders – such as drivers and interpreters.

b. Protecting Human Rights Defenders

The Declaration on Human Rights Defenders underlines that “the prime responsibility” for protecting human rights, and consequently human rights defenders, rests with the state. In Article 12 of the Declaration, sections 2 and 3 state that:

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary

action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In order to promote the principles of the Declaration, a Special Representative of the UN Secretary General on the situation of human rights defenders was appointed in August 2000. Her name is Hina Jilani, she is a prominent human rights defender and lawyer from Pakistan. The mandate of the Special Representative is:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations.

Since the state is obliged to “take all necessary measures to ensure the protection” of defenders, cooperation with the Special Representative becomes an important commitment for the state. Whether the state chooses to cooperate with the Special Representative in a meaningful way will consequently be an important factor in assessing the actual state compliance with the Declaration on Human Rights Defenders.