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Russian Federation: Chechen Republic

“Normalization” in whose eyes?

Introduction

The second armed conflict in the Chechen Republic since the break-up of the Soviet Union has continued for nearly five years. In spite of repeated claims from Russian and pro-Moscow Chechen officials that the situation is 'normalizing', there seems to be no end in sight either to the conflict itself or to the accompanying human rights abuses. Although the regular aerial and artillery attacks which took place in earlier phases of the conflict are now intermittent, and raids on villages which were large in scale in previous years are now targeted and take place at night, Russian and Chechen security forces continue to carry out human rights violations with impunity. These include extrajudicial killings, "disappearances" and torture, including rape, and ill-treatment; such violations are in breach of the obligations of the Russian Federation under international human rights and humanitarian law to protect the right to life, dignity and security of the person and not to be subjected to torture or other forms of ill-treatment. In addition, Chechen armed opposition groups target civilian members of the Chechen administration and are suspected of being responsible for a number of bombings, which have caused indiscriminate harm to civilians. Such violations and abuses, many of which constitute war crimes, are overwhelmingly committed with impunity, as very few perpetrators are ever identified and brought to justice. The “normalization” is characterized by the lack of respect for the rule of law and security of the individual.

Human rights abuses which previously occurred almost exclusively in Chechnya are increasingly spreading across the border to neighbouring Ingushetia. While Ingushetia enjoyed the reputation as a safe haven for displaced Chechens during the first years of the war, this is no longer the case. During the first few months of 2004, there appeared to be an increase in the number of "disappearances" and killings in Ingushetia, and affecting Chechen as well as Ingush people.

At the time of writing the last remaining tent camp in Ingushetia for internally displaced persons (IDPs) from the Chechen Republic, Satsita, was about to be closed down in early June. Four others were shut down in the previous six months. IDPs from these camps have been subjected to unacceptable levels of pressure from federal as well as local authorities to return to the Chechen Republic. Many have refused to go back, citing the security situation as their main concern. Others have felt that there was no alternative and have returned to an uncertain future. Now, after the closure of the tent camps, the question is whether the

authorities will apply more pressure on the tens of thousands of Chechens who remain in spontaneous settlements or private accommodation in Ingushetia, to go back to Chechnya.



Two boys play in the ruins of the former tent camp for IDPs, Sputnik. © AI

This report is based on the findings of an Amnesty International delegation which travelled to Ingushetia in March/April 2004 as well as ongoing research conducted from Amnesty International's International Secretariat in London. During the field research, Amnesty International delegates interviewed a substantial number of victims of human rights abuses as well as their relatives and also met with lawyers and representatives of local and international organizations working in the region, including the *Memorial Human Rights Centre*, the *Society of Russian-Chechen Friendship*, the *Danish Refugee Council*, the *Chechnya Justice Initiative* and *Niizo*. The aim was to gather information about the human rights situation inside the Chechen Republic as well as in Ingushetia.

The delegates visited Ingushetia at a time when the situation in the republic is becoming increasingly tense. While the security situation in the Chechen Republic remains more precarious than in Ingushetia, the rising number of human rights abuses in a republic which, until two years ago, was considered relatively stable, warrants an inclusion of Ingushetia in this report. It is not only a place where Chechen IDPs have sought refuge, it is a republic where the cycle of violence and abuse which exists in Chechnya is now being repeated.

Amnesty International also continues to be greatly concerned about the ongoing cycle of human rights abuses – committed with impunity – in the Chechen Republic, as well as the lack of investigations into past violations.

The human rights crisis in the Chechen Republic

The adoption of a new constitution in March 2003 and the presidential elections in early October of the same year were hailed by the Russian government as major steps towards normalization of the situation in the Chechen Republic. The reality, however, is very different, as extrajudicial killings, "disappearances" and torture, including rape and indiscriminate killings of civilians continue to occur systematically. Such abuses are serious violations of international human rights and humanitarian law and may constitute war crimes.

While normalization remains elusive, a certain measure of 'Chechenization' appears to have taken place. An increasing portion of the human rights abuses committed in the republic are being blamed on the so-called *Kadyrovtsy*, an armed group under the command of the late President Akhmad Kadyrov's son, Ramzan. Many Chechens interviewed by Amnesty International said that they fear this group even more than the federal troops. Allegedly, more and more Chechen fighters who previously fought against Russia are joining the *Kadyrovtsy*. In February 2004 about 80 relatives of former Chechen Minister of Health Omar Khambiev were reportedly rounded up in different villages in Chechnya by the *Kadyrovtsy* and subjected to torture and ill-treatment in order to put pressure on Omar Khambiev to stop speaking out at international fora against human rights violations in Chechnya and to force his brother, a leading Chechen opposition fighter, Magomed Khambiev, to surrender, which he reportedly did on 8 March.

Shortly before his assassination on 9 May 2004, President Kadyrov reportedly announced his intention to intensify the crackdown on Chechen fighters. Reportedly, since then a number of large scale military operations have been conducted in Chechnya, during which many people are reported to have been detained and "disappeared".

Thousands of Chechens are believed to have "disappeared" since the outbreak of the second conflict in the autumn of 1999. Many were taken away from their homes during so-called "zachistki", military raids, allegedly conducted to check the identity documents of people staying in a village or district, during which whole villages were surrounded for days at a time and Russian troops, sometimes accompanied by Chechen security forces, went from house to house, conducting searches and checking identity documents. During the first period of the armed conflict these raids were often accompanied by gross human rights violations. For example, on 2 July 2001 during a raid Russian federal forces reportedly detained several hundred inhabitants of Sernovodsk, a town close to the border with Ingushetia. Several of the men were allegedly tortured, including being subjected to rape. Soldiers also allegedly looted houses and destroyed some of them with grenades. The soldiers allegedly told the local Chechens that they would "wipe the village off the face of the earth". Most of the men were released on 2 or 3 July, but the fate and whereabouts of two men, Aпти Isigov and Zelimkhan Umkhanov, who were taken by Russian forces to a detention facility in Achkoi-Martan, remain unknown. Despite the fact that – according to the Office of the Special Representative

of the President of the Russian Federation for ensuring human rights and civil rights and freedoms in the Chechen Republic - the commanders of this special operation have been identified, no one has yet been brought to justice.

Following repeated manifestations of concern from the Council of Europe, second governments and non-governmental organizations, the Russian authorities introduced order No 80, requiring identification of military units operating in Chechnya and decree No 46, which requires the presence of a procurator when searches and identity checks are conducted. However, these orders were reportedly often ignored and are widely regarded as inadequate to protect the civilian population from human rights violations.

While large scale military raids have declined in numbers and involve less human rights violations, there are regular reports about targeted operations, which mostly take place at night, usually by masked men in camouflage who arrive in military vehicles of which the identification plates are covered. During such operations, specific houses, rather than whole villages, have been targeted, but the human rights abuses remain the same - some detainees are released within a few days, often for a ransom, others "disappear" or are extrajudicially executed. In an interview with the Russian newspaper *Izvestia* on 28 March 2003 an unnamed officer, working for the department of military intelligence of the Ministry of Defence, admitted that the federal forces had turned to such methods in order to avoid control from the procuracy. While claiming that these raids in the night are necessary tools in the armed conflict which Russia describes as "war against terror", he admitted: "sometimes innocent people end up in this.... And when we find out the truth, it turns out it is too late to correct something, the person is already gone."¹ The Russian politician and human rights campaigner, Sergei Kovalev, has described the perpetrators of such crimes as "death squads", and even the late Chechen president, Akhmad Kadyrov, whose own security forces are suspected of being involved in a number of "disappearances", had spoken out against such operations.

Whether the raid is on a large scale or targeted against a single person, and whether the outcome is "disappearance", torture or extrajudicial execution, there is one common trait - whoever the perpetrators are, they almost inevitably get away with their crimes. The federal and regional authorities' apparent lack of will to thoroughly investigate these crimes and ensure that perpetrators of such human rights abuses are identified and brought to justice perpetuates a climate of impunity in the Chechen Republic. Many people who have been interviewed by Amnesty International were not able to specify which units of the armed forces, Chechen or Russian or both, were responsible for the "disappearance" or extrajudicial execution of their relatives, some of them assumed that personal vengeance may have been part of the reason for targeting their relatives or that someone had implicated their relative after of while undergoing torture. However, the large majority of these people had experienced a complete failure of the authorities to thoroughly investigate the crimes and ensure redress for those who have been subjected to human rights abuses.

¹ <http://www.izvestia.ru/politic/article31814>

According to human rights organizations working in the region, such widespread impunity means that today few survivors of torture, including rape, and ill-treatment are willing to come forward and speak about the crimes committed against them. Not only do they have no hope of seeing justice done but they also fear retaliation from the perpetrators. In addition, human rights violations like torture and ill-treatment do not only cause physical harm; the psychological damage for the survivors can also be severe. In Chechnya, hardly anyone is willing to talk about rape as a form of torture, due to the stigma attached to it.² There have been reports that rape of men and women, by members of the federal forces during raids in Sernovodsk and other places, have led to the suicide of some of the survivors. Amnesty International has repeatedly received reports that both women, including pregnant women and men have been raped, but on condition that the organization would not publish or disclose the names of the survivors.

Russian and Chechen news services report on a daily basis about shootings and explosions in Chechnya, which sometimes result in the killing of civilians. Many civilians are becoming victims of indiscriminate killings by anti-personnel mines. Members of the police and Chechen administration are regularly targeted by members of armed Chechen opposition groups. According to different independent sources, between 1 and 20 May 2004 at least five Chechen policemen were killed or wounded when unknown persons opened fire on them. Chechen media sources, loyal to Chechen opposition fighter Shamil Basaev sometimes announce such killings as "successful operations" against the Russian forces, and in a recent statement following Amnesty International's launch of its annual report in May 2004, Movladi Udugov, a spokesperson linked to pro-independence Chechen forces, justified such killings as legitimate military operations: "Chechen Armed Forces have absolutely legitimate rights to carry out adequate operations against the aggressor state, against the invaders' formations belonging to that state and against the formations of collaborators."³ Attacks on individuals as well as bomb explosions have also been reported in Ingushetia. For example, on 3 December 2003 a bomb reportedly exploded on a road near the then still existing IDP camps Satsita, Alina and Sputnik. Only on a small number of occasions have Chechen fighters claimed responsibility for such bomb explosions. Following the assassination of President Akhmad Kadyrov on 9 May 2004, leading Chechen opposition fighter Shamil Basaev took responsibility on 17 May for the explosion, which killed six people, one of them an eight-year-old girl. At least 13 people needed hospital treatment as a result of injuries sustained in the blast.

² In April 2004 the UK-based Medical Foundation for the Care of Victims of Torture published a report, documenting the use of torture, including rape in Chechnya. The report is based on interviews of Chechen asylum-seekers in the United Kingdom and has found that out of the men and women interviewed, 17 had experienced sexual torture.

³ <http://www.kavkaz.org.uk/eng/article.php?id=2810>

Extrajudicial Killings

The killing of nine men from Duba-Yurt

On 9 April 2004 local residents found the bodies of nine men in a ravine near Serzhen-Yurt in the Shali region of Chechnya. The bodies reportedly bore gunshot wounds as well as marks of torture. Eight of the men had been detained in the early hours of 27 March 2004, reportedly by Russian federal forces, in the village of Duba-Yurt, approximately 25 kilometres from Serzhen-Yurt.

A witness told Amnesty International that he was woken up in the night of 27 March 2004 when a gun muzzle was pressed to his face. A group of masked men had entered the house; they mainly spoke Russian but he thought some of them may have been Chechens according to their accent. The men demanded the names of everyone in the house. One of those taken away was Zelimkhan Osmaev. His daughter tried to hold on to her father's leg, but was pulled away by one of the men and thrown against a bedpost. She suffered a head injury. When the relatives of Zelimkhan Osmaev asked where he was being taken, they were told that "it was none of their business". In another house in Duba-Yurt a 71-year-old woman was reportedly beaten when she tried to stop the masked men from taking away her son.

According to witnesses, eight military vehicles, carrying a large group of masked men in camouflage uniforms, had entered the village at approximately 2am on Saturday 27 March and conducted a targeted raid on 19 houses. They detained 11 men aged between 28 and 44, but released three of them soon afterwards. The other eight men, including Zelimkhan Osmaev, subsequently "disappeared". When later that day the relatives went to report the "disappearances" to the local police and procuracy, the authorities reportedly refused to take up the cases. It was only on the following Monday that their reports were recorded and the procuracy started to investigate the cases. From a member of the procuracy in Shali the relatives reportedly received information that the eight men were being held at the headquarters of the Russian forces in the North Caucasus in Khankala⁴. This was denied by the military procurator in Khankala, who allegedly could not find a trace of the eight men prior to the discovery of their bodies on 9 April. The ninth body was later identified as a man originating from Duba-Yurt who had "disappeared" from his home in Grozny during the night between 1 and 2 April 2004.

⁴ The headquarters of the Russian federal forces in the North Caucasus in Khankala, near Grozny, have been mentioned in a number of reliable reports by human rights bodies as a place where human rights are systematically violated.

The killing of Aslan Davletukaev

The mutilated body of Chechen human rights activist, Aslan Davletukaev, aged 29, was found near the town of Gudermes in Chechnya on 16 January 2004. Relatives who spoke with Amnesty International said they could scarcely identify Aslan Davletukaev's body as he had lost all his teeth and his face was covered in bruises. Aslan Davletukaev had been working with the *Society of Russian-Chechen Friendship*, and was reportedly detained by Russian federal forces on 9 January 2004. Criminal investigations into this incident have been inconclusive and to date no one has been identified as responsible, let alone prosecuted.

"Disappearances"

"If my son committed a crime, bring him to justice, but tell me where he is."

During its recent mission to the North Caucasus Amnesty International met with a large number of people, who provided information about cases of "disappearances". Nearly everyone Amnesty International spoke to had lost a close relative this way and had faced a wall of silence when trying to obtain information from the authorities. Again and again relatives said: "If he/she has committed a crime, bring him/her to justice, but tell me where he/she is". Figures for the numbers of "disappeared" in Chechnya are difficult to verify; the findings of human rights organizations working in the area differ from statements made by the authorities⁵ as do the explanations about what has happened to those whose fate and whereabouts are unknown to their relatives.

In autumn 2002 the Office of the Special Representative of the President of the Russian Federation for ensuring human rights and civil rights and freedoms in the Chechen Republic provided the following information to the Council of Europe: Of 2,141 reportedly missing people the department for missing people in the Office of the Special Representative did find 1,031 people while the fate and whereabouts of the remaining 1,110 people remained unknown⁶. The office of the Special Representative suggests that "a significant proportion of the citizens whose whereabouts have not been established belong to one of two categories: displaced persons and refugees on the territory of other states or individuals who have joined the ranks of the Chechen fighters." However, when Amnesty International met with relatives of the "disappeared", most of them gave accounts of events which allege the participation of Russian or Chechen forces in the "disappearance" of their relative, be it because the men involved in the "disappearance" arrived in armoured personnel carriers (APC) used by the armed forces, or because they spoke Russian without a Chechen accent or were able to drive

⁵ <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>, Memorial maintains a list of "disappeared", covering about 25-30% of the territory of the Chechen Republic.

⁶ PACE Doc 9559, 22 September 2002, Conflict in the Chechen Republic, Appendix.

through one of the many roadblocks in Chechnya and on the border to Ingushetia with a special permission, which reportedly is only given to members of the federal forces. In March 2003 then head of the Chechen administration Akhmad Kadyrov, when asked by the radio station *Ekho Moskvy* about the so-called "death squads", implicated members of the Federal Security Service (FSB), police and Ministry of the Interior. "[Chechen fighter]Basaev does not drive around in an APC these days."⁷ In March 2004 Akhmad Kadyrov, who had by then become Chechen President⁸, said that about 3,000 people had "disappeared" in this second armed conflict. He called for detailed investigations into every single case of abduction or "disappearance".⁹

Some of the "disappeared" may still be alive; some may be held in secret facilities. Some may be dead and buried in graves that have not yet been discovered, while the bodies of others may have been blown up, ostensibly to make identification more difficult. Wherever mass graves or individual bodies are found, relatives of those who have "disappeared" go there, hoping and fearing to find remnants of their loved ones. In April 2003 the French newspaper *Le Monde* published information from an official report by the Chechen government to Russian President Putin, giving figures of up to 260 bodies found in 49 mass graves.¹⁰

The "disappearance" of Artur Akhmatkhanov

On 2 April 2003, Artur Akhmatkhanov, a 22-year-old student of the Oil Institute in Grozny, was detained near his house by men who appeared to be members of the Russian federal forces. Eyewitnesses later told his mother, Belat Akhmatkhanova, that at the time in question four armoured personnel carriers (APCs) transporting as many as 60 uniformed men in camouflage uniforms had been parked near a local stadium. The witnesses also told Belat Akhmatkhanova as well that soldiers wearing masks detained Artur Akhmatkhanov and another, unidentified, man, who was allegedly wounded by shots fired by his captors. The eyewitnesses, some of whom are neighbours of the Akhmatkhanov family, saw one young man with a bag over his head being pushed into an APC. The witnesses were not allowed to get close to the APCs but were kept at a distance by the soldiers.

Belat Akhmatkhanova, who was at home at the time, only discovered that her son had been detained later the same day, when her neighbours handed over a cap that had been found on the street, which she recognized as belonging to her son. She told Amnesty International that if she had known it was her son, who had been detained just outside of her house, she would have gone there and "fought for him". Only the next day, police and FSB reportedly came to the scene of the incident and gathered empty cartridges. They also took a piece of

⁷ The interview was conducted three days after the adoption of the Chechen constitution on 23 March 2003. See: <http://www.echo.msk.ru/interview/interview/11723.html>

⁸ Presidential elections were held in Chechnya on 5 October 2003

⁹ *AP*, 19 March 2004

¹⁰ *Le Monde*, 12 April 2003: "Massacre en Tchétchénie: un document officiel accable l'armée russe".

cloth that was smeared with blood, possibly belonging to the second of the detainees. These samples were allegedly analyzed, but Artur Akhmatkhanov's family has not been informed of any results.

More than a year has passed since the "disappearance" of Artur Akhmatkhanov, and his family is still waiting for news of his fate and whereabouts. The official reaction of the Russian military is typical of answers given to people with missing relatives. In a letter to the Chechen authorities dated 11 March 2004, military procurator N.S. Popenko wrote that at the time of Artur Akhmatkhanov's detention "no special operations for detaining citizens on the territory of the Chechen Republic were conducted, no citizens were detained and no-one was handed over to the law enforcement agencies". In other words, the official position of the Russian military is that it had nothing to do with the "disappearance" of Artur Akhmatkhanov.

The "disappearances" of Shaprudi Israilov and Adlan Dovtaev

On 30 December 2002, 31-year-old Adlan Dovtaev was travelling in a car with four other men from his village Gekhi in the Urus-Martan region, when an APC tried to stop them near the roadblock at Chernoreche and reportedly opened fire on the car. When the car stopped, all five men were reportedly dragged into the APC by the men in uniform who were travelling in it. Shortly after this another car, in which four people were travelling, was reportedly stopped by the same APC. When the uniformed persons started shooting at the second car, they reportedly killed Ramzan Yakiaev, a policeman, who was travelling in that car. The body of Ramzan Yakiaev was thrown out of the car and possibly blown up later as only his lower parts were found. The eight remaining passengers from the two cars were taken to the headquarters of the Russian Armed Forces in the North Caucasus in Khankala. The two cars were taken away as well. During the following two days six of the men were released, after having been reportedly subjected to torture and ill-treatment while being questioned about their alleged contacts with Chechen fighters. Adlan Dovtaev and Shaprudi Israilov, who is from the village of Kulary, were not released and have since "disappeared". While a criminal case under articles 126 and 162 of the Russian Criminal Code ("abduction" and "robbery") was opened, the relatives of Adlan Dovtaev and Shaprudi Israilov told Amnesty International that they had been given contradictory information from different official bodies concerning which unit of the Russian or Chechen forces was responsible for the "disappearance" of their sons and that they have not received any information regarding the whereabouts or well-being of their sons.

The "disappearance" of Ali Khadaev

According to information received by Amnesty International, on 19 April 2002 at about 3am some 25 uniformed and masked men came to the house of the Khadaev family in Urus-Martan. They told the family they needed to check the papers of Ali Saindinovich Khadaev, commonly known as Timur, and took him away. His mother Satsita was reportedly told by one of the men who spoke Chechen that he would be taken to the district commander's office

and that she should bring US \$ 2,500, allegedly to obtain his release. It took the family about 11 days to collect the money from neighbours and relatives.

On 1 May 2002, after the money had been paid, Ali Khadaev was released. According to his mother he had not been given any food and hardly anything to drink during his time in detention. He told his mother that he had been beaten repeatedly; he required 20 days' hospital treatment following his detention reportedly due to damage to his kidneys and other health problems which may have been the result of his time in detention.

In November 2002 someone from the district commander's office visited Ali Khadaev and his mother and asked them to sign a statement that they did not have any complaints to make against the district commander's office. Fearing further reprisals, both signed the statement. On 4 January 2003 at 3am several armoured personnel carriers stopped about 500 metres from the Khadaev house and a group of men in camouflage uniforms and masks came to look for Ali Khadaev. Satsita Khadaeva told Amnesty International that she believes the men knew the identity of Ali Khadaev, despite the fact that she was told they needed to check his papers, and they then took him to the district commander's office.

Satsita Khadaeva waited until 22 January 2003 before she went to the procuracy in Urus-Martan to report the "disappearance" of her son, as she had expected to receive another request for money from those who had taken him away. She then contacted local human rights organizations. Satsita Khadaeva, together with about 50 other mothers from the Urus-Martan region, went to the local and republican administrations to seek information about their "disappeared" sons. In March 2004 she told Amnesty International that over a year later she still has no information whatsoever concerning the fate and whereabouts of her son Ali Khadaev.



Satsita Khadaeva, holding up the picture of her son, Ali Khadaev. © AI

The targeting of women in the armed conflict

"We know you want to become a suicide bomber"

Throughout the second armed conflict in Chechnya mainly Chechen men and boys have been targeted during so-called filtration¹¹ or have been "disappeared" during raids conducted by security forces on their villages or districts¹². During interviews in March 2004 several mothers told Amnesty International's delegates that they would not let their sons or husbands join them in protests against the "disappearance" of family members, as they were afraid this would result in further retaliation.

However, it is not only men who have been targeted. During the first period of the current armed conflict Amnesty International has documented several cases of Chechen women who had been subjected to torture, including rape, and ill-treatment, or "disappearances" by members of the armed forces.¹³ A significant number of Chechen women were among the hostage-takers during the hostage-taking incident in a theatre in Moscow in October 2002 and since then, several Chechen women have reportedly been involved in suicide bombings against targets in the North Caucasus as well as in Moscow. This appears to have resulted in an increase in the targeting of women in the Chechen Republic by Russian and Chechen security forces.

The "disappearance" of Eliza Gaitamirova

According to information received from the human rights organization *Memorial*, on 1 December 2003 Eliza Gaitamirova, a mother of four from the village of Gekhi, in the Urus-Martan district, received a summons to come to the district police station (ROVD). She reportedly went there the following day, but did not return to her family that evening. On 3 December the head of the Department for Criminal Investigations at the ROVD told her mother that Eliza Gaitamirova had been detained, but did not inform her of the reasons for her detention. According to reports, Eliza Gaitamirova was released from the ROVD on 1 January 2004; she had previously been detained on 11 October 2003 and kept for 24 hours in a temporary detention facility (IVS) in Urus-Martan without being given any reasons for her detention.

¹¹ During the first period of the second armed conflict the Russian forces in the North Caucasus sought to check each Chechen's alliance with the government of Chechen President Maskhadov. Men and boys as young as 14 were taken to "filtration-camps" and questioned. Many were subjected to torture and ill-treatment.

¹² See for example: *Russian Federation: Chechnya. For the Motherland*, AI Index: EUR 46/46/99. or <http://www.memo.ru/hr/hotpoints/caucas1/prop/index.htm>.

¹³ *Chechnya – only an international investigation will ensure justice for the victims*, AI INDEX: EUR 46/23/00.

On 15 January 2004 Eliza Gaitamirova was stopped near her house by several men, wearing camouflage uniforms and masks, who arrived in unmarked cars. The men, reportedly Russian soldiers, took her away, and she has not been seen since. Eliza Gaitamirova's husband had reportedly been "disappeared" in 2001. Her family has approached the local procuracy, and the human rights organization *Memorial* has made several representations on behalf of Eliza Gaitamirova's family to the Chechen procuracy. Her mother has visited the ROVD several times but has not been successful in establishing her fate and whereabouts.

The "disappearance" of Milana Ozdoeva

Relatives of Milana Ozdoeva, a widow from Kotar Yurt in the Achkhoy-Martan region of Chechnya, told the human rights organization *Memorial* that Milana Ozdoeva was questioned on 5 and 9 January 2004 by a member of the Russian federal forces, whose name is known to Amnesty International, about allegations that she wanted to become a suicide bomber and had plans to go to a training camp for Chechen fighters. She denied all the allegations and the man left. According to her neighbours, on 19 January 2004 several men entered her house in Kotar Yurt and forced her to go with them. Milana Ozdoeva has two children, one of whom was only two months old and was still being breastfed. The men would not let Milana Ozdoeva take her newborn baby with her. She has not been seen since. Her husband is reported to have been a fighter who died in a recent clash with Russian forces. The human rights centre *Memorial* and the *Russian-Chechen Friendship Society* have filed a complaint on behalf of Milana Ozdoeva's family with the regional procuracy. However, the fate and whereabouts of Milana Ozdoeva remain unknown.

The "disappearance" of Aminat Dugaeva and Kurbika Zinabdieva

Amnesty International's delegates spoke with the mothers of Aminat Dugaeva and Kurbika Zinabdieva, who related to them the following account of the "disappearance" of their daughters. On 16 May 2003 at approximately 3am, Aminat Dugaeva, 15, and her relative, Kurbika Zinabdieva, 34, were taken from the latter's home in Ulus-Kert in the mountainous region of Shatoi by armed, masked men in dark blue uniforms who had entered the village in military vehicles.

Aminat Dugaeva. © Private

The previous day, Russian federal forces had been checking passports in the entire village and had checked the documents of Aminat Dugaeva and Kurbika Zinabdieva. The uniformed men who came at night reportedly entered one house only. Here they tied up Rumani Gekhaeva, the mother of Kurbika Zinabdieva, and left her in the courtyard where she remained, unable to see what happened in her house. Rumani Gekhaeva told Amnesty International that she was not found until later in the morning, and it was only then that she

realized that her daughter and Aminat Dugaeva had "disappeared". None of their clothes was missing, but the men had taken documents regarding Kurbika Zinabdieva's health. She has a brain tumour and suffers from epilepsy, and is in need of constant medication.

While the relatives of Aminat Dugaeva and Kurbika Zinabdieva started searching for them, a spokesperson for the Russian federal forces in the North Caucasus reportedly announced on local TV that two women from Ulus-Kert had been detained under suspicion of terrorism. In a police publication¹⁴ it was later mentioned that two women from Ulus-Kert had been accused of being involved in the hostage-taking in Moscow in October 2002. When the mothers of Aminat Dugaeva and Kurbika Zinabdieva turned to regional and local procuracies in an attempt to establish the whereabouts of their daughters, they were not given any information, and the procurator of Shatoi district even denied that the two had been detained, despite the public announcement made by other Russian officials earlier to the contrary.

Aminat Dugaeva and her family had been living in the Naurskii District of Northern Chechnya during the second conflict. She was visiting her relatives in Ulus-Kert for three days and was supposed to return to her family on the day she "disappeared". Her mother, Zlikhat Dugaeva, a widow whose three other children live abroad, and Rumani Gekhaeva now devote most of their time to the search for their daughters. They have both filed cases with the European Court of Human Rights as they felt that the authorities' response following the "disappearance" of their daughters has been inadequate and their concern for the well-being of their daughters has been met with inaction and even hostility.



Rumani Gekhaeva and Zlikhat Dugaeva, whose daughters Kurbika Zinabdieva and Aminat Dugaeva were taken away allegedly by members of the Russian armed forces in May 2003. © AI

¹⁴ Reportedly this information was published in *Shehit i meshch*, June 2003

The killing of Kheda Kungaeva

In March 2000, 18-year-old Kheda Kungaeva was taken from her home by Russian forces and subsequently raped and killed. Colonel Yuri Budanov, who initially claimed that he had suspected her to be a sniper, became one of the very few soldiers to be prosecuted and imprisoned for serious crimes against the Chechen population when in July 2003 he was sentenced to 10 years' imprisonment for the killing of Kheda Kungaeva. No one, however, was ever charged with raping her, although forensic evidence indicates that she had been raped prior to her death¹⁵.

Torture and ill-treatment

The killing of Timur Khambulatov

Amnesty International has received a video showing the body of Timur Khambulatov a day after he had died while in police detention. In an interview with the human rights organization *Memorial* his mother, Aminat Khambulatova, gave the following account of events leading to his death: At approximately 2am on 18 March 2004, about 40 masked men in military vehicles and wearing camouflage uniforms arrived in the village of Savelevskaia in the Naurskii district of Northern Chechnya. They forcibly entered the home of the Khambulatov family and detained Timur Khambulatov, aged 24, on suspicion of belonging to an illegal armed group. As the masked men were about to take Timur Khambulatov away, they reportedly threatened to kill his mother if she made a scene.

Later that same morning, Timur Khambulatov was found dead in a police cell by the district procurator, who had reportedly overheard a conversation between two policemen regarding the death of a young man and had decided to investigate the matter. It is alleged that Timur Khambulatov had been handed over to the police by Federal Security Service (FSB) operatives, who worked in the same building, when he was already near death.

It was only the next day that Aminat Khambulatova discovered that her son had died. She went to the police station and talked to the procurator who had found him. He claimed that Timur Khambulatov had fallen off a chair, but reportedly also confirmed that the FSB had been involved in his detention. The body had been taken to a military base in Mozdok in North Ossetia for a forensic examination. Aminat Khambulatova went to Mozdok and talked to the pathologist who reportedly told her that there were a lot of bruises on the body, but that they were not sufficient explanation for his death. She collected the body, and Timur Khambulatov was buried the following day.

¹⁵ For further information on the case see: *Denial of Justice*, AI Index: EUR 46/027/2002.

Approximately one week after Timur Khambulatov's death, people from Savelevskaia organized a demonstration during which they blocked the highway near their village and demanded a response from the authorities to the incident. A number of leading local officials came to the demonstration, and reportedly the head of the local FSB acknowledged that 10 of the men who had taken part in the operation were from his staff. He also told Aminat Khambulatova that they had not touched her son, and that he did not want her son dead. "Someone denounced your son. We made a mistake, I apologize for this misunderstanding," he is reported to have said.

Torture and ill-treatment in unofficial places of detention

Amnesty International has received credible and consistent reports of secret, unofficial places of detention, sometimes referred to as "filtration camps", where Chechens detained during raids are held and often tortured. One such facility, located in Grozny, is known as ORB-2. It is run by the Operative and Search Bureau under the Russian Ministry of Interior, which primarily deals with organized crime, and is one of the most notorious alleged "torture centres" in the Chechen Republic. Although this facility is not official, it has been visited in 2002 and, most recently, in May 2003, by the European Committee for Prevention of Torture (CPT) and mentioned as an establishment which "stands out in terms of the frequency and gravity of the alleged ill-treatment".¹⁶

When the CPT made this unprecedented second public statement in July 2003¹⁷, concerning human rights abuses in the Chechen Republic, it paid particular attention to conditions in this facility and expressed its deep concern about the fate of persons taken into custody at the ORB-2. The CPT noted that the detainees "were extremely reluctant to speak to the delegation and appeared to be terrified" and that there was "every reason to believe that they had been expressly warned to keep silent". The CPT recommended to the authorities to initiate a thorough and independent inquiry into the methods used by ORB-2 when questioning prisoners and repeated its call upon the Russian authorities to "put a stop to ill-treatment" at this facility.

Amnesty International has received reports that Akhmed Gisaev was kept in ORB-2 for several days in late 2003 before being transferred to the headquarters of the Russian federal forces in Khankala. It appears from this testimony as well as other reports, which Amnesty International received that the recommendations made by the CPT were being ignored and that the treatment of detainees at ORB-2 was reportedly as harsh as ever.

¹⁶ CPT/Inf (2003) 33, 10 July 2003: Public statement concerning the Chechen Republic of the Russian Federation.

¹⁷ The first statement was made in July 2001, see: CPT/Inf (2001) 15, 10 July 2001: Public statement concerning the Chechen Republic of the Russian Federation

The case of Akhmed Gisaev

Akhmed Gisaev has given the following account of his torture to Amnesty International and the human rights organization *Memorial*: He was detained on 23 October 2003 and taken to ORB-2. Although he was blindfolded with a shirt he noticed that he was taken to a small room on the third floor of a building where he was kept for approximately three days. The window in that room was covered with paper, so that he could not look outside. When left alone, he managed to remove the blindfold and saw that there were spots on the walls which he believed to be blood. He told *Memorial* that he was questioned about his affiliation with Chechen opposition fighters and why he had worked for the police under Chechen President Maskhadov. He stated that during the questioning he was kicked, beaten with batons and fists, burned with cigarettes and subjected to electroshock torture on his right hand and foot.

Before the perpetrators left the room he was fixed to a water pipe in the room. Akhmed Gisaev reported to *Memorial* that some time later that day five or six men came into the room, blindfolded him with a plastic bag and put tape over his mouth. He was placed in the middle of the room while the men beat him from all sides and cursed at him. Akhmed Gisaev reported that one man stood on his back, while others fixed a cable to his feet and to his handcuffs. He was told that if he admitted to being a member of a group of Chechen fighters, he may survive, otherwise he would die. After about three days he was transferred to another facility, which he believed to be the headquarters of the Russian federal forces in Khankala, where he was kept in a basement and was again beaten, tortured with electric shocks, deprived of food and sleep, verbally abused and made to drink alcohol, which is against his religious belief as a Muslim. The room in Khankala was damp and inhabited by rats. Here again he saw marks on the walls, which he thought was blood. After 11 days in the basement he was transferred to another cell, where he was given food and water. He was released after his family paid a ransom. Akhmed Gisaev reported that his health seriously deteriorated during the 20 days in detention in ORB-2 and Khankala. For a few days after his release he reportedly could not walk on his own. He reportedly suffered from serious headaches, insomnia and pain in his chest when breathing.

Amnesty International is concerned about allegations that indicate that there are a growing number of unofficial places of detention run by members of armed groups under the control of Ramzan Kadyrov, the son of the late Chechen President Akhmad Kadyrov, who was appointed deputy prime minister in May 2004.

Reprisals against applicants to the European Court of Human Rights

A variety of legal mechanisms exist in the Russian Federation to prosecute members of the armed forces for human rights violations. However, criminal investigations into such violations remain woefully inadequate, are frequently closed without a conclusion and the

cases rarely ever get as far as a courtroom. Consequently, an increasing number of Chechens, having realized that the possibilities of redress within the framework of the Russian justice system exist primarily on paper, have decided to take their cases to the European Court of Human Rights.

In doing so, they have unwittingly added a further element of risk to their lives. A number of applicants to the European Court of Human Rights have been subject to reprisals. Such reprisals have ranged from harassment and threats, and in a couple of cases¹⁸ applicants or their close relatives have been killed. It appears that Chechen victims of human rights violations not only have extremely limited access to justice in the Russian Federation, but also that their lives are endangered when they attempt to seek justice through international mechanisms.

The extrajudicial execution of Anzor Pokaev

Sharfudin Sambiev, the father of Anzor Pokaev and nine other people from Starye Atagi filed an application in July 2003 with the European Court of Human Rights after 11 individuals from the village had "disappeared" during a military raid in April 2002. One of the "disappeared" is Anzor's younger brother Amir Pokaev.

According to information received from the human rights organization *Chechnya Justice Initiative*, 24-year-old Anzor Pokaev was at home with his mother, Rukiyat Pokaeva, on 10 April 2004. At around 9pm they noticed some 50 members of the federal troops had entered the courtyard by their home and Rukiyat Pokaeva told her son to go and hide in the garden. Rukiyat Pokaeva went up to the men to ask them what they wanted. She reported that she was verbally abused and forced out into the street. She saw many more soldiers in the street who blocked the view to her house with several military vehicles. Rukiyat Pokaeva reported that shortly after she was forced out on the street she heard shots from the courtyard.

Neighbours who had looked through the fence into her courtyard at the time told her later that they had seen the soldiers shoot at someone in the courtyard and take him away. After the soldiers had left, Rukiyat Pokaeva returned home to find that her house had been searched and that many of her husband's documents were missing. There was no sign of her son.

The next morning villagers found the body of Anzor Pokaev on a roadside near the village of Prigorodnye, about 10 kilometres from Starye Atagi. His body bore multiple gunshot wounds.

According to Anzor Pokaev's father, Sharfudin Sambiev, Russian troops had come to their house several times over the last year and had been looking for Anzor Pokaev. The soldiers had asked Rukiyat Pokaeva to show them some photographs of Anzor Pokaev, but she said

¹⁸ See *Concerns in Europe and Central Asia*. AI Index: EUR 01/016/2003

she did not have any. The soldiers then reportedly searched the house and told her that Anzor Pokaev and his father would be arrested.

In another case of "disappearances", applicants to the European Court of Human Rights who prefer to remain anonymous reported that armed men came to their house asking who had given them money to apply to the Court. The armed men did not believe that the family did not have any money but got free legal support from a non-governmental organization and instead accused them of having links with Chechen fighters.

IDPs under pressure in Ingushetia

"If you haven't left in 15 minutes we set your tent on fire"

Amnesty International received credible reports that during the first months of 2004, the Russian government continued to pressure thousands of internally displaced persons (IDPs) living in tent camps in Ingushetia into returning to Chechnya, ignoring their well-founded fears about the security situation there. The government has, for the most part, failed to fulfil promises to provide IDPs who wish to stay in Ingushetia with alternative accommodation there¹⁹. The conditions in government-run temporary accommodation centres in the Chechen capital Grozny, where many of the returnees end up living, reportedly do not correspond with promises made by the authorities.²⁰

On 1 April 2004 the government closed the Sputnik IDP camp—the fourth large tent camp in Ingushetia to be closed in six months. IDPs from the camp told Amnesty International that Russian and Chechen officials had used a combination of threats and incentives to encourage them to return to Chechnya. They said officials promised them compensation for lost property should they return, and threatened they would lose their right to humanitarian aid if they did not. They also said law enforcement officials had threatened to plant bullets or narcotics on them if they did not go back to Chechnya. A member of the Ingush Ministry of Interior allegedly told one of the IDPs that his tent would be set on fire if he did not leave the camp. When Amnesty International delegates interviewed IDPs in Satsita, they found that similar carrot-and-stick tactics were being used in the then last remaining tent camp in Ingushetia, which was in the process of being closed at the end of May 2004.

¹⁹ The Ingush government for some time reportedly did not give permission to resettle IDPs from tent camps into houses which had been constructed by *Médecins sans frontières* and told some of the IDPs, who had to leave Sputnik on 1 April 2004, that their houses would be ready only on 7 April 2004 without providing accommodation for the meantime.

²⁰ According to *Memorial*, four families have to share houses which are designed for one family in the temporary settlement of Okruzhna. Compensation for lost property is handed out after long delays.



Tent in Sputnik IDP camp on the day of the closure (1 April 2004). © AI

Lorchen Gunter, who is of Russian-German descent, but was married to a Chechen and lived in Grozny for many years, has spent more than four and a half years in Ingushetia as an IDP. She moved to the Satsita tent camp in September 2003 from Bella, another camp which had been closed down on 1 October 2003. She is among the thousands of IDPs who do not wish to return to the Chechen Republic. Lorchen Gunter told Amnesty International delegates that the IDPs in Satsita and previously in Bella had been under heavy pressure from various authorities to leave Ingushetia. She believed that her tent and her movements were observed by the authorities as she is seen as a spokesperson for those in the camp who do not wish to return to Chechnya.



Lorchen Gunter. © AI

With the closure of the tent camps, many IDPs now fear that the authorities will start pressuring those IDPs who remained in Ingushetia living in spontaneous settlements²¹ to return to the Chechen Republic. On 18 May 2004 the *Russian-Chechen Friendship Society* reported that a couple of IDPs from the settlement of Yandare had been pressured into signing a document stating that they had found two explosive devices on the territory of their camp. The IDPs who refused to sign the document were reportedly refused an extension of their registration.

Amnesty International delegates visited one of the spontaneous settlements, a former dairy factory, where IDPs were living in conditions which are vastly inferior to the already modest accommodation which existed in the tent camps. The electricity and water supply in the settlement can be turned off for days if the bills are not paid, and there is little space in the dark, airless rooms, where large families share a few square metres. And yet, the IDPs seem to have little doubt as to what is preferable, remaining where they are or returning to Chechnya. A father of five from Vedeno district told Amnesty International's delegates: "We will stay here. As long as they can't guarantee our security, we won't go back [to Chechnya]. If there is no war, why don't they withdraw the troops? Everybody would like to go home, but it is too dangerous."

Another person told Amnesty International delegates that in early 2000 he had been detained in the so-called filtration camp Chernokozovo for 57 days, where he was tortured. He has nine children and when he was released from Chernokozovo he was told by the guards

²¹ While some IDPs have found accommodation in tent camps set up by humanitarian organizations, other IDPs moved into abandoned factories or farm buildings.

to keep quiet about what he had experienced, otherwise his children would suffer. He was living in Satsita in April 2004 without any registration as an IDP²² and sharing a tent with a befriended family, in order not to have any dealings with the authorities. He said as long as the armed conflict continues and as long as there is no justice in Chechnya he cannot live there.



Satsita IDP camp. ©AI

The deteriorating human rights situation in Ingushetia

The human rights violations that have long been the hallmark of the Chechnya conflict are spilling over into Ingushetia. During 2003, there were reports of an increasing number of raids across the border, where Chechen settlements as well as Ingush villages were targeted by federal and Chechen security forces. During the first few months of 2004, the human rights situation in Ingushetia has deteriorated even further - dozens of people have reportedly "disappeared"²³, and human rights groups have documented a number of summary executions and attacks against civilians resulting in deaths and serious injuries. In early May 2004 Ingush President Murat Ziazikov said in an interview with the Russian newspaper *Novaya Gazeta*, that investigations into the "disappearance" of people in Ingushetia had not led to the identification of the perpetrators, but that there were credible reports that members of armed forces from Chechnya and other republics, like the Stavropol territory and Northern Ossetia,

²² Such registration is necessary in order to receive humanitarian aid.

²³ Amnesty International received a list of 56 persons, who reportedly "disappeared" between September 2003 and March 2004.

had participated in acts of human rights violations in Ingushetia with few possibilities given to the local forces to interfere.²⁴



Inside a tent in Ingushetia. ©AI

The helicopter attack in Sleptsovskaaia

On 25 March 2004, at approximately 10:30pm a Russian military helicopter opened fire on a passenger car parked at a riverbank near the Ingush village of Sleptsovskaaia in what appeared to be a deliberate attack against unarmed civilians. According to relatives of some of the passengers, the helicopter targeted the group with rockets when they tried to run away, reportedly firing at them four to six times.

One of the passengers, 20-year-old Musa Khamkoev, was killed on the spot. Two other passengers, both teenagers, suffered serious wounds and were taken to the local hospital. One of them, 16-year-old Ibragim Khashagulgov, died from his injuries a week later. The condition of the third young man remains serious. The condition of the fourth passenger is not known.

The procuracy of Ingushetia has opened a criminal investigation into the incident, which has attracted a lot of attention in the republic. While there have been many cases of military

²⁴ <http://2004.novayagazeta.ru/nomer/2004/31n/n31n-s10.shtml>

aircraft or helicopters firing on civilians in the Chechen Republic, such incidents have hitherto been virtually unheard of in Ingushetia.

The "disappearance" of Rashid Ozdov

Rashid Borisovich Ozdov, a deputy procurator of the Republic of Ingushetia, was reportedly detained on 11 March 2004 by men who are believed to work for the Federal Security Service (FSB) of Ingushetia. No official confirmation or explanation of his "disappearance" has been given to his father, a retired judge, who spoke to Amnesty International in early April 2004.

Among Rashid Ozdov's duties was the supervision of the Ingush department of the Federal Security Service (FSB). In this capacity he had reportedly complained to the Ingush and federal authorities about illegal activities, including "disappearances" and killings, allegedly committed by FSB personnel.

Reportedly, he wrote to the Procurator General and the FSB of the Russian Federation for the first time in late 2003. The second time he addressed his report to the FSB and to a parliamentary deputy in late February or early March 2004, while in Moscow. He returned to Ingushetia on 7 or 8 March 2004. On 11 March 2004 Rashid Ozdov went with colleagues to Nalchik in the neighbouring Republic of Kabardino-Balkaria. The delegation returned in the evening to the Ingush capital, Magas, where Rashid Ozdov left his colleagues to drive in his own car, a dark green Zhiguli VAZ 21099, to his home in the town of Malgobek.

Rashid Ozdov, Deputy Procurator of the Republic of Ingushetia. © Private

According to witnesses, he was reportedly later that evening stopped near a petrol station in Verkhnye Achaluki by three cars. One of them, a white Niva reportedly identified as an FSB car, apparently rammed Rashid Ozdov's car. Other witnesses reportedly later saw Rashid Ozdov's car in an FSB car park in Magas. Amnesty International received information that Rashid Ozdov may have been taken from Magas to Vladikavkaz in the Republic of North Ossetia, and from there to the main headquarters of the Russian Federal Forces in the North Caucasus, in Khankala, in the Chechen Republic. In May 2004 Rashid Ozdov's father told *Novaya Gazeta* that his son may have been transferred to Moscow and is being kept in detention under a different name.

Rashid Ozdov had apparently dismissed warnings that he was putting his life in danger by writing about unlawful actions by the FSB, telling his father and other relatives that it was his duty to report them.

On 15 March a criminal case was opened under article 126 of the Russian Criminal Code (abduction of a person). On 27 May *Novaya Gazeta* published a letter to the Procurator General of the Russian Federation allegedly written by a member of the FSB of the Stavropol

territory. In this letter someone called Igor Onishchenko acknowledges having participated in the abduction and mutilation of a procurator who was identified by *Novaya Gazeta* as Rashid Ozdoev. He writes "Personally, I and Sergei maimed more than 50 people, we buried about 35."²⁵ The letter does not contain any information about the current fate and whereabouts of Rashid Ozdoev.



Boris Ozdoev holding a picture of his son, Rashid Ozdoev, who "disappeared" on 11 March 2004.

© AI

The "disappearance" of Bashir Mutsolgov

Bashir Mutsolgov was last seen in the afternoon of 18 December 2003 as he was forced into a car by several men in camouflage uniforms in Karabulak. His family has since heard from contacts in the FSB that he was taken to the headquarters of the Ingush department of the FSB in Magas, where he was reportedly kept until the next day. From there he may have been transferred to the Russian military base at Khankala in the Chechen Republic, but his fate and whereabouts remain unknown.

The following events were described to Bashir Mutsolgov's family by eyewitnesses. A maths and physics teacher, Bashir Mutsolgov was on his way home from his father's house when he stopped to speak to one of his pupils. Several men reportedly got out of a car, hit the boy with their assault rifles, dragged Bashir Mutsolgov into the car and drove off. A witness tried to get the Ingush traffic police to stop the car and another car, which was also involved

²⁵ The letter is published on <http://2004.novayagazeta.ru/nomer/2004/37n/n37n-s00.shtml>

in the incident. However, both cars reportedly had a special permit to travel and the police did not attempt to stop them.

Bashir Mutsolgov's father, Adam Mutsolgov, to whom Amnesty International spoke during its visit to Ingushetia, and his five other children have written many letters to the Russian and Ingush authorities, to the Ingush President and to Russian President Vladimir Putin, but have not received any further information from these authorities. The family does not know why he was detained. It is thought that his Arabic studies could have led to him being targeted by the FSB, which allegedly keeps records of people with an interest in Islam. Bashir Mutsolgov is married and has a baby daughter.

Impunity

Amnesty International is concerned that the Russian and Chechen authorities have failed, and continue to fail, to carry out thorough, independent and impartial investigations into all allegations of human rights abuses and to bring suspected perpetrators of such abuses to justice. It appears that charges and sentences handed down to the few police and military personnel that have been prosecuted for serious human rights violations committed against civilians in Chechnya fail to address the gravity of the acts as well as the scale of human rights violations reported in Chechnya. Lack of transparency and accountability for human rights violations perpetuates a climate of impunity and must be addressed urgently, as part of the process of establishing the rule of law.

According to information published by the Council of Europe, the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic received 9,952 complaints between 2000 and April 2003 from civilians in Chechnya regarding violations of their rights, including human rights abuses²⁶. However, prosecutions are few and far between. According to a recent report by the Secretary General of the Council of Europe on the situation in Chechnya, between 1999 and mid 2003 the Military Procuracy of the North Caucasus had conducted criminal investigations into 16 cases of "abductions" (art. 126 of the Russian Criminal Code), "allegedly committed by members of the armed forces". The Chechen procuracy initiated 77 criminal investigations against members of the Ministry of Interior of the Russian Federation.²⁷ Of 44 members of the armed forces who were convicted by September 2002 for crimes against the civilian population, only 14 were convicted for crimes which caused physical harm or death of a civilian and no one had been sentenced for "abduction".²⁸

²⁶ SG/Inf(2004)3, 16 January 2004: Russian Federation: Council of Europe's response to the situation in the Chechen Republic.

²⁷ *Ibid.*

²⁸ PACE: Conflict in the Chechen Republic, Information Report, doc 5995, part II, 22 September 2002

The trial of Eduard Ulman and three other officers

On 29 April 2004 a court in Rostov-on-Don found four members of a special unit of the military intelligence not guilty of the murder of six civilians in Chechnya. According to evidence presented at the court the unit had been conducting a special operation against a leading Chechen opposition fighter, known as Khattab near the village of Dai on 11 January 2002. The men checked every car on the road between Shatoi and Dai and opened fire on a civilian car after the driver ignored a request to stop. One passenger was killed immediately and two others were wounded. Initially, the men under the command of Captain Eduard Ulman bandaged the wounded, waiting for further instructions from their superiors. Major Aleksei Perelevskii, the deputy commander of the unit, reportedly forwarded the three men a message from the command of the military unit, ordering them "to eliminate the detained civilians". Captain Eduard Ulman then told Aleksandr Kalaganskii and Vladimir Voevodin to kill the passengers and set the car on fire.

According to one of the lawyers, who spoke to Amnesty International's delegates, witnesses, who drove along the road after the officers had left, had told him that a large area around the car was spotted with blood and traces of blood in the snow led them to believe that one of the civilians had tried to flee. Evidence to support this was disclosed in the trial.

While the four officers, who were involved in the incident, did not deny having killed the civilians, the court found that their actions were not punishable as they had followed orders²⁹. In May 2004 the General Procuracy of the Russian Federation was reportedly considering whether to appeal against the decision. Amnesty International is not aware of whether any charges have been brought against the commander of the military unit.

Incomplete investigations

Alaudin Sadykov, a teacher from Grozny, who was detained and tortured in spring 2000³⁰ by members of a special riot police (OMON) from Khanty-Mansiisk in a police station in the Oktiabrskii district in Grozny. The OMON are said to have broken several ribs and cut off one ear of Alaudin Sadykov. Allegedly, one of the perpetrators later was carrying the ear around his neck. The office of the Special Representative for the President of the Russian Federation on Human Rights and Civil Rights and Freedoms in the Chechen Republic stated in 2001 that the investigations into alleged unlawful actions committed by a unit from the Ministry of Interior had been opened, but since then no one has been brought to justice for the torture of Alaudin Sadykov and the investigations have been halted for "failure to identify a suspect" despite the fact that Alaudin Sadykov assertion that he can name and recognize at least one of the police officers said to have tortured him.

²⁹ The judgment can be found on: <http://www.kolokol.ru/chechnya/70893.html>

³⁰ A more detailed report of the torture and ill-treatment of Alaudin Sadykov can be found in: *Denial of Justice*, AI Index: EUR 46/027/2002.

Prosecution of Sergei Lapin

The trial of Sergei Lapin, a member of the OMON from the Khanty-Mansiisk region, started on 14 October 2003 at the Oktiabrskii court in Grozny. Sergei Lapin has been accused of involvement in the "disappearance" of 26-year-old Zelimkhan Murdalov from Grozny³¹. Sergei Lapin was arrested in January 2002 and released again in May of the same year. He is indicted with causing bodily harm, abuse of office and forging official documents. It is the first time that a member of the federal forces is being tried for serious crimes against the civilian population in a court in Chechnya. However, Sergei Lapin reportedly claimed to suffer from post-traumatic stress disorder and other psychological problems which prevented him from attending the trial in Grozny; reportedly the trial was postponed on these grounds. Amnesty International has been told that Sergei Lapin appealed to the Supreme Court of the Russian Federation in order to be tried by a jury, which the Chechen court system does not provide for yet. The lawyer for the family of Zelimkhan Murdalov appealed against a trial by jury and for Sergei Lapin brought before the court in Grozny. The hearing was postponed after only one week and has not been reopened again. It has been reported that in early 2004 Sergei Lapin returned to work as an armed policeman.

The Chechen Conflict and the International Community

As a signatory to a number of international human rights treaties, the Russian Federation is obliged to respect and protect the human rights of all people within its territory and subject to its jurisdiction without discrimination. Its failure to do so during the conflict in Chechnya has more often than not produced inadequate responses from governments and from some inter-governmental bodies.

For example, since the outbreak of this conflict in 1999, the United Nations' Security Council, of which Russia is a permanent member, has not once adopted a specific resolution about the conduct of the Russian forces during the armed conflict in Chechnya.

It has been noted that prior to the attacks in the United States on 11 September 2001, foreign governments and international bodies were more inclined to take the Russian Federation to task for its appalling human rights record in the Chechen Republic, but since then, much criticism of the violations of international humanitarian law and human rights has been muted.

An important inter-governmental forum where criticism of the conduct of Russian security forces in Chechnya has become increasingly muted is the United Nations Commission on Human Rights. On 15 April 2004 the human rights body in the UN system,

³¹ See *ibid.*

for the third year running, rejected an EU-sponsored draft resolution on the situation in the Chechen Republic. Twelve members of the commission voted in favour of adopting the resolution, while 23 voted against and 18 abstained. In 2000 and 2001, the Commission had passed resolutions condemning breaches of international human rights and humanitarian law by Russian forces and Chechen fighters during the conflict.³² While the resolutions have had little effect on the human rights in Chechnya, they were, nevertheless, powerful statements on the failure of the Russian Federation to live up to its international human rights obligations.

It is clear that the situation in the Chechen Republic, contrary to the official line of the Russian government, has not stabilized to an extent that justifies less international scrutiny. Indeed, a number of international bodies and international human rights mechanisms continue to monitor and criticize the conduct of Russian security forces and the Chechen fighters. For example, in November 2003 the UN Human Rights Committee in its concluding observations on the fifth periodic report of the Russian Federation on implementation of its obligations under the International Covenant on Civil and Political Rights, expressed deep concern about "continuing substantiated reports of human rights violations in the Chechen Republic, including extrajudicial killings, disappearances and torture, including rape"³³. The Committee urged the Russian government to ensure that "abuse and violations are not committed with impunity *de jure* or *de facto*, including violations committed by military and law enforcement personnel during counter-terrorist operations".

On a regional level, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe have both been actively monitoring the situation in the Chechen Republic. However, the Russian government has refused to renew the mandate of the OSCE Assistance Group to Chechnya when it expired at the end of 2002, and the Council of Europe, for reasons of security, have not had experts based in the Republic since April 2003 when a bomb exploded in Grozny as the convoy carrying experts of the Council of Europe passed. Those responsible for the bomb have yet to be identified. Nevertheless, a number of Council of Europe bodies and mechanisms continue to be involved in and to visit Chechnya.

The Secretary General of the Council of Europe publishes regular reports on the situation in the Chechen Republic, and in December 2003, negotiated a new nine-point Cooperation Agreement with the Russian authorities which, while welcomed, Amnesty International and others consider should be expanded. The Council of Europe's Committee of Ministers discusses the situation in Chechnya as a regular agenda item at its meetings and has activated its monitoring procedure with regard to Chechnya. The situation in Chechnya remains among the priorities of the Council of Europe's Commissioner for Human Rights;

³² Commission on Human Rights Resolution 2001 (24). In this resolution the Commission, for example, requests that relevant Special Rapporteurs and Special Mechanisms undertake visits to the Russian Federation. As of April 2004 only the Representative of the Secretary General for Internally Displaced Persons had visited the Russian Federation.

³³ Concluding observations of the Human Rights Committee: Russian Federation. 06/11/2003 (CCPR/CO/79/RUS)

key recommendations that he made to the authorities in 2002 regarding respect for human rights during military raids have yet to be consistently implemented.

Three Rapporteurs appointed by the Parliamentary Assembly of the Council of Europe (PACE) have been in regular communication with the Russian authorities and have travelled to Chechnya and Ingushetia, most recently at the end of May 2004. In April 2003, the Assembly adopted a strong resolution to the Committee of Ministers of the Council of Europe on the situation in the Chechen Republic³⁴. In the accompanying recommendations, it stated that the "efforts undertaken so far by all actors involved, starting with the Russian government, administration and judicial system, but also by the Council of Europe and its member states, have failed dismally to improve the human rights situation and to ensure that past human rights violations and particularly war crimes are adequately prosecuted". The Assembly called on "member states of the Council of Europe to pursue all avenues of accountability with regard to the Russian Federation without further delay"; it expressed regret that "no member state or group of member states has yet found the courage to lodge an inter-state complaint" against the Russian Federation and called on member states to do so and to exercise universal jurisdiction for the most serious crimes committed in the Chechen Republic.³⁵

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has visited the Chechen Republic on six occasions since the outbreak of the ongoing conflict in 1999. It has visited both official and unofficial places of detention, where it has interviewed detainees. The CPT met with members of the Russian and Chechen authorities and reviewed official records. Regrettably, the Russian authorities have failed to authorise the publication of the CPT's reports of these visits. Following these visits the CPT in July 2003 issued an unprecedented second public statement highlighting the continued resort to ill-treatment by members of law enforcement agencies and federal forces and the largely unproductive action taken to bring to justice those responsible. The CPT recommended measures which the Russian Federation authorities should take, including making a formal statement from the highest political level denouncing ill-treatment by members of the federal forces and law enforcement agencies in the Chechen Republic, respecting and protecting people's rights to be free from torture and ill-treatment and bringing those responsible for torture and ill-treatment to justice.

While these bodies of the Council of Europe continue to report about the human rights crisis in Chechnya, second governments, including members of the Council of Europe and the European Union appear to be less and less willing to mention Chechnya in communications with the Russian government.

³⁴ Resolution 1323(2003) of the Parliamentary Assembly of the Council of Europe: The human rights situation in the Chechen Republic

³⁵ Parliamentary Assembly: Recommendation 1600 (2003) The human rights situation in the Chechen Republic.

In February 2004 the European Parliament called on the European Council to “renew calls on Russia to do its part in stopping the human rights violations in Chechnya, to investigate disappearances, reports of torture and other crimes, to prosecute perpetrators and ensure that court proceedings comply with all legal requirements”. The EU leadership repeatedly gave assurances over recent years to raise the human rights crisis in Chechnya in its meetings with the Russian government and to insist on respect for the rule of law and for perpetrators of human rights violations being brought to justice. Despite such public commitments there is little sign of a real engagement on this issue between the EU, its member states and the Russian Federation.

The international community must intensify its scrutiny of the situation and put pressure on the Russian Federation to live up to its international human rights obligations. Amnesty International considers it imperative that the human rights crisis in the North Caucasus not only remains on the international agenda, but is paid increased attention.

The following is a list of recommendations to the Russian government, the Chechen administration and Chechen armed groups as well as to the international community

Recommendations to the government of the Russian Federation:

- Condemn ongoing grave and systematic human rights abuses in the Chechen Republic and take immediate steps to end such violations, including extrajudicial executions, arbitrary detention, “disappearances” and torture, including rape and ill-treatment, in Chechnya;
- Take immediate steps to end human rights violations in the Republic of Ingushetia;
- Ensure that all past and current allegations of abuses of international human rights and international humanitarian law are promptly, independently and impartially investigated and perpetrators are brought to justice in independent, impartial courts established by law and in proceedings which meet international standards of fair trial;
- Stop attempts to forcibly return internally displaced people in Ingushetia to the Chechen Republic, and provide adequate protection and humanitarian assistance to them in accordance with relevant international standards;
- Protect all of those who have petitioned the European Court of Human Rights and initiate independent and thorough investigations, without delay, into all allegations of reprisals taken against any person in relation to applications filed with the European Court of Human Rights; make public the findings of any criminal investigations into such reprisals including the killing, torture and ill-treatment of applicants and their families; ensure that those responsible for any such reprisals are brought to justice in fair proceedings;
- Fully implement all recommendations made by the UN-treaty bodies and special mechanisms as well as those made by bodies and mechanisms of the Council of Europe;

- Authorize without delay the publication of all reports of visits to the region by experts of the Council of Europe's Committee for the Prevention of Torture (CPT); publish a plan to implement the recommendations of the CPT and ensure periodic publication of measures taken to implement such recommendations;
- Grant unrestricted access to Chechnya to independent media and human rights monitors, including from international organizations. Ensure a thorough and independent investigation is carried out into the attack which threatened the security of the Council of Europe's experts. Ensure that human rights defenders working in the area can carry out their legitimate activity in safety and without fear of harassment or intimidation. Make public the findings of any criminal investigations into the killings, as well as torture and ill-treatment of human rights defenders and activists.

Recommendations to Chechen armed opposition groups

- Stop all direct and targeted attacks on civilians as well as indiscriminate and disproportionate attacks;
- Ensure full compliance with and respect for international humanitarian law.

Recommendations to second governments:

- Remind the government of the Russian Federation of its obligations to respect international human rights and humanitarian law;
- Ensure that people who have fled the conflict are not returned to Chechnya or other parts of the Russian Federation unless and until their safe and durable return with dignity is assured;
- Use all avenues of political dialogue with the government of the Russian Federation to reiterate the need for decisive action against perpetrators of human rights abuses;
- Ensure that the issue of the human rights situation in Chechnya is raised in all relevant inter-governmental meetings and bodies, and that appropriate action is taken to facilitate the end to abuses of international human rights and humanitarian law and impunity;
- Support the establishment of an independent international inquiry into "disappearances" in the North Caucasus which have occurred in the context of the two armed conflicts in Chechnya;
- Welcome the fact that the government of the Russian Federation facilitated the visit of the Representative of the UN Secretary General on Internally Displaced Persons in 2003 and call on the Russian government to implement his recommendations as well as the recommendations of all other UN Special Procedures and Treaty Bodies and Council of Europe bodies and mechanisms relating to the situation in and around Chechnya;

- Welcome the fact that the Russian government has invited the UN Special Rapporteur on Violence against Women, whose visit to the Russian Federation should be facilitated without further delay;
- Call on the government of the Russian Federation to set dates and facilitate the visits of the UN Special Rapporteur on Torture, and the UN Special Rapporteur on Extrajudicial Summary and Arbitrary Executions;
- Call on the government of the Russian Federation to give unrestricted access to independent international human rights monitors;
- Urge the government of the Russian Federation to enhance its cooperation with international and regional organizations, including international and regional human rights bodies. Among other things, call on the government of the Russian Federation to resume, without delay, its negotiations with the OSCE about re-establishing a presence in the region whose mandate includes the monitoring of and facilitating respect for human rights and humanitarian law.

Recommendations to the Council of Europe:

To the Secretary General:

- Ensure implementation and expand the remit of the Cooperation Agreement between the Council of Europe and the government of the Russian Federation made in December 2003. Ensure among other things that the Agreement is expanded to include the establishment of a permanent presence of Council of Europe human rights experts in the region who are enabled to operate without hindrance and with full respect for their security;
- Ensure enhanced coordination of the work and activities of all Council of Europe bodies and mechanisms with regard to the conflict in Chechnya;
- Bring appropriate pressure to bear upon the Russian government to ensure that the archive files and other resources of the former office of the Special Presidential Representative of the Russian Federation for Human Rights and Fundamental Freedoms in the Chechen Republic are preserved.

To the Committee of Ministers:

- Ensure that the discussion and debate of the human rights crisis in the North Caucasus region of the Russian Federation remains a regular item on the agenda of the Committee of Ministers and Ministers' Deputies. Ensure that such discussion includes reports and follow-up of the implementation of recommendations made to

the authorities by all bodies and mechanisms of the Council of Europe including: the Secretary General, the Parliamentary Assembly, the Commissioner for Human Rights, the CPT, the Venice Commission and ECRI;

- Insist that the Russian authorities put an end to reprisals against any person made in relation to the filing of an application to the European Court of Human Rights and ensure that all allegations of such reprisals are investigated promptly, thoroughly and independently and that all persons responsible are brought to justice;
- In the context of the regular discussions on the conflict in Chechnya and its consequences, demonstrate the effectiveness of the Committee of Ministers monitoring procedures, notably by taking action foreseen by the Committee of Ministers' 1994 Declaration on compliance with commitments accepted by members states of the Council of Europe;
- Take measures to ensure the initiation of an independent, impartial, international commission of inquiry into "disappearances" which have taken place in the context of the conflicts in Chechnya;
- Bring appropriate pressure to bear upon the Russian government to ensure that the archive files and other resources of the former office of the Special Presidential Representative of the Russian Federation for Human Rights and Fundamental Freedoms in the Chechen Republic are preserved.

To the Parliamentary Assembly:

- Ensure that monitoring and public reporting on the human rights situation in and around the Chechen Republic continues. Whenever appropriate, condemn and take steps to facilitate the ending of gross violations of international human rights and humanitarian law;
- Continue to urge the Russian government to ensure consistent implementation of the recommendations of the Council of Europe's bodies and mechanisms.

To the Commissioner for Human Rights:

- Continue to monitor the human rights situation in Chechnya and Ingushetia;
- Promote and take action to facilitate the establishment of effective and independent human rights mechanisms in Chechnya;
- Continue to insist that the Russian authorities put an end to reprisals against any person made in relation to the filing of an application to the European Court of Human Rights and ensure that all allegations of such reprisals are investigated

promptly, thoroughly and independently and that all persons responsible are brought to justice.

To member states of the Council of Europe:

- Condemn ongoing grave and systematic human rights violations in the Chechen Republic and human rights abuses in the Republic of Ingushetia and urge the government of the Russian Federation and the authorities in the Chechen Republic to take urgent steps to end extrajudicial executions, the use of secret detention facilities, arbitrary detention, "disappearances" and torture and ill-treatment, in Chechnya and take measures to facilitate such steps;
- Put pressure on the government of the Russian Federation to ensure that all past and current allegations of abuses of human rights or international humanitarian law are thoroughly investigated and perpetrators are brought to justice in independent, impartial courts established by law and in proceedings which meet international standards of fairness, and take measures to facilitate such proceedings;
- Support and facilitate the prompt establishment of an independent international expert inquiry into "disappearances" in the North Caucasus which have occurred in the context of the two armed conflicts in Chechnya;
- Take all necessary steps to ensure that the government of the Russian Federation fully implements all recommendations made by the bodies and mechanisms of the Council of Europe including: the Secretary General of the Council of Europe, the Committee of Ministers, the PACE, the Commissioner for Human Rights, the Venice Commission, ECRI and the Committee for the Prevention of Torture (CPT), and provide appropriate assistance to facilitate the implementation of these recommendations where necessary;
- Urge the government of the Russian Federation and the authorities in the Republic of Ingushetia to stop attempts to forcibly return internally displaced people from the Chechen Republic, and to provide adequate protection and humanitarian assistance to them in accordance with relevant international standards;
- Insist that the Russian authorities put to an end to reprisals against any person made in relation to the filing of an application to the European Court of Human Rights and ensure that all allegations of such reprisals are investigated promptly, thoroughly and independently and that all persons responsible are brought to justice;
- Bring appropriate pressure to bear upon the Russian government to ensure that the archive files and other resources of the former office of the Special Presidential Representative of the Russian Federation for Human Rights and Fundamental Freedoms in the Chechen Republic are preserved;

- Through dialogue with the Russian authorities, pursue the establishment of independent and effective human rights mechanisms, such as an Ombudsperson's office, to receive and process complaints of human rights violations in the region and continue the work of the former Special Presidential Representative's office. It is essential that Council of Europe experts, are actively involved in the work of this office with regard to existing and future complaints;
- Urge the Russian authorities to immediately authorize publication of all reports of visits to the Russian Federation, including to the North Caucasus region, by experts of the Committee for the Prevention of Torture (CPT);
- Urge the government of the Russian Federation to grant unrestricted access to Chechnya to independent media and human rights monitors, including from international organizations, as well as to ensure that human rights defenders working in the area can carry out their legitimate activity in safety and without fear of harassment or intimidation. Make public the findings of any criminal investigations into the killings, as well as torture and ill-treatment of human rights defenders and activists.