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**amnesty international**

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**Russian Federation**

**Rule without law:  
Human rights violations in the  
North Caucasus**



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## Abbreviations

Convention against Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
FSB	Federal Security Service
ICCPR	International Covenant on Civil and Political Rights
IVS	police custody centre
ORB	Police Operations and Search Bureau
SIZO	pre-trial detention centre
UBOP	Police Organized Crime Department

## 1. INTRODUCTION

On 16 April 2009 the Russian authorities declared an end to the counter-terrorism operation in Chechnya.<sup>1</sup> Yet serious human rights violations continue to be committed in a climate of impunity in Chechnya and other parts of the North Caucasus, in particular in Ingushetia, Dagestan and Kabardino-Balkaria. The civilian population continues to live in an atmosphere of lawlessness that engenders fear and insecurity. Armed opposition groups in the region continue to mount attacks. Law enforcement officials conduct counter-terrorism measures which, in many instances, entail serious human rights violations. A legitimate aim – that of tackling violence by armed groups and bringing stability to the North Caucasus – is still being pursued by means which violate international human rights law.

Normalization in Chechnya, as in the North Caucasus as a whole, is not possible without a complete end to human rights violations and full accountability for the grievous human rights violations that have taken place. Without true respect for the rule of law from all sides, and a genuine commitment to address the festering legacy of past abuses, without the political will at all levels of government to prevent and punish a catalogue of serious abuses, there can be no stability and security for the North Caucasus.

There has been an almost total failure of political will to uphold the rule of law and address impunity for present and past abuses of human rights in the region. Those responsible for abuses walk free while victims and their families have no redress through the Russian judicial system.

For over a decade the victims of human rights violations in the North Caucasus and their families have been waiting for truth and justice. They want justice for themselves and their loved ones, to know the fate and whereabouts of relatives and friends who are among those subjected to enforced disappearance, and they want those responsible brought to account. But those who seek redress from the authorities are at risk of reprisals. Despairing of obtaining justice from the Russian authorities, some people have turned to the European Court of Human Rights, and in doing so some have suffered reprisals, ranging from harassment and threats to, in some cases, death or enforced disappearance. The number of cases in which the European Court of Human Rights has found Russia responsible for human rights violations in Chechnya alone exceeds 100 as of May 2009. However, these judgments have not been fully implemented to ensure justice for the applicants, and non-repetition of the violations in the future. The Russian Federation should fully implement all judgments of the European Court on Human Rights as a matter of course.

Stretching back over 15 years Amnesty International has documented a range of grievous human rights violations carried out in the context of the conflicts. People have become victims of such human rights violations in the region as enforced disappearance, arbitrary detention, torture or other ill-treatment, or even killed while in detention. Moreover, there has been a continuing failure by the Russian authorities to implement effective and adequate measures to investigate these abuses. Investigations by the Russian authorities into alleged serious human rights violations by law enforcement and security officers have been far from prompt, independent and effective. In 2007, a new structure, the Investigative Committee, was established within the Office of the Prosecutor General, and

was charged with responsibility for criminal investigations. However, a review is needed of the functioning of this Committee to ensure their compliance with international standards of promptness, thoroughness, independence and impartiality. The failure to investigate allegations of human rights violations in accordance with such standards is itself a human rights violation.

Trials of suspected armed opposition members have been marred by violations of international fair trial standards. In particular, there have been persistent and credible reports that ethnic Chechen and Ingush men have been charged with and convicted of terrorism-related offences, based on forced confessions and testimony extracted under torture. New legislation that came into force on 11 January 2009 restricted the rights of the accused by eliminating jury trials for a range of offences against the state, including treason, espionage, terrorism, hostage-taking operations, sabotage, illegal armed groups, coups, armed mutinies, acts of sabotage and mass riots. In these cases, a trial court will consist of three judges only.

Many human rights defenders, lawyers and journalists working in the North Caucasus have been subjected to threats, harassment, ill-treatment and, on occasion, enforced disappearance. Independent journalists, media outlets and non-governmental organizations (NGOs) in Russia have been not only obstructed but also targeted by the authorities for reporting about human rights violations in the North Caucasus. They have also been repeatedly accused by government representatives of supporting “extremism” and working for foreign secret services.

These obstacles to accountability in the North Caucasus are compounded by barriers placed on access to the region and public reporting. International human rights bodies regularly visiting the region include the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), but the Russian authorities continue to refuse to allow the reports of its findings and recommendations from these visits to be published.

An established system of independent visiting and unrestricted access are acknowledged to play a key role in the prevention of torture. Russia has yet either to sign or ratify the Optional Protocol to the UN Convention against Torture, Inhuman and Degrading Treatment (approved in December 2002) that provides for a system of visiting places of detention by independent national and international bodies.<sup>2</sup>

The Russian authorities are also obstructing scrutiny of the region by other international human rights mechanisms and independent observers. This applies in particular to Chechnya but also affects the wider region. For example, the Russian federal authorities continue to block a visit by the UN Special Rapporteur on torture to Russia, including the North Caucasus region, on his standard terms of reference. Amnesty International has also twice been refused entry to Chechnya, most recently in June 2008.

In June 2008 the Bureau of the Parliamentary Assembly at the Council of Europe (PACE) agreed to resume the dedicated and regular monitoring and public reporting on the situation by the Committee for Legal Affairs and Human Rights. The Committee subsequently confirmed the nomination of Dick Marty as rapporteur and authorised him to carry out a fact-finding visit to the North-Caucasus region. A visit by the PACE Rapporteur to Chechnya, Dagestan and Ingushetia was foreseen for May 2009 but it has not yet taken place. It is vital that the Russian authorities facilitate the long planned

fact-finding visit by the PACE Rapporteur to take place as soon as possible and ensure he is permitted to conduct his work freely in accordance with his mandate.

In May 2008 the UN Special Rapporteur on the independence of judges and lawyers undertook a mission to the Russian Federation. The Rapporteur noted that the recent (2007) separation of functions of investigation and prosecution has the potential to further encourage judges to assume their central function in the Russian justice system.<sup>3</sup> However, the Rapporteur urged the Russian authorities to conduct an independent analysis of the work of the Investigative Committee and take a series of steps to strengthen procedural legislation and practice, steps which have direct relevance to improving human rights observance in the North Caucasus. These include introducing mechanisms for maintaining accurate records of arrests and detentions, ensuring impartial and effective investigations of credible allegations of torture and other serious human rights violations, and inviting the relevant Special Procedures of the UN Human Rights Council to Russia, including to the North Caucasus.

**Recommendations of the UN Special Rapporteur on the independence of judges and lawyers (A/HRC/11/41/Add.2, 23 March 2009)**

The recommendations to the Russian government of the UN Special Rapporteur on the independence of judges and lawyers included:

- Introducing appropriate mechanisms for keeping accurate arrest and detention records by the police and an immediate obligation to notify the court about an arrest;
- Creating a legal obligation of the court to order an impartial and effective investigation into credible allegations of torture;
- Conducting an ongoing analysis of the impact of the 2007 creation of an Investigative Committee under the Prosecutor's Office on the conduct of judicial proceedings and the quality of investigations by an independent entity;
- Conducting independent and impartial investigations into serious human rights violations and making available effective domestic remedies so as to comply with international standards;
- Inviting relevant Special Procedures of the Human Rights Council to Russia to analyse the situation, including in the Northern Caucasus, and to make appropriate recommendations.

On 4 February 2009 the UN Human Rights Council reviewed Russia's human rights record through its Universal Periodic Review mechanism (a process by which the human rights records of all 192 UN Member States are reviewed once every four years) and adopted recommendations to the Russian government, which included accession to the Optional Protocol to the UN Convention against Torture, providing access to the North Caucasus for the UN Working Group on enforced disappearances and for the Special Rapporteurs on torture and extra-judicial, summary or arbitrary executions, and taking steps to ensure the security of journalists and human rights defenders in the region.

**Recommendations of the Universal Periodic Review Mechanism of the UN Human Rights Council (A/HRC/11/19, 3 March 2009)**

The review of Russia's human rights record conducted on 4 February 2009 by the UN Human Rights Council adopted a number of recommendations to the Russian government, including:

- To accede to the Optional Protocol to the UN Convention against Torture;
- To take further measures to ensure the security of journalists and human rights defenders and to bring perpetrators of crimes against them to justice;
- To provide access to Ingushetia and the North Caucasus for the UN Working Group on enforced disappearances and the Special Rapporteurs on torture and on extra-judicial, summary or arbitrary executions;
- To abolish the death penalty;
- To create an environment to promote the right to freedom of assembly and to encourage citizens to freely express their views.

This report sets out Amnesty International's current human rights concerns in Chechnya, Ingushetia, Dagestan and Kabardino-Balkaria. It is based on field research, desk research and contacts with a number of Russian human rights defenders, lawyers, NGOs, victims and family members of victims. It is also based on detailed correspondence with the Russian authorities.<sup>4</sup>

Amnesty International calls on the Russian authorities to bring an end to human rights abuses in the North Caucasus by taking effective measures to:

- Prevent human rights violations, including enforced disappearances, extrajudicial executions, torture and other ill-treatment and secret or arbitrary detentions;
- Ensure that allegations of human rights violations are fully, independently, impartially and promptly investigated, that those responsible for human rights violations are brought to justice, and that victims and their families receive reparation;
- Respect and protect the right of human rights defenders, lawyers, journalists and civil society activists to conduct their work without hindrance, intimidation or harassment;
- Ensure that the rights to freedom of expression, assembly and association are respected;
- Prevent forced evictions, including of internally displaced people, provide basic shelter and adequate housing, and ensure protection against arbitrary displacement;
- Fully implement all judgments of the European Court on Human Rights concerning the North Caucasus to ensure justice for the applicants, and non-repetition of the violations in the future;
- Invite and facilitate visits of international and regional bodies and mechanisms, including the long planned fact-finding visit by the PACE Rapporteur to Chechnya, Ingushetia and Dagestan, to take place as soon as possible;
- Authorize the publication of all reports of the European Committee for the Prevention of Torture; renew the invitation to the Special Rapporteur on torture;
- Ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance.

## 2. THE CHECHEN REPUBLIC

The Russian authorities claim that Chechnya has stabilized under President Ramzan Kadyrov. However, armed encounters continue to take place. For example, according to one source, in 2008 at least 97 police officers and military personnel were killed and 138 injured.<sup>5</sup> On 16 April 2009, Russia's National Anti-Terrorism Committee announced the end of the counter-terrorism operation that had been in force in the region since 1999. The announcement was intended, according to the Committee, to "create conditions to further normalize the situation in the region, to restore and develop its economic and social infrastructure". It remained unclear how many troops would remain in the region. There have since then been reports that the counter-terrorism operation has been reintroduced in particular districts within Chechnya. According to reports, the military in Chechnya continue to conduct large scale operations against armed groups in the more mountainous areas of the Republic. On 16 May 2009 President Kadyrov, speaking to a special meeting of leaders of the Ministry of Internal Affairs and commanders of other militarized units, said armed groups would no longer be offered amnesty, but would be destroyed if they offered any resistance. He said that all those who wanted to "return home" had already done so. "In the future we shall never stand on ceremony with those who have remained in the forest", he said.<sup>6</sup>

For the past year and more, there has been considerable improvement in the economic and social conditions in Chechnya, with major reconstruction of infrastructure such as housing, hospitals, schools, gas and electricity supplies, roads and bridges. On 17 October 2008, a new Central Mosque, able to accommodate 10,000 people, was opened in the capital, Grozny.

The Chechen authorities have assured Amnesty International that the human rights situation in the republic is improving. However, reports of serious human rights abuses in Chechnya persist. These include excessive use of force by law enforcement officials, deaths in custody, use of torture and ill-treatment in custody, extrajudicial executions, arbitrary detentions, secret detentions, enforced disappearances, threats to human rights defenders, the targeting of relatives of suspected members of armed opposition groups, and the forced evictions of internally displaced people.

The authorities are reluctant to investigate alleged violations and such crimes are too often committed with impunity. Fear of reprisals constrains individuals from speaking out, and makes gathering information about allegations and publicizing violations both dangerous and difficult.



## Arbitrary detentions, torture and other ill-treatment

### **Torture and other ill-treatment**

Legally binding treaties, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Covenant on Civil and Political Rights (ICCPR), prohibit arbitrary detention and the use of torture or other ill-treatment absolutely and in all circumstances. The Russian Federation is a state party to these treaties.

International law prohibits arbitrary detention under Article 5 of the ECHR and Article 9 of the ICCPR.

International law requires the Russian authorities to investigate all allegations of torture or other ill-treatment. For example, under Articles 3 and 13 of the ECHR, Articles 2 and 7 of the ICCPR and Articles 12, 13 and 14 of the Convention against Torture, the Russian authorities have a duty to investigate all allegations of torture or other ill-treatment promptly, independently, impartially and effectively, and prosecute individuals against whom there is reasonable suspicion of involvement in such torture or ill-treatment.

The treaties prohibit the use or admissibility in judicial proceedings of statements or confessions obtained through torture or “other prohibited treatment” (Article 3 ECHR, Article 7 ICCPR and the Human Rights Committee General Comment 20, para. 12).

Russian law prohibits torture in specific circumstances. Article 9(2) of the Criminal Procedure Code of the Russian Federation states that “None of the participants in criminal proceedings shall be subjected to violence, torture, or other cruel treatment or treatment degrading to human dignity.” Article 75 of the Code states that “evidence, obtained in violation of the requirements of this Code, is inadmissible.”

Law enforcement officials continue to detain individuals without identifying themselves or the agency to which they belong, and without informing relatives where the detainee is being taken, in contravention of Russian law. This clearly renders the detainee vulnerable to incommunicado detention and other human rights violations, including enforced disappearance and torture or other ill-treatment.

Amnesty International has also received reports of arbitrary detention – detention not carried out in accordance with national or international law. For example, people allege they have been detained for periods of time which were not officially recorded. Some detainees have alleged that they were held in unofficial places of detention and tortured before being transferred to official police custody. Both practices are in violation of international standards.

Abdulkakhir Izrailov, then Vice Chair of the Chechen Government and Chief of the President’s and Chechen Government’s Administration, wrote on 19 September 2008, in response to a letter from Amnesty International, that there had been no further complaints about ORB-2 (Police Operations and Search Bureau No. 2) since the head of that structure was replaced in July 2007. However, detention centres in Chechnya where detainees have allegedly been subjected to torture and other ill-treatment include the ORB-2 offices in Grozny and the subsidiary offices in Urus-Martan and other centres, as well as police custody centres (IVS) at Achkhai-Martan District Police Station, Shatoi District Police Station and Zavodskoi District Police Station. According to a Chechen defence lawyer, there has been an increase in the use by ORB-2 officials of psychological pressure against detainees, in particular the threat of rape, in order to force detainees to give false testimony.

According to the above mentioned letter, the Chechen Prosecutor set up a working group on 18 April 2008 to analyse the reasons for violations of constitutional rights of citizens during criminal proceedings, including during the pre-trial phase. Abdulkakhir Izrailov states that the working group was monitoring and analyzing crimes connected with such violations, as well as reacting to incidents. Particular attention was being paid to the observance of the law governing detention of individuals. Moreover, according to Abdulkakhir Izrailov, six officials from the Chechen Republic Ministry of Internal Affairs have been under investigation since 2007 suspected of “illegal methods of investigation” under Article 286(3)(a) (exceeding official powers with the application or threat of using force), a provision of the law which can be used to prosecute torture and other ill-treatment. The six officials are being investigated in the framework of two criminal cases, one of which has been transferred to court, while the other is still under investigation. Amnesty International is currently seeking to establish the outcomes of these investigations.

Indeed, the reality is that many detainees have chosen not to pursue a complaint about their experiences out of fear of reprisals.

### **Sadrudin Makhtiev**

Sadrudin Makhtiev, born in 1974, was detained on 26 August 2008 in the morning by law enforcement officials from ORB-2 and taken to the ORB-2 building in Grozny, then to the ORB-2 building in Urus-Martan where was allegedly tortured. He described being taken into an office where his hands were pushed behind his back and a plastic bag was put over his head. He alleged he was threatened that if he did not “confess” he would be handed over to the military at the Russian federal military base at Khankala and no one would know of his fate. He stated that he was beaten, threatened with being raped and told that the rape would be videoed, and threatened with electric shock treatment. Sadrudin Makhtiev stated that, due to intense psychological pressure, he was forced to incriminate himself in crimes he did not commit. He was kept in the office and not allowed to perform his prayers. That evening he was transferred to ORB-2 in Grozny, where he allegedly spent the night in an office rather than in the police custody centre (IVS).

When Sadrudin Makhtiev was taken away, his relatives did not know who was holding him or where he was taken, but they managed to find out he was being held at ORB-2 in Urus-Martan. They hired a lawyer, Zhabrail Abubakarov, who met Sadrudin Makhtiev on 27 August 2008 in the building of the Investigative Committee of the Office of the Prosecutor of the Chechen Republic. The lawyer has stated that at this meeting his client described the acute psychological pressure he had been placed under by officers at the ORB-2 in order to “confess”. The lawyer advised Sadrudin Makhtiev to maintain his constitutional right to silence in further questioning.

ORB-2 officers allegedly obstructed the lawyer’s efforts to represent his client, and threatened Sadrudin Makhtiev with reprisals, suggesting he would “disappear”. They allegedly prevented the lawyer from having further contact with his client, and pressured Sadrudin Makhtiev to sign a document refusing the further services of Zhabrail Abubakarov. Another lawyer was then appointed to the case.

According to Zhabrail Abubakarov, Sadrudin Makhtiev was detained for one and a half days before a record of his detention was made, in violation of Russian procedure which requires a record to be drawn up within three hours of detention. He was charged with

“participation in an illegal armed formation” under Article 209 of the Russian Criminal Code on 5 September 2008 and then transferred to a pre-trial detention facility in Grozny, where he was able to meet again with Zhabrail Abubakarov, his original lawyer. Sadrudin Makhtiev maintains his innocence of the charge.

Sadrudin Makhtiev has made a formal complaint about his alleged torture and other ill-treatment, and has stated he refuses to give further testimony other than in court, and that any testimony given otherwise should be disregarded. His lawyer has submitted a detailed complaint to the Office of the Prosecutor of the Republic of Chechnya about the alleged violation of the right of access of a detainee to his lawyer. Sadrudin Makhtiev's case is currently before the Supreme Court of Chechnya.

## **Murat Gasaev**

Murat Gasaev, a Russian citizen, was extradited to Russia by the Spanish authorities on 31 December 2008. After some time in a detention facility in Moscow, he was transferred to a pre-trial detention centre in Piatigorsk in Stavropol Region in the North Caucasus. The extradition of Murat Gasaev from Spain had originally been approved following the acceptance of diplomatic assurances from the Russian authorities that Murat Gasaev would be treated humanely and be able to receive visits from the CPT while in custody. However, the CPT was not notified of this arrangement until after the extradition had been approved and when it became aware of the arrangement it immediately informed the Spanish authorities that it was unable to undertake the commitments made on its behalf. Despite this, the Spanish authorities proceeded with the extradition on the basis that the Spanish Embassy in Moscow would monitor the conditions of detention of Murat Gasaev. According to his lawyer, since Murat Gasaev's arrival in Russia and May 2009, he has been visited by representatives of the Spanish Embassy on only two occasions.

Murat Gasaev has allegedly received no treatment for the Hepatitis C from which he reportedly suffers. Amnesty International believes that Murat Gasaev is at risk of torture and other ill-treatment and is unlikely to receive a fair trial.

According to the Russian authorities, Murat Gasaev is a member of an armed group named Khalifat (Caliphate) and “took part in several terrorist attacks against representatives of the state and law enforcement officers in the North Caucasus” including a June 2004 armed attack on a Ministry of the Interior building in Nazran. One person convicted of involvement in the June 2004 attack is known to have named Murat Gasaev when he was questioned about his accomplices. This man told the Russian human rights organization Memorial that when he was detained in January 2005 he was tortured during interrogation, At that time he gave Murat Gasaev's name, but retracted his statement when he was brought to court.

Murat Gasaev has alleged that in August 2004 he was tortured and questioned by officials at the central office of the Federal Security Service (FSB) in Ingushetia about the June 2004 attack. After three days he was taken in a van and released in open country.

### **The right to be held in a recognized place of detention**

A person is held in secret detention when held in a place that is not an official place of detention and when the whereabouts of the person is not known.

To ensure that detainees have access to the outside world and as a safeguard against human rights violations such as “disappearance” and torture, all detained people have the right to be held only in an officially recognized place of detention, located if possible near their place of residence, under a valid order committing them to detention (Principles 11(2) and 20 of the Body of Principles, Article 10 of the Declaration on Disappearance, Rule 7(2) of the Standard Minimum Rules, Rule 7(1) of the European Prison Rules.

The Human Rights Committee has stated that “provisions should be made for detainees to be held in places officially recognized as places of detention” (General Comment 20, para. 11). The Special Rapporteur on torture has stated: “[T]he maintenance of secret places of detention should be abolished under law. It should be a punishable offence for any official to hold a person in a secret and/or unofficial place of detention. Any evidence obtained from a detainee in an unofficial place of detention and not confirmed by the detainee” (A/56/156, para. 39(d)).

Article 5 of the ECHR lays down the conditions for a detention to be lawful, including that any person lawfully arrested in relation to a criminal offence shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Arbitrary detention, as defined by the UN Working Group on Arbitrary Detention, covers three types of situation: where there is no legal basis for detention; where an arrest or detention is legal under national law but arbitrary under international standards; or where there has been a grave violation of the detainee’s right to a fair trial.

### **Case of secret detention**

Amnesty International has obtained detailed testimony from an individual detained in Grozny in 2007. He said he was held in two different secret detention facilities, operated by law enforcement officials, and was subjected to torture and other ill-treatment. The testimony of this individual is presented anonymously due to concerns about his security and that of his family. He said:

*“... I was handcuffed, a bag placed over my head. We drove again for an hour and I was taken to some kind of room, there were three steps down to it, and the bag was removed. I saw a room with no windows, a door only. It was cosy, there was a sofa there and new furniture, and a metal pipe along the wall with handcuffs attached. That was the only sign it was a place to detain people. I was attached to the pipe by handcuffs but was treated politely. My captors were Chechens. Possibly this place was in Gudermes as the car stopped for numerous checkpoints towards the end of the journey.*

*Some time went by and the guard told me that the Russians had arrived. I was handed to the Russians, a bag was placed over my head and I was put in a car...*

*I was driven again for an hour, taken up to a second floor of a building and to a room. There I was sat down with my face to the wall. I fell asleep, after a while I woke up to the sound of footsteps and shouts, seven or eight people arrived, cursing and swearing. They were Russian, but some Chechens also. It seemed that the Russians were in charge. They didn’t ask questions, rather just insulted me. They hit me on the head, after that I don’t remember much more, but semi-consciously I was aware I was being beaten and*

*kicked. I came to from an unpleasant sensation, I didn't understand straight away what it was but they were subjecting me to electric shocks....*

*I woke up in a dirty cell, there was a window but it was bricked up. The second day, after I came to, I was taken (I couldn't walk unaided) to an 'interrogation' in another room. I was put against the wall and told I would be questioned...."*

After some time, the individual was released.

In the letter of 19 September 2008, Abdulkakhir Izraiilov stated that the Office of the Prosecutor had found no places of secret detention in Chechnya. However, Amnesty International continues to receive reports of secret detention taking place in Chechnya. For example, between January and March 2009, according to the NGO Memorial, there were allegedly 20 instances of secret detention when law enforcement officers took young men and women away from their homes in the village of Dargo in Vedensk District, Chechnya. Those taken away returned home a few days later allegedly having been beaten and frightened. According to Memorial, they had been held in a secret detention centre in Nozhai-Yurt at a police base (of the Second Regiment of the Patrol-Sentry Militia Service [PPSM-2] named after Akhmad Kadyrov).<sup>7</sup> In comments on the report by the CPT to the Russian government on the CPT's visits to the North Caucasus in the course of 2006, the Russian Ministry of Internal Affairs wrote that officials from the Ministry of Internal Affairs of the Chechen Republic had inspected a number of temporary sites occupied by troops of the PPSM-2, including that in Nozhai-Yurt, and concluded: "In the course of the inspections, it was established that there were no rooms for administrative detainees or facilities for temporarily housing detainees at the headquarters of the 'Akhmad Kadyrov' PPSM regiment or at sites occupied by the troops on a temporary basis. In accordance with orders issued by the RF Ministry of Internal Affairs and the Chechen Republic Ministry of Internal Affairs concerning the activities of the PPSM units, there are no facilities of the kind referred to above. The premises referred to in the CPT's report were intended for domestic purposes and were not used for housing people."<sup>8</sup> Memorial has reported that the victims of the secret detentions in question refused to act as witnesses, but the NGO has brought the situation to the attention of the Prosecutor of the Chechen Republic. An official investigation has been opened and is on-going as of May 2009.<sup>9</sup>

## Enforced disappearances

There are no exact figures of how many people were subject to enforced disappearance as a result of the two armed conflicts and the subsequent "counter-terror" operation in Chechnya. NGOs estimate that during the second armed conflict alone, the number of people subjected to enforced disappearance was between 3,000–5,000. According to Abdulkakhir Izraiilov, between 2000 and 2007, 2,707 people went missing following enforced disappearances and abductions. The Ombudsperson of the Chechen Republic, Nurdi Nukhazhiev, has stated that as of 1 October 2007 the figure was 2,826. The Ombudsperson continues to call for an interdepartmental commission on the federal level to investigate these cases.

In the two years until May 2008, observers reported a decline in the number of enforced disappearances in the Chechen Republic. However, since May 2008, human rights defenders have reported an increase in the number of suspected enforced disappearances and abductions in Chechnya, reportedly committed by law enforcement agents. According to Memorial, the number of these abductions that have taken place in

the first four months of 2009 in Chechnya was 58, compared with seven for the same period in 2008 (and a total of 42 abductions for the whole of 2008).<sup>10</sup>

#### **Enforced disappearance in international human rights law**

Under international human rights law, an enforced disappearance is a grave violation of, *inter alia*, the right to recognition as a person before the law, the right to liberty and security of person, and the prohibition against torture and other cruel, inhuman or degrading treatment or punishment guaranteed under Articles 16, 9 and 7 of the ICCPR and Articles 5 and 3 of the ECHR. Enforced disappearances constitute a grave threat to and frequently result in unlawful killing in violation of the right to life (guaranteed under Article 6 of the ICCPR and Article 2 of the ECHR). They also violate the right of the victim and their family to respect for family life (Article 17 of the ICCPR and Article 8 of the ECHR). As enforced disappearances can violate several human rights simultaneously, they have been referred to as “multiple” or “cumulative” human rights violations.

The International Convention for the Protection of All Persons from Enforced Disappearance (signed but not yet ratified by Russia) defines an enforced disappearance as: “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law” (Article 2).

Under international law, the acts constituting enforced disappearances are considered as a continuing offence as long as those responsible continue to conceal the fate and whereabouts of the individual and disappeared and the facts remain unclarified (*Cyprus v Turkey*, Judgment of the European Court of Human Rights [2001]; Article 8(1)(b) of the International Convention on the Protection of All Persons from Enforced Disappearance; Article 17(1) of the Declaration on the Protection of All Persons from Enforced Disappearance).

Amnesty International distinguishes enforced disappearances -- in which state agents are directly or indirectly involved -- from abductions carried out by non-state actors, such as armed opposition groups.

## **Mass graves**

Since the beginning of the first Chechen War in 1994, the number of mass graves uncovered in Chechnya has reached, according to reports, as many as 60. A considerable number of these have been uncovered as a result of reconstruction work that is proceeding in Grozny. However, the Russian government has no policy of exhuming and identifying the bodies. In June 2008 a mass grave, containing the remains of approximately 800 people, was uncovered in Grozny. Most of the bodies in the grave were reported by Nurdi Nukhazhiev, Ombudsperson of the Chechen Republic, to be of civilians, killed during the bombardment of the capital in 1995 during the first Chechen conflict.<sup>11</sup> According to Ombudsperson Nukhazhiev, the Chechen government has set aside 47 million roubles to develop forensic facilities in Grozny in order to investigate the sites of mass graves in Chechnya.<sup>12</sup> However, at the end of 2008 the federal authorities refused to establish a forensic laboratory for genetic identification of the remains in

Chechnya, claiming that there were no qualified specialists in the Chechen Republic to work there. It is not clear whether any work in this direction has been undertaken.

There continues to be no official and up-to-date database of missing persons and unidentified bodies. The Ombudsperson of the Chechen Republic has begun the practice of posting a list of missing and disappeared persons on his official website. This list is currently incomplete, although the Ombudsperson's office is working to complete it.<sup>13</sup> In his letter of 19 September 2008, Abdulkakhir Izrailov referred to a database of missing persons sent to the Piatigorsk-based NGO General Lebedev Peace-Building Mission and posted on their website.<sup>14</sup> However, this list is also incomplete. The NGO Memorial is currently working to produce a list of missing persons by the middle of 2009.

### **Alleged enforced disappearances at the hands of the Vostok Battalion**

In May 2008, criminal investigations were opened into a June 2005 operation said to have been conducted by military personnel at the village of Borozdinovskaya, in Chechnya, during which allegedly 11 men were forcibly disappeared, and at least one was killed.<sup>15</sup> The military unit in question, the Vostok (East) battalion, was then part of the Ministry of Defence's 42<sup>nd</sup> Motorized Infantry Division (it has since been disbanded). There are also allegations that the battalion was involved in the kidnapping and murder of brothers Yunus and Yusup Arsamakov in February 2007. In May 2008, a grave containing the remains of seven men was reported to have been uncovered in Gudermes district, where the Vostok battalion was based. The unofficial website Grani.ru cited a source from within the official investigation stating that those killed could have been victims of "special operations" by the Vostok battalion, carried out at different times and places, but were thought not to be related to the Borozdinovskaya raid.

The opening of the criminal investigations followed a series of reported confrontations between forces of the Chechen presidential guard and members of the Vostok battalion in April 2008.

### **Enforced disappearance of Umar Bisaev**

Umar Bisaev went missing in Grozny in November 2007. He was reportedly stopped when driving his vehicle in Grozny by armed men wearing camouflage on 23 November. It is alleged that the armed men were from the special purpose police division – 2 (known by its Russian acronym PMSN-2) of the Ministry of Internal Affairs for the Chechen Republic, based in the Staropromyslovskii district of Grozny. Umar Bisaev was reportedly put into one of two cars present at the scene, a black VAZ-21112, registration number B 518 BE 95, and driven away in the direction of the centre of Grozny. His own vehicle, a Gazel, was driven away by armed men. As of March 2009, Umar Bisaev's family, despite repeated enquiries made to the Chechen authorities, has not received any information concerning his fate or whereabouts.

### **Enforced disappearance of Makhmadsalors Masaev**



Makhmadsalors Masaev © Private

Makhmadsalors Masaev (also known as Mukhamadsalakh Masaev) was abducted on 3 August 2008 in Grozny by men in camouflage uniform. There are grounds to believe he was detained by Chechen law enforcement officials. Initially it was not clear whether a criminal case into his disappearance had been opened. An NGO working on the case received contradictory responses from the authorities in Chechnya. The Chechen Ministry of the Interior denied that police authorities refused to take statements from Makhmadsalors Masaev's relatives on his abduction, while the Office of the District Prosecutor in Grozny admitted this fact. In a letter of 19 August 2008 Amnesty International brought the case to the attention of the Federal Ombudsperson for Human Rights. It subsequently became known that the Zavodskoi District Office of Grozny Investigative Committee opened a criminal case under Article 105 of the Russian Criminal Code ("murder") on 12 September 2008 and the investigation was then transferred to the Leninskii District Office of Grozny Investigative Committee. The criminal case was closed on 12 February 2009 as a result of the failure to establish a suspect of the crime. After a further review of this case, a second decision to close the investigation was taken on 23 April for the same reason. As of 8 May 2009, this decision was again being reviewed by the Public Prosecutor's Office of the Leninskii District of Grozny. The Public Prosecutor's Office stated that neither the whereabouts of Makhmadsalors Masaev or his body, nor the identity of any suspects of the crime had been established.

Makhmadsalors Masaev had previously been unlawfully detained in September 2006 and held for nearly four months. He is thought to have been held at an unofficial detention facility in Tsenteroi (also known as Khosi-Yurt), controlled by the Chechen Presidential Security Service, headed at that time by then Prime Minister of Chechnya, Ramzan Kadyrov. On 13 November 2006 the Prosecutor's Office of Gudermes District opened a criminal investigation into the case under Article 126 of the Russian Criminal Code ("abduction of a person") which confirmed that he had been a victim of abduction and illegal detention, but did not formally establish who the perpetrators were. The issue of unofficial detention facilities at Tsenteroi was raised by the CPT in a March 2007 Public Statement. The CPT had visited Tsenteroi in May 2006 and had concluded that the facilities there had been used as an unofficial place of detention.<sup>16</sup> In a response to the CPT's statement, the Prosecutor General of the Russian Federation stated that in the



course of investigations carried out by the Prosecutor's Office of the Chechen Republic "no evidence was found to support these reports".<sup>17</sup>

Makhmadsalors Masaev gave Amnesty International a detailed report on his treatment during the period that he was held incommunicado. An interview given by Makhmadsalors Masaev to an independent newspaper made part of his story public when published on 10 July 2008 in the Moscow newspaper *Novaya gazeta*.<sup>18</sup> In the interview he alleged that during his detention in 2006 he had been treated roughly, humiliated, threatened with being shot and had also been held for about a month on a bus without heating or sanitary facilities. As well as detailing his experiences to the press, Makhmadsalors Masaev requested the authorities to open a criminal investigation into the abuses he had experienced.

Amnesty International is extremely concerned that Makhmadsalors Masaev has been detained again and may be a victim of enforced disappearance. The reason for his detention may be to punish him for speaking out about the human rights violations he suffered in 2006 and 2007 and for seeking redress. He is at risk of torture or other ill-treatment, and those who have detained him may pressure him into withdrawing the complaints he made to the authorities.

## Reprisals against relatives of disappeared people

In a number of cases, relatives of persons who are feared to have been subjects of enforced disappearance have been warned not to continue their search. Amnesty International knows of at least one case where the family was reluctant to publicize a suspected enforced disappearance as they had been "advised" by a relative working in law enforcement that this could reduce the likelihood of the individual being returned home alive. Therefore this and other cases remain unpublicized. Relatives of the missing persons who persist in demanding information and justice have been subjected to harassment, intimidation and other forms of reprisals. Young men are particularly fearful of reprisals, and many either try to avoid sleeping in the same place twice, or leave the country altogether. It appears that the fear is particularly acute when Chechen law enforcement officials are thought to be responsible for the enforced disappearance.

One relative of a disappeared man told Amnesty International that her mother had been visiting a number of law enforcement agencies, in an attempt to obtain a meeting with President Kadyrov. However, armed men then approached the mother and warned her not to continue, for the sake of the safety of the rest of the family. The daughter said that her mother had been arbitrarily detained, beaten and threatened with further torture on two occasions, in an effort to force her to stop the search. Reportedly, on one occasion she was bundled into a car and driven to a deserted place where she was beaten; on another, she was detained and ill-treated in an office at a law enforcement base for several hours.

### **Victims of enforced disappearances**

Enforced disappearances and abductions cause particular agony for relatives of the victims. Relatives of the disappeared person experience suffering without end, unable to determine whether the victim is dead or alive owing to the conduct of the authorities, unable to go through bereavement and unable to resolve legal and practical matters. For this reason, Article 24 (1) of the International Convention for the Protection of All Persons from Enforced Disappearance defines “victims” of enforced disappearance as “the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance”.

Article 8 of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law states: “For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

Under international human rights law the surviving family members have a right to be informed of the progress and results of the investigation and the fate of the disappeared or abducted person (*Cyprus v Turkey*, Judgment of the European Court of Human Rights [ 2001]; *Khaila Isayeva v Russia* [2007]; Article 24 (2) of the International Convention for the Protection of All Persons from Enforced Disappearance).

## **Unlawful killings**

Unlawful killings continue in Chechnya. The Russian authorities are failing to conduct the necessary thorough, impartial and effective investigations into such killings to bring those responsible to justice in trials that meet international standards of fair trial. Russian law enforcement agents must comply with international standards governing the use of force and firearms and respect and protect the right to life. Every incident, in which the use of lethal force by law enforcement officials is alleged, should be thoroughly investigated to determine the legality of the use of force, with those found responsible for using excessive force or for unlawful killing brought to justice. The Russian authorities must ensure adequate reparation, including payment of compensation, to the families of victims of unlawful killings.

### **The right to life and the use of force**

Legally binding treaties to which the Russian Federation is a party, including the ECHR, the ICCPR and the Convention against Torture oblige the Russian state to respect and protect the right to life and the prohibition of torture and other ill-treatment. These treaties require the authorities to take measures to ensure that when law enforcement officials and security forces use force, it is lawful, necessary and proportionate to achieve a legitimate aim.

Under human rights law, the right to life is fundamental and absolute (Article 6 of the ICCPR, Article 6 of the Convention on the Rights of the Child, Article 2 of the ECHR). It may never be suspended. Article 2 (3) of the ICCPR and Article 13 of the ECHR impose a duty on States to ensure the right to an effective remedy for any person whose rights or freedoms are violated.

The UN's Economic and Social Council adopted in 1989 the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions setting out detailed principles that should guide States whenever they carry out law enforcement operations, including during armed conflicts and occupations.

The Human Rights Committee's General Comment No. 31 [80] lays down that States are obliged to investigate alleged violations of the right to life promptly, thoroughly and effectively through independent and impartial bodies; and that the right to life is non-derogable regardless of circumstance, and therefore any practice of not investigating alleged violations during armed conflict or occupation is prohibited. Circumstances pertaining during armed conflicts will sometimes impede investigation but never discharge the obligation to investigate.

The UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials make clear that law enforcement officials may only lawfully resort to force "when strictly necessary and only to the extent required for the performance of their duty". (Article 3, Code of Conduct). Under these standards, which are applicable even during times of internal political instability and public emergencies), the use of firearms by law enforcement officials is considered an extreme measure and is strictly limited. Principle 9 states that, "in any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life".

Principle 5 of the UN Basic Principles states: "Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; b) Minimize damage and injury; and respect and preserve human life."

### **Unlawful killing of the Ilaev brothers**

According to reports, at around 8pm on 30 November 2008, more than 100 armed masked men surrounded the Ilaev family home in the Pervomaiskii district of Grozny. Brothers Alvi and Akhdan Ilaev, their sister Zalina Ilaeva and Akhdan's wife, Khadizhat Ilaeva, who was nine months pregnant at the time, were taken to the law enforcement base near the village of Dolinski. Some of the armed men remained in the house. At around midnight, their 17-year-old brother Imam Ilaev was also brought to the base. While there, the women reportedly heard their male relatives being beaten nearby.

During the night and early morning of the next day (1 December) at different times, Zalina Ilaeva, Khadizhat Ilaeva and the younger brother Imam Ilaev were released. Imam Ilaev returned home last and said that he had been tortured with electric shocks. When they arrived home they found smashed crockery, broken furniture and a number of items

missing, including a television, a video-player, clothes, jewellery, money and personal documents.

On 2 December, local television reported that two armed fighters had been killed in a clash with the police. The bodies of Alvi and Akhdan Ilaev were shown dressed in camouflage, although the two had reportedly been dressed in civilian clothes when detained. The next day, their mother was called to identify their bodies at the morgue, where she reportedly saw that the men had been killed by gunshot wounds, and their bodies were also reportedly covered with abrasions and bruises. In response to an inquiry into the two deaths by Memorial, on 12 January 2009 M. M. Kolimatov, deputy head of the Grozny Interdistrict Investigative Department<sup>19</sup>, wrote that the two brothers were members of an illegal armed group and were killed during an exchange of fire with law enforcement officers on 2 December 2008.

On 13 February 2009, however, the Grozny Interdistrict Investigative Department opened a criminal investigation into the abduction and killing of the two men. The same day, responsibility for the case was transferred from the Grozny Interdistrict Investigative Department to the Investigative Department for Specially Important Cases.<sup>20</sup>

Zurab Ilaev, the elder brother of Alvi and Azhdan Ilaev, disappeared on 1 December 2008. Early that morning, Zurab Ilaev went to work as usual for the fifth detachment of the oil regiment in the Chechen Republic – a police regiment created in 2003 and initially consisting of then President Akhmad Kadyrov's guards. At 10am that day, his sister called him on his mobile phone. He managed to tell her that he was being held at a law enforcement base near the village of Dolinski, the same place of detention as his two brothers. On 8 December, the body of Zurab Ilaev was brought to the morgue in Grozny; his relatives were informed two days later on 10 December. It was reported that he had been suffocated, and there were signs of violence on his body. A criminal investigation was opened into his killing on 12 January 2009. The case was subsequently transferred to the Investigative Department for Specially Important Cases.

According to information received by the NGO Memorial, the investigations into the killings of all three brothers have been brought together in one case. As of May 2009, the investigation was still in progress.

### **Killing of eight women**

On 27 November 2008, the bodies of eight women were discovered in different parts of Chechnya. Each had been shot at point blank range in the head and chest. Chechen Ombudsperson Nurdi Nukhadziev said that he did not exclude the possibility that the women were killed by their relatives as punishment for “immoral behaviour”.<sup>21</sup> According to Memorial, two of the women were married with two children each, and their husbands held large funerals and buried them in the family plot, which would not have happened if the women had disgraced their families. While federal prosecutors in Moscow have concluded that relatives were not involved, there has been no outcome of the investigation as of May 2009, and no arrests have been made.

### **The right to a remedy – the duty to investigate**

Under international law, the Russian state has a duty to ensure the right to an effective remedy for violations of human rights.

Article 2 Paragraph 3 of the International Covenant on Civil and Political Rights states that each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 13 of the EHRC provides for the right for an effective remedy before national authorities for violations of Convention rights.

The jurisprudence of the European Court of Human Rights has specified that a state's obligations to respect and protect the right to life and to ensure an effective remedy require the authorities to ensure a prompt, independent, impartial and thorough investigation into allegations of unlawful killings. Such an investigation must include a sufficient degree of public scrutiny of the investigation or its results to secure accountability, and the next of kin of the victim must be involved in the procedure. Perpetrators should be brought to justice and reparation provided to the family of the victim.

In *Bazorkina v Russia*, the European Court of Human Rights stated that “the obligation to protect the right to life under Article 2 [of the ECHR]...requires by implication that there should be some form of effective official investigation when individuals have been killed as a result of the use of force”. The Court stated that an investigation into alleged unlawful killing by state agents should be effective, independent, prompt and reasonably expeditious. According to the Court, “the authorities must act of their own motion once the matter has come to their attention. They cannot leave it to the initiative of the next of kin either to lodge a formal complaint or to take responsibility for the conduct of any investigatory procedures”. The Court noted that investigations in such cases “must also be effective in the sense that it is capable of leading to a determination of whether the force used in such cases was or was not justified in the circumstances”.

Paragraph 9 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions provides, “There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions”. Paragraph 11 states, “In cases in which the established investigative procedures are inadequate because of a lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure.”

## **Targeting relatives of those suspected of being members of armed groups**

Relatives of those suspected of being members of armed groups are pressured to persuade their family members to lay down their arms, and in some cases to go and search for them (“in the mountains” or “in the forests”) to bring them back. Reportedly, the pressure has included intimidation, arbitrary detention, forced evictions and destruction of houses. In August 2008, President Kadyrov announced on television that “those families whose relatives are in the forest are accomplices in crime. They are terrorists, extremists...”

On 1 August 2008 the local administration of the town of Argun in Chechnya held a meeting with 17 families thought by the authorities to have relatives in armed groups. The families were allegedly warned at the meeting that if they failed to persuade their relatives to stop fighting, “appropriate measures” would be taken. If they failed, they had two days to leave their homes and the town; if they succeeded they could stay. On 4 August, law enforcement officials visited the family homes, stating they intended to oversee the evictions of the families. Thereafter, two families were reported to have left their homes in response to the pressure and moved to stay with other relatives. However, on 6 August the head of the town’s administration reportedly told the families they would not be required to leave their homes, but should do all they could to persuade the members of the armed groups to lay down their arms. The families were then filmed making an appeal to their relatives.

There have been reports of the family homes of those who have joined armed groups being burned down.

On the night of 26 August 2008, law enforcement officials visited the family home of the Musliev family in the town of Shali in Chechnya, demanding to see one of the sons, Abubakar Musliev, who had left home on 8 August and had not been seen by his family since. The family had reported Abubakar Musliev as missing. The authorities suspect him of having joined an armed group. At 3am on 28 August armed men in camouflage uniform reportedly broke into the yard of the Musliev family and set fire to the home, where four women and five children were sleeping, the youngest one month old. Allegedly the armed men told the Musliev family that it was being punished because Abubakar Musliev had “gone to the forests”. The women managed to call the fire brigade, who arrived after 20 minutes but allegedly did not help to put the fire out. The family has lodged a complaint at the Shali Office of the District Prosecutor about the destruction of their house. As of May 2009 there has been no reaction by the authorities to this complaint.

The same night (27 – 28 August 2008), also in the town of Shali, the house of Yusup Yebishev was burned down. The fire was reportedly started by masked people wearing military camouflage who arrived at the house in vehicles. According to allegations, the son of Yusup Yebishev, Ayub Yebishev, had left home to join the armed groups. On 12 March 2009, a local police officer invited Yusup Yebishev to the House of Culture where there was a discussion about who was to blame for young people joining the armed opposition. That night (12-13 March 2009) the house of Aslanbek Yebishev, Yusup Yebishev’s brother, was burned down in Shali.

Also on the night of 27-28 August 2008, the house of the Aliev family was burnt down in the village of Mesker-yurt, Shali district. According to reports, two cars drove up to the house and about 10 people then broke into the yard and set the house on fire, throwing bottles containing petrol into the house. The father, Khasanbek Aliev, managed to rescue his wife and four sons, the youngest of which was only three years old, from the burning house. The family believed it was being punished because the eldest son had joined an armed group the previous May.

## Forced evictions of internally displaced people

Individuals internally displaced within Chechnya due to the conflict have been forcibly evicted from temporary accommodation centres and hostels without due process, and without secure prospects for adequate alternative accommodation.

Individuals living at the temporary accommodation centre in the village of Michurin were reported to have been forcibly evicted from 23 to 25 December 2007 by representatives of the local administration and armed guards. Reportedly, there had been no prior consultation and some of the victims were not provided with alternative accommodation. In 2008 there were other instances of inhabitants of temporary accommodation centres in Grozny, or “hostels” as they have been renamed, being told to leave at short notice and without alternative accommodation being guaranteed. According to human rights monitors, there have been a number of cases of families who have been evicted and assigned flats by the local authorities, only for it to transpire that the ownership of the flats was disputed. Rather than the dispute then being settled through a legal process, these families were subsequently persuaded to move on. For example, 147 families of internally displaced people (IDPs) living in a temporary accommodation centre at 4, Vyborgskaya St. in Grozny, were reportedly told by officials on 10 January 2008 that they had to leave at short notice. Some were apparently told they had until the end of the month, but officials threatened to cut off the electricity and gas if they did not leave. The families included young children, elderly and disabled people, and they risked being forcibly evicted and being made homeless at a time when the temperature in Grozny falls below freezing at night. As of May 2009, some of the families have been allocated alternative accommodation in private flats, but it has transpired that the ownership of many of these flats was disputed, leaving the families vulnerable to eviction.

### Uvais Tovsultanov

In April 2008, an Amnesty International representative met Uvais Tovsultanov, who had lived with his family in a tent camp for internally displaced persons in Ingushetia during the first years of the second Chechen conflict. When the tent camp was closed, he and his family moved to live in a temporary accommodation centre at 28, Chaikovskaya St., in Grozny. On 24 December 2007 officials from Leninskii district visited the centre and summoned all those registered in that district, including Uvais Tovsultanov, to tell them they would have to move to the temporary accommodation centre on Boulevard Dudaeva. The conditions there, with an outdoor toilet and no running water inside the centre, were unsuitable for Uvais Tovsultanov, as he is paralysed on his left side as a result of a shrapnel injury during the first Chechen war, which he reportedly received when he was driving civilians to safety during a bombardment.

Uvais Tovsultanov was told by the Leninskii district administration he could move his family to a flat at 18, Diakova St., on the sixth floor. The flat was in extremely poor condition, but Uvais Tovsultanov moved his family in. They found furniture and started repair work, with the assistance of the authorities, to make it habitable. However after one and a half months, a man visited the flat claiming it was his. The Leninskii district administration confirmed in March 2008 that the flat belonged to someone else, and offered Uvais Tovsultanov a second flat, at 6, Dudaeva St. The family moved to this flat, despite the fact that it was in such poor condition it was barely habitable. However, after one week it transpired that this flat also belonged to someone else. When Amnesty International met Uvais Tovsultanov in April 2008, he reported that the local authorities had told him they had no duty to find him a flat at all, as he was registered at his parents’

home. Uvais Tovsultanov told Amnesty International that his parents' home was uninhabitable due to war damage, and they had received no compensation from the authorities for the damage.

### **Rights of internally displaced people**

The UN has developed Guiding Principles on Internal Displacement (1998), endorsed by the UN General Assembly, that set out the responsibilities of states with regard to Internally Displaced Persons (IDPs), defined in Paragraph 2 of the Guiding Principles as “persons or groups of persons forced or obliged to flee or to leave their homes or places of habitual residence...who have not crossed an internationally recognized State border”.

The nearest approximation in Russian law to the concept of IDPs is in the federal law, On Forced Migrants (1993, amended in 1995 and 2000), which uses the concept of “forced migrant”. A “forced migrant” in Russian law refers to a person forced to leave their place of permanent residence on the territory of one Russian region to move to the territory of another. This status therefore does not apply to those who are “internally displaced” within a given region. As documented by the European Council on Refugees and Exiles (ECRE), a pan-European network of 69 refugee-assisting NGOs that promotes a humane and generous European asylum policy, and other NGOs, the granting of forced migrant status to persons who fled their homes in the context of the conflict in Chechnya has been fraught with discriminatory practices.

Principle 4 of the UN Guiding Principles on Internal Displacement states that there should be no discrimination in according IDPs their rights. According to Principle 15, IDPs must be protected against forcible return or internal resettlement to any place where their life, safety, liberty or health would be at risk. Principle 28 places a duty on the authorities to establish conditions enabling IDPs to return home or to resettle elsewhere voluntarily. Principle 18 establishes that all IDPs have the right to an adequate standard of living, including safe access to basic shelter, essential food and water, appropriate clothing and essential medical services and sanitation.

### **Forced evictions**

A forced eviction is the removal of people against their will from the homes or land they occupy, when that removal takes place without legal protections and other safeguards. A forced eviction is not every eviction that is carried out by force - if appropriate safeguards are followed, a lawful eviction that involves the use of force does not violate the prohibition on forced evictions, which is part of the right to adequate housing.

Forced evictions, carried out without consultation, due process of law and assurances of adequate alternative accommodation, therefore violate the right to housing and contravene the UN Guiding Principles on Internal Displacement.

Article 11(1) of the International Covenant on Economic Social and Cultural Rights establishes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. Paragraph 18 of the General Comment to this Article notes that “instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.”

### **Closing down of Settlement KSM-1**

On 15 February 2009, the mayor of Grozny, Muslim Khuchiev, visited the informal settlement KSM-1, nicknamed “Shanghai”, in Grozny and told the 11 remaining families living there that, in accordance with an order from the President of Chechnya, they had three days to leave the area. The families were told their houses would be torn down to make way for an industrial zone.



In 2007, city authorities had claimed the families were living on the land illegally, in unsanitary conditions. However, the families in question had never had proper housing, and lived in what they had built themselves during the two wars. In April 2007 the authorities had tried to break up the settlement, but after an intervention by human rights groups, the authorities gave allotments to the families, including in the settlement called Andreevskaya Dolina.

The Office of the United Nations High Commissioner for Refugees (UNHCR) gave the city of Grozny building materials for new homes, on the condition that the city administration connected the settlement in Andreevskaya Dolina to electricity, gas and water supplies. Some of the families left KSM-1 and went to plots of land, to stay temporarily with families, or to apartments. One person (Ali Tsagaev) rented a one-room flat for his family in a former hostel for women prisoners, and himself lived in a bus on his plot of land. Another (Asvad Dibirmagomaev) lived on his plot in a tent, his children went to live in a village with relatives. The children could no longer go to school after they were driven away from KSM-1.

Asvad Dibirmagomaev's brother, Ibragim, together with his family and two children of a deceased brother, received a plot of land from the authorities on the edge of the village of Avtury. Though the authorities did not provide him with any building materials, he managed to build a primitive hut, but the plot of land had no gas or electricity supplies. Nine families were given apartments in the Chernoreche settlement. However, they were unable to move into these apartments because they were being refurbished. One person (Dadaev Sup'yan) moved into an apartment in which there was no water, sanitary plumbing, or covering on the concrete floor. When some of the apartments in Chernoreche became more-or-less habitable, their real owners turned up. Some of these had renewed old documents showing a right to occupancy, but in the case of Markhi Akhmedova, another family received such documents after her. According to reports, at least five families received documentation showing right of occupancy of apartments that already belonged to someone else in this way.



Settlement KSM-1 known as "Shanghai" before destruction © Memorial



Over three days beginning 20 February 2009, on orders from the city administration, all the homes in KSM-1 were knocked down by bulldozers, despite the fact that people were still living in them. Among the inhabitants who protested against the destruction were Bislan Chimaev and Vakhid Suipov, but they were removed by police. Two families – those of Roza Khamzaeva and Fatima Gazhaeva – were placed in two rooms in a small house in a Temporary Accommodation Centre (PVR)<sup>22</sup> on Okruzhnaya St., Grozny. The small houses in this PVR are made of boards and over several years have become uninhabitable: the roofs leak and there are large cracks in the wall.

Meanwhile, the documents relating to legal occupancy of the houses destroyed in the KSM settlement were taken away from the former inhabitants on the pretext of being officially examined. After a while, they were told the documents were false, but without being shown the results of any official examination. Families who moved to plots of land in the Andreevskaya Dolina settlement have not been given any documents. In this way, the families continue to be denied a legally secure habitation.

### **Chechen internally displaced people in Ingushetia**

Chechen displaced people living in Ingushetia have come under pressure from the authorities to move back to Chechnya. At the end of February 2009 officials from the Chechen Republic and the Federal Migration Agency visited the Angusht camp for the displaced in Nazran, Ingushetia (35, Mutaliev St.) and told the people living there they should return to Chechnya. They were informed they would be removed from the special register for internally displaced people on 15 March. However, they are unable to return home because there is no suitable housing for them in Chechnya and they lack funds to rent accommodation. If they are removed from the register of “forced migrants” they will also lose their current accommodation in Ingushetia. Furthermore, if they move their children will have to change schools in the middle of the school year. Displaced people living in the Mekhan-Stroi camp (located at the Ordzhonikidze settlement, 9, Michurin St.) and in the Kristall camp (in Nazran) are in a similar position.

### **Threats to human rights defenders**

Human rights defenders, including defence lawyers, journalists and human rights activists in Chechnya face intimidation and other forms of pressure. Human rights defenders are on occasion detained in connection with their work.

#### **UN Declaration on Human Rights Defenders**

The UN Declaration on Human Rights Defenders<sup>23</sup> sets out a series of principles and rights, including the right to freedom of expression, that are enshrined in other international treaties such as the ICCPR and the ECHR. The Declaration provides for the support and protection of human rights defenders in the context of their work and underlines a number of duties on states. In particular, Article 12 sets out the duty on states to protect human rights defenders against any attacks, violence, threats, and discrimination, and to adopt all necessary measures to ensure that individuals and groups are fully protected, by law and in practice.

Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities

The Committee of Ministers of the Council of Europe adopted this declaration in February 2008. Among others, the declaration calls on member states (in paragraph 2) to create an environment conducive to the work of human rights defenders to freely carry out activities, to take effective measures to protect, promote and respect human rights defenders and their activities, and to ensure the existence of effective remedies for those whose rights are violated.

#### **Detention of Memorial staff**

On 17 June 2008, law enforcement officials arbitrarily detained and intimidated four staff members of the NGO Memorial in Urus-Martan district. According to Memorial, the four members of staff, two women, Zarema Mukusheva and Milana Bakhaeva, and two men, Shakhman Akbulatov and Yaragi Gayrbekov, had been filming a building belonging to the Solnechnii farm in the village of Goity, which had previously been used as a police station. The building had since been returned to civilian use. There are reports that individuals had been arbitrarily detained in the building when it was used as a police station, some of whom subsequently disappeared.

At about 5.15pm, men in civilian clothing, introducing themselves only as “members of the Services”, took documents and a video camera from the Memorial staff and then drove them to the Urus-Martan district police department (ROVD), ostensibly in order to check their identities. The Memorial staff were detained there for over two hours. During this time, Shakhman Akbulatov and Zarema Mukusheva were photographed without their consent, the work-related documents Shakhman Akbulatov had with him were examined and the car in which they had been travelling was searched, without witnesses and in violation of Russian procedure. The police also destroyed the film the Memorial staff had taken of the Solnechnii building in Goity. The police did not allow a lawyer (also from Memorial) access to the detainees for over half an hour and he was made to wait outside the police station, despite the fact that he had written confirmation of his authority to represent the four individuals.

In the police station, Shakhman Akbulatov was reportedly taken into an office where six or seven men thought to be police officers, some in civilian clothing and some in camouflage uniform, spoke to him in a threatening manner. The police officers are said to have stated that the Memorial staff had no right to film without the permission of the local authorities. One of the officers in civilian clothing reportedly told

Shakhman Akbulatov that human rights activists had accused this officer of being the head of a gang who abducted and killed people, and that now they would confirm their suspicions, and that “he had stuck his nose where he shouldn’t and now he would be sorry he had got mixed up with them”. A second officer allegedly suggested that the Memorial staff should be driven towards Alkhazurovo and shot. This threat of shooting was reportedly repeated to the three other Memorial staff held in another office. The Memorial staff said they were accused of being paid for their work by alleged Islamic extremists and of writing material in their support. The officers alleged that terrorists used Memorial’s information to kill law enforcement officials.

No formal record of the detention was made. The four staff members were released at about 7.30pm. Memorial made a formal complaint to the authorities about the incident. The Republic’s Prosecutor’s Office undertook an investigation into the incident but declined to open a criminal case.

## Refusal by authorities to meet Amnesty International

In 2007, Amnesty International reached an agreement with Nurdi Nukhazhiev, the Chechen Ombudsperson for human rights, and Abdulkakhir Izrailov, then Vice Chair of the Chechen Government, for a delegation from the organization to visit Chechnya in order to hold meetings with a number of regional and federal officials concerning human rights.

Amnesty International sought discussions with the authorities about reports of ongoing human rights violations and the issue of impunity for the violations. Amnesty International also wished to discuss recommended steps to prevent continuing violations, including arbitrary detentions, torture and other ill-treatment, enforced disappearances and abductions.<sup>24</sup>

Regrettably this visit was postponed at short notice at the request of the authorities, who requested that the delegation come instead in “spring 2008”. In May 2008, following the inauguration of Dmitry Medvedev as President of the Russian Federation, Amnesty International contacted the Chechen and federal authorities to reschedule the visit for June or July. However, in June Abdulkakhir Izrailov informed Amnesty International that the Chechen authorities were unable to receive a delegation from the organization at that time, without indicating when such a visit might be possible.

Abdulkakhir Izrailov stated that the organization’s visit was not necessary, because:

- Measures had been taken to stabilize the political situation, restore the socio-economic conditions and ensure the security of the population;
- President Kadyrov took a principled and strict approach to ensuring respect of human rights;
- A new head of ORB-2 had been appointed;
- Law enforcement structures were now cooperating well with each other;
- Local administrations now had councils to assist the authorities in responding to complaints from the public;
- The Ombudsperson of the Republic was very active;
- The authorities actively cooperate with international and local NGOs.

Abdulkakhir Izrailov in particular cited Chechen Presidential decree of 6 December 2007 No. 451 “On additional measures to ensure rights and freedoms of people and citizens in the Chechen Republic” which sets out a number of measures relating to human rights.

This decree ordered that towns and districts establish local councils to assist administrations in promoting human rights observance. The decree also made a number of recommendations to the Chechen Ombudsperson: that he support people in Chechnya to realize their constitutional rights, hold regular meetings with NGOs, conduct monitoring of human rights and publish the results in Chechen media. The decree also stated that officials bear personal responsibility for human rights violations.

Amnesty International regrets that as of May 2009 officials in Chechnya had yet to agree to meet Amnesty International to discuss in more detail the impact of this decree, and the other steps outlined in the letter, on the protection of human rights in the region.

### 3. INGUSHETIA

The security situation in Ingushetia, which deteriorated during 2007, worsened further in 2008, in particular following the August 2008 killing in police custody of Magomed Yevloev, owner of the independent website Ingushetiya.ru and an outspoken critic of then President Ziazikov. In late October 2008, President Murat Zvizikov was replaced by Yunus-Bek Yevkurov.

During the past year, armed groups have carried out a number of attacks on police, prosecutors and other state officials, as well as civilians. For example, gunmen were reported to have shot and injured the deputy Mufti for Ingushetia, Kombulat Ziazikov (a relative of then President Ziazikov) on 24 July 2008, and to have shot and injured the Imam for Altievskii municipal district on 4 August 2008. On June 10 2009, the deputy chairperson of Ingushetia's Supreme Court, Aza Gazgireyeva, was shot dead in Nazran city centre while she was driving to work.

Serious human rights violations have been committed by both republic-level and federal law enforcement agencies, violations which have never been investigated effectively. Reports of arbitrary detentions, excessive use of force by law enforcement officials, including the Federal Security Service (FSB), and disputed killings of individuals in police custody, as well as enforced disappearances, have been regularly received by Amnesty International. Hopes that the new President would end impunity in the region, and bring those accountable for past violations to justice, have not been met.

In addition, there are numerous reports of torture or other ill-treatment in detention centres, as well as inhuman conditions of detention. For example, some of the 12 detainees arrested after an attack in Ingushetia in June 2004 in which about 100 people died have reportedly complained of being tortured and of being kept in inhuman conditions.<sup>25</sup> In March 2009, relatives demonstrated outside the building of the Presidential Administration in Magas, demanding that the Supreme Court of Ingushetia review their cases.

#### **Excessive use of force, deaths in custody and killings**

A number of killings that took place in recent years violated international standards on the legitimate use of force. Some of those killed by state forces were allegedly the victims of extrajudicial executions, unlawful and deliberate killings carried out by order of a government, or with its complicity or acquiescence.

Amnesty International considers that investigations into alleged unlawful killings by law enforcement and security officers by the Russian authorities have been far from prompt, independent and thorough. In some cases, where the authorities allege that the deceased had resisted, they have opened a criminal investigation with the deceased as the suspect under the article of the Criminal Code concerning an "attempt on the life of a law enforcement official" and other related offences. They have then closed the investigation into the suspect's death. There is no indication from the authorities that even an internal investigation into whether the use of lethal force was "absolutely

necessary” has been undertaken in such cases, let alone an independent and impartial investigation, as required under international law.

### Killing in police custody of Magomed Yevloev



Magomed Yevloev © Courtesy hro.org

Magomed Yevloev was killed on 31 August 2008, after being detained at Magas airport in Ingushetia, where he had arrived on a morning flight from Moscow. Magomed Yevloev was a vocal opponent of the then President of Ingushetia, Murat Ziazikov, and the owner of Ingushetiya.ru, an independent opposition website since closed down. The website featured articles highly critical of the Ingush authorities, who had been attempting to close the site. According to reports, Ingushetian law enforcement officials detained Magomed Yevloev at the airport, put him into a car and drove him away at about 1.40pm. At about 2.10pm he was admitted with a gunshot wound to his head to the Republican Hospital in Nazran, Ingushetia, where he later died.

Officials reportedly stated initially that he was detained in order to be questioned as a witness in connection with a criminal investigation. It is not clear what happened between the time he was put into the car and his arrival at the hospital. The Office of the Prosecutor of Ingushetia has reportedly stated that Magomed Yevloev was killed by an accidental shot following a struggle. Other reports question this version; some allege the killing was carried out deliberately. An investigation was opened by the Investigative Committee of the Office of the Prosecutor of Ingushetia into the incident under Article 109 of the Criminal Code (“negligent homicide”). On 1 September 2008 the case was transferred to the Investigative Committee of the Office of the Prosecutor of the Russian Federation for the Southern Federal District.

Lawyers representing the Yevloev family, as well as a group of lawyers independent of the case, have expressed concern that the investigation was opened under Article 109 (“negligent homicide”), rather than Article 105 (“murder”). The lawyers raised concern that the use of Article 109 indicated the investigation had been circumscribed and the authorities did not intend to examine whether the killing of Magomed Yevloev might have been intentional. The defence team alleged that the investigation had been carried out “unconscionably, cynically and insolently”. The legal team applied to the Sunzhenskii District Court in Ingushetia for the case to be re-qualified under Article 105. However, on 10 October 2008 the court refused the application. On 10 December, Nazran District Court ruled that there was no evidence of intention in his killing.

On 13 November 2008, Nazran District Court ruled that the detention of Magomed Yevloev by police at Magas airport was illegal. On 30 January 2009, the Supreme Court of Ingushetia confirmed the decision of the Nazran District Court to recognize Magomed Yevloev's detention at Magas airport as illegal. Lawyers for the family of Magomed Yevloev submitted a formal complaint on 16 February 2009 to the Investigative Committee requesting that charges be brought against police officers for the illegal detention of Magomed Yevloev at Magas airport. On 16 March a criminal case under Article 285 (abuse of official powers) of the Criminal Code of the Russian Federation was opened by the Investigative Committee of Ingushetia on the basis of the illegal detention of Magomed Yevloev. On 19 March the Prosecutor of Ingushetia annulled this decision of the Investigative Committee of Ingushetia and ordered that the Investigative Committee review its decision to open a criminal case. On 6 May the Investigative Committee announced there were insufficient grounds to open a criminal case into the detention of Magomed Yevloev.

The trial of Ibragim Yevloev, nephew and head of the guard of Musa Medov, the former Minister of Internal Affairs of the Republic, for "negligent homicide" under Article 109 of the Russian Criminal Code in relation to the death of Magomed Yevloev, started at Nazran District Court on 21 May 2009. On 3 June 2009, judge Ramzan Tutaev withdrew from the case. A lawyer for the family of Magomed Yevloev has said he intends to take the case of Magomed Yevloev to the European Court of Human Rights under Article 2 (right to life) of the ECHR.

### Alleged extrajudicial execution of Yusup Chapanov



Yusup Chapanov © Private

Yusup Chapanov was shot dead in Nazran, Ingushetia, on 1 February 2008, by law enforcement officials from the Department of the FSB of Ingushetia. Yusup Chapanov was walking back from the mosque when he was shot near a war memorial on Prospect Bazorkina, in the centre of Nazran, at around 1pm. Officers removed the body and later informed the family that it could be collected from the morgue in Nazran, which the family did. The body had a gunshot wound to the head. On the same day at about 2pm, the Chapanov family home in Nazran was reportedly searched without warrant. Those conducting the search were reported not to have shown any documents to the family nor to have introduced themselves. Nothing was apparently found during the search.



A criminal investigation was opened by the Investigative Committee of Ingushetia into the shooting. In a letter of 7 July 2008, the Office of the Prosecutor of the Republic of Ingushetia informed Amnesty International that the investigation has established that at about 12.50pm, during an operation conducted by officers from the FSB, Yusup Chapanov fired a pistol at the FSB officers. The Office of the Prosecutor stated that the FSB officers returned fire, as a result of which Yusup Chapanov was wounded and died at the scene. An investigation was opened into the incident under Articles 317 (“attempt on the life of a law enforcement official”) and 222(1) (“possession of a firearm”) of the Criminal Code. Yusup Chapanov was identified as a suspect. This investigation was then closed on 16 May 2008 due to the fact that the suspect was dead.

Eye-witnesses reportedly contradicted this version of events, stating that no attempt was made to arrest Yusup Chapanov, he was unarmed and he did not put up any resistance. Yusup Chapanov’s brother, Bashir Chapanov, has said that he talked to witnesses and “they confirm that my brother, who had no weapons on him, was shot dead by law enforcement officers”. According to many people who saw the shooting, the law enforcement officers shouted “Stop!” and then opened fire and shot Yusup Chapanov several times. According to these accounts, the officers then dragged Yusup Chapanov away from the pavement, fired a “control shot” into his prone body and planted the pistol on him. These witnesses are apparently too afraid to come forward to testify.

The family of Yusup Chapanov was not granted “victim” status in the context of the criminal investigation by the Office of the Prosecutor. As a result the family was not authorized to have access to documents related to the investigation into the shooting. Bashir Chapanov, for example, has stated that the relatives were not informed about the opening of a criminal investigation. “We don’t even know how my brother is classified in the case: as a victim of law enforcement arbitrariness or as ‘a terrorist’ which he certainly was not,” he said. Amnesty International has urged the authorities to ensure that Yusup Chapanov’s relatives are kept informed of the progress of the investigation. The family should be formally recognized as victims in the context of the criminal investigation, as set out by the European Court of Human Rights which has held that an effective inquiry into a death must automatically keep families of victims informed of the proceedings.<sup>26</sup>

### **Killing of six-year-old Rakhim Amriev**

Six-year-old Rakhim Amriev was killed during a security operation conducted by the Ingushetia Department of the FSB on 9 November 2007 in Chemulga, Sunzhenskii district. The stated aim of the operation was to detain a criminal suspect. The home of the Amriev family was surrounded just before 7am by a number of military vehicles, with reportedly over 40 law enforcement officers involved, some wearing masks. Shots were fired in and around the house and when the shooting ended, Rakhim Amriev was found dead from a gunshot wound to his head. Amnesty International received differing reports as to whether the young boy was deliberately targeted. His relatives insisted the killing was intentional.

A criminal investigation was opened on 10 October 2007 into the killing of Rakhim Amriev under Article 109 (“negligent homicide”) by the military investigative department of Military Base No. 68799. In response to a letter from Amnesty International, the Ministry of Internal Affairs of Ingushetia stated in December 2007 that the necessary steps to investigate the incident were being taken. According to a letter from the Deputy Prosecutor of Ingushetia on 7 July 2008, during the operation an unidentified individual

inside the house opened fire on the FSB officers and in the resulting exchange of fire, Rakhim Amriev was shot dead. This has been denied by family members.

### Death in custody of Murad Bogatyrev



Murad Bogatyrev © Private

Murad Bogatyrev, aged 27, was detained at home in the village of Verkhie Achaluki at 5am on 8 September 2007 by armed and masked law enforcement officials. A few hours later, he died in police custody at Malgobek district police station. His family allege he died as a result of having been tortured. Relatives were waiting outside the police station at 8am the same morning, and saw Murad Bogatyrev's naked body being carried out. They were told he had died of a heart attack, and his body was taken away for a post-mortem examination. When his body was handed over to his family later the same day, they made photographic and video records of his injuries. Amnesty International has seen this video, which shows bruising to the feet, legs and head. According to his death certificate, Murad Bogatyrev died from serious coronary failure and ischemic heart disease. The death certificate also records the following injuries: "closed blunt wound to the ribcage with fractures of the breastbone and ribs at the cartilage. Extensive bruising of the extremities." His family insist he had no bruises or scratches the day before his detention, and had never sought medical attention for any heart-related condition. The autopsy report, which also says that Murad Bogatyrev died from serious coronary failure and ischemic heart disease, describes the physical injuries in detail and states the bruising appears to have been inflicted by a blunt instrument. His family maintain he sustained the injuries described in the autopsy report in detention and died as a result of torture.

In a letter addressed to Amnesty International on 7 July 2008, the Deputy Prosecutor of the Republic of Ingushetia said the investigation had established that between 5am and 6.45am on 8 September 2007 unidentified police officers in an unidentified location subjected Murad Bogatyrev to physical violence, causing him injuries, as a result of which he died. The letter also stated that the investigator had failed to establish the series of events at the crime scene and to identify those persons guilty of committing the crime. The Deputy Prosecutor also said he had instructed the Malgobek Investigative Committee to address these issues, and noted that the investigation was ongoing. In October 2008,

the Malgobek Investigative Committee of the Office of the Prosecutor of Ingushetia opened a criminal investigation under Article 286 of the Russian Criminal Code (“exceeding official authority”). As of March 2009 there has been no conclusion to the investigation of the case and, although the case was neither closed nor suspended, according to reports no effective investigation was in progress. Murad Bogatyrev’s family lawyer sent a letter to Ingushetia President Yunus-Bek Yevkurov on 30 December 2008, informing him that there had been no progress in the investigation. As of March 2009, there was no answer to this letter. The lawyer has also filed a request to conduct one more forensic examination of the body as, in the lawyer’s opinion, the conclusions on the cause of death in the previous forensic examination report did not correspond to the description of the injuries sustained by Murad Bogatyrev. Murad Bogatyrev’s widow has been called twice to Malgobek UBOP (Police Organized Crime Department) and warned that she should stop pursuing this case.

Amnesty International has called on the Prosecutor General to transfer the investigation to the Investigative Committee for the Republic of Ingushetia, since a Republic-level investigator could be less vulnerable to any pressure from suspects in the case. However, the official response to Amnesty International’s concerns did not indicate that this recommendation was being considered.

## Arbitrary detentions, abductions and enforced disappearances

Amnesty International continues to receive reports of arbitrary detentions, enforced disappearances and abductions in Ingushetia.

### Ibragim Gazdiev



Ibragim Gazdiev © Private

Ibragim Gazdiev, born in 1978, was reportedly seized by armed men in camouflage at about 12.55pm on 8 August 2007 in Karabulak, Ingushetia. He has not been seen or heard from since. The armed men are alleged to have been law enforcement officials from the FSB. According to unofficial information, Ibragim Gazdiev was transferred to a place of detention where he was held incommunicado in Ingushetia or in a neighbouring North Caucasus republic. The authorities have denied that Ibragim Gazdiev was detained.

The Office of the Prosecutor opened a criminal investigation into the case. According to reports, in May 2008 the FSB conducted a search of the Gazdiev family home. The

search was reportedly carried out with a search warrant issued for a neighbour's house. However, according to the Gazdiev family, there have been no developments in the course of the investigation. Since an initial questioning by the Office of the Prosecutor, the family has not been informed of the progress of the investigation and believes that no concrete investigative steps are being taken. Mukhmed Gazdiev, Ibragim's father, told Amnesty International that he had been warned to stop talking about his son's enforced disappearance.

On 30 June 2008, the investigation into the case was reported to have been closed by the authorities, on the ground that it was not possible to identify the person or persons responsible. The case was apparently reopened in July 2008. In response to a request by Amnesty International for an update on the case, in a reply dated 7 July 2008, the Deputy Prosecutor of Ingushetia stated that a criminal investigation under Article 126(1) of the Criminal Code of the Russian Federation (abduction) had been opened. The Deputy Prosecutor stated that the investigation had not discovered a motive for the abduction or the identity of the perpetrators, that the investigation was ongoing, and that the Office of the Prosecutor for the Republic of Ingushetia was monitoring the case.

At the end of January 2009, the investigation into the whereabouts of Ibragim Gazdiev was again suspended, but was later re-opened and a new investigator appointed. In February 2009 Ibragim Gazdiev's brother, Tamerlan, reported that the investigator showed him a large sack of letters with demands to continue the investigation into Ibragim Gazdiev's case. However, Ibragim's father, Mukhmed Gazdiev, fears the investigation will be closed eventually and the perpetrators will not be found. According to reports, the Office of the Prosecutor has not questioned the former Ingushetia President Murat Ziazikov, despite allegations he could have information on the case, and the possible involvement of the FSB in the case has not been fully investigated. The investigator has also reportedly not questioned other witnesses suggested by Ibragim Gazdiev's father. The case has been reported to the UN Working Group on Enforced or Involuntary Disappearances of the Office of the United Nations High Commissioner for Human Rights.

On 26-27 March 2009, law enforcement officers from the FSB and police conducted a special operation at the settlement of Sleptsovskaya with the stated aim of capturing suspected members of armed groups. According to the official report, armed men fired on officers from apartment building No. 1 on Demchenko St. During this operation, two men who lived in the building - Mikail Khashiev and Musa Bogatyrev – were killed. A number of weapons were also found. According to reports, up to four officers were wounded. However, there are concerns about the manner in which the operation was conducted and that the whereabouts of two people detained remain unknown. According to sources reported by the NGO Memorial, the officers made a 15-year-old boy knock on the door of an apartment where they suspected armed men were hiding; they detained two women, Petimat Mutaliev and Fatima Ugurchieva, who were in the apartment, and their whereabouts remain unknown. Moreover, other inhabitants of the building were prevented from evacuating it over the course of several hours, and law enforcement officers stole, from a number of apartments, valuable items (including money, jewellery and a video camera belonging to a television cameraman).<sup>27</sup>

## Threats to human rights defenders

Human rights defenders, lawyers and journalists in Ingushetia continue to face harassment and intimidation for raising concerns about human rights issues, and for

defending those whose rights have been violated. Rather than creating an enabling environment for their work as indicated by the UN Declaration on Human Rights Defenders, the authorities have fostered a climate of growing suspicion against human rights defenders and civil society organizations, by repeatedly accusing them of supporting “extremism” and working for foreign secret services. Such accusations have been made without evidence. Journalists who publish information critical of government policies in the region face intimidation by law enforcement officials. During recent years the law to combat extremist activities and the law on non-governmental organizations have been used to clamp down further on independent civil society organizations.

### **Arbitrary detention and ill-treatment of Zurab Tsechoev**

On 25 July 2008 human rights activist Zurab Tsechoev was reportedly arbitrarily detained and ill-treated in Ingushetia. Zurab Tsechoev is editor of the website of the NGO MASHR (MASHR means “peace” in Ingush), an organization that campaigns against serious human rights violations in Ingushetia, in particular against enforced disappearances and abductions. Since 2006 MASHR has undergone numerous inspections into its activities by the tax inspectorate, the Federal Registration Service, the Office of the Prosecutor of Ingushetia and the police. The head of the organization, Magomed Mutsolgov, has received threats because of his human rights work, was shot at by unknown men near his office in August 2008, and suspects that he and his office are under surveillance.

According to reports, on 25 July at about 6am, approximately 50 armed law enforcement officers, alleged to be FSB officers, arrived in three armoured personnel carriers and three “Gazel” minibuses, at the Tsechoev family home in the village of Troitskaya, in Ingushetia’s Sunzhenskii district. Zurab Tsechoev opened the gates to his home, and was made to lie on the ground before being forced into the house at gunpoint, while law enforcement officials conducted a search of the premises. The search was reportedly carried out without a warrant and without independent witnesses present, in violation of Russian law. During the course of the search two mobile telephones and a computer were seized. The law enforcement officers then placed Zurab Tsechoev in one of the armoured personnel carriers and drove him away, without informing his family where they were taking him. Enquiries by his family that morning at the Office of the Prosecutor and the Ministry of Internal Affairs as to who had detained him and where he was detained yielded no information. Several hours later, a passer-by is reported to have found Zurab Tsechoev, badly beaten, at the side of a road outside the village of Ekazhevo, near Magas. The two mobile phones and computer had been left with him. He was later hospitalized, with multiple injuries and bruising.

Zurab Tsechoev had reportedly been taken to the headquarters of the FSB in Magas, where he was held in the basement. There he was allegedly beaten and otherwise ill-treated by law enforcement officers. During the beating the officers referred to his work at MASHR. Specifically, they accused him of being involved in passing a list of names and other details of law enforcement officials to the opposition website Ingushetiya.ru. The website had recently published a list of law enforcement officers allegedly involved in organizing abductions and killings in Ingushetia. Zurab Tsechoev denied any involvement. Once the detention of Zurab Tsechoev became widely known, the officers released him. However, on releasing him, the officers allegedly warned that they would kill him and his family if he complained about his detention, continued his work at MASHR, and remained in Ingushetia.

### **Detention and ill-treatment of Oleg Orlov and three journalists from REN TV**

Oleg Orlov, head of the NGO Memorial, and three journalists from the Russian TV station REN TV, Artem Vysotskii, Karen Sakhinov and Stanislav Goriachikh, were woken and taken from a hotel in Nazran, Ingushetia, during the night of 23 - 24 November 2007 by armed masked men in camouflage. The armed men reportedly took all the possessions of the four individuals from the hotel, including computers, money, notebooks, clothes and mobile phones, put plastic bags over their heads, threatened to shoot them and then drove them to an unknown place, where they were beaten and abandoned two hours later. They had not been given time at the hotel to dress or take their shoes, despite the cold weather, and they had to walk barefoot to the nearest police station in the village of Nesterovskaya to seek assistance.

In March 2008 Amnesty International received a letter from the Office of the Prosecutor General stating that “because the given crime is of great public interest it has been transferred to the Investigative Department for Specially Important Cases.<sup>28</sup> From the case material it emerges that the crime was committed in order to interfere with the lawful work of the journalists.” According to Oleg Orlov’s lawyer, the Investigative Committee of the Prosecutor’s Office of Ingushetia suspended the criminal investigation in February 2009 on the grounds of a lack of a suspect. The lawyer requested that the Investigative Committee classify the case under Article 286 of the Criminal Code of the Russian Federation, “exceeding official authority”. However, the lawyer has said he was refused on the grounds that Oleg Orlov and three journalists were abducted by private individuals and not by state officials. According to the lawyer, the Investigative Committee also denied a request to allow him to familiarise himself with the case files. The lawyer is in the process of appealing this decision.

## 4. OTHER REPUBLICS

### Kabardino-Balkaria

Amnesty International is concerned about numerous reports of the use of torture or other ill-treatment in the Republic of Kabardino-Balkaria and the failure of the authorities to investigate such allegations and to bring those responsible to justice.

#### Rasul Kudaev

Rasul Kudaev was allegedly tortured following his arrest on 23 October 2005, on suspicion of involvement in an armed attack on Nalchik earlier that month. On 13 October 2005 a group of up to 300 gunmen launched attacks on government installations in and near Nalchik, the capital of Kabardino-Balkaria, including the building of the FSB, police stations, the TV centre and the airport. More than 130 people, including 14 civilians, 35 law enforcement officers and 92 alleged members of armed groups, were reported to have been killed during the ensuing shooting between law enforcement officials and the gunmen; many were wounded. The raid was reportedly in response to months of persecution of practising Muslims in the region, including arbitrary detention and torture by law enforcement officials, and wholesale closure of mosques. Following the raid, law enforcement officials detained dozens of people; many of the detainees were reportedly tortured. At least one person was reported to have become a victim of enforced disappearance following the raid.

Rasul Kudaev is a former detainee from Guantánamo Bay, where he was held between 2002 and 2004, when he was released and returned to Russia. He is one of 58 individuals charged in connection with the events of October 2005. They have been charged under articles of the Russian Criminal Code including Article 105 (murder), 205 (terrorism), 209 (banditism), 208 (participation in an illegal armed group), 222 (illegal circulation of weapons) and 317 (making an attempt on the life of a law enforcement officer).

Rasul Kudaev was allegedly tortured and ill-treated during his arrest, and over the several days he was detained at the UBOP in Nalchik, and the evidence against him includes a “confession” allegedly extracted under torture. Amnesty International has seen photographs of Rasul Kudaev, reportedly taken in detention, spoken to eyewitnesses and reviewed medical records that appear to support the allegations of torture. Since October 2005, Rasul Kudaev’s lawyers have repeatedly tried, without success, to get the Investigative Committee of the Office of the Prosecutor of Kabardino-Balkaria to open an investigation into these allegations of torture or other ill-treatment.

Rasul Kudaev suffers from migraines and chronic hepatitis. Doctors at the pre-trial detention centre (SIZO) where he was being held claimed that tests to discover if he had hepatitis were negative. In early April 2007, the detention centre administration and the families of the detainees agreed that Rasul Kudaev and other sick detainees could be assessed by an independent doctor. However, he was not independently examined at that time. In December 2007, Rasul Kudaev’s family reported he was receiving limited medical treatment. After months of refusing to do so, prison authorities reportedly began passing him the medication that his mother brought to the SIZO.

A CPT delegation travelled to the North Caucasus from 27 March to 3 April 2008. During the visit to Kabardino-Balkaria, the delegation inspected the SIZO in Nalchik where Rasul Kudaev and other men on trial were held. After the visit, according to Rasul Kudaev's mother, Fatimat Tekaeva, the head of the detention facility and the chief doctor agreed that an independent doctor should be allowed to visit the detainees and perform an ultrasound scan on eight seriously ill detainees, including Rasul Kudaev. In December 2008, an examination by an independent doctor confirmed that Rasul Kudaev had chronic hepatitis.

A number of the other individuals accused in this case also allege they were tortured and ill-treated in order to extract "confessions". At least one is reported to have disappeared. Preliminary hearings before the Supreme Court of Kabardino-Balkaria began on 11 October 2007. Several preliminary hearings have been held with the court considering, among other things, petitions from the defence lawyers to exclude evidence, in particular "confessions" by the defendants. On 11 January 2008, the court agreed to grant the petition of the defence in nine cases, and ordered the Office of the Prosecutor of the Republic of Kabardino-Balkaria to conduct a further review into the admissibility of the evidence in these nine cases. The inquiries were to be conducted by the Investigative Committee of the Office of the Prosecutor. On 20 March 2008 the Investigative Committee refused to open a criminal case on the basis of the nine defendants' torture allegations. The court ruled this decision was unlawful and that a criminal investigation should be opened in these nine cases. In the case of Rasul Kudaev, not one of the nine, his lawyer had been preparing to present an appeal, but missed the deadline, about which he had not been informed. Rasul Kudaev's lawyer appealed to have the deadline extended but the appeal was declined. He has now appealed on the basis of procedural violations.

### **Disposal of bodies**

Despite protests by family members, the bodies of those killed in October 2005 and suspected by the authorities of being members of armed groups were not released to their families. In June 2007, a response by the Russian government to the European Court of Human Rights revealed that in June 2006 the bodies of 95 alleged members of armed groups killed at that time were cremated in accordance with a 2002 law which provides that the bodies of those considered to be terrorists are disposed of anonymously in undisclosed locations. In October and November 2005, about 50 relatives of people killed during the October fighting had petitioned the European Court of Human Rights, and the Court decided to hear their case, *Kelimat Akhmatovna Sabanchiyeva and others v. Russia*, as a priority. The relatives had been trying to obtain the bodies of their dead relatives for more than a year. In November 2008, the European Court ruled that the applicants' complaints were admissible under Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment or punishment) concerning the conditions in which bodies of the deceased were stored. Furthermore, the complaints concerning the refusal to return the bodies of the deceased to their families were also admissible under Articles 3, 8 (right to family life) and 9 (right to freedom of thought, conscience and religion) taken alone and in conjunction with Articles 13 (right to a remedy) and 14 (prohibition of discrimination) of the ECHR. The judgment of the European court on this case is still pending.



### Restriction on jury trials

On 11 January 2009, new legislation came into force in Russia that eliminated jury trials for a range of offences against the state, including treason, espionage, terrorism, hostage-taking operations, sabotage, illegal armed groups, coups, armed mutinies, acts of sabotage and mass riots. In these cases, a trial court will consist of three judges only. The Russian Public Chamber criticized the new legislation as “unconstitutional” and as leading “to a decline in civic rights and freedoms”. According to the Public Chamber's commentary, the new legislation was motivated by the interests of security services in simplifying the mechanisms to achieve successful prosecutions of those suspected of crimes against the state where the state is interested in obtaining a guilty verdict.

### Restriction on jury trials

On 25 March 2008, the Supreme Court of Kabardino-Balkaria ruled that the case of those accused in connection with the October 2005 attack on Nalchik should be tried by jury. In January 2009, at the prosecutor's request, and subsequent to the passing of the new law restricting jury trials, the Supreme Court of Kabardino-Balkaria ruled that the case of the 58 accused would be tried by a panel of three judges instead of by jury. On 18 March 2009, the trial restarted before a panel of three judges.

In any jurisdiction, there are a range of views about jury trials: some consider there should be a right to jury trial for all but the most minor criminal cases; others view jury trial as no more than a form of judicial proceeding that has no fundamental status. However, there is a broad consensus, and one shared by President Dmitry Medvedev, that, at the present stage of development of the judicial system in Russia, the independence and impartiality of judges needs to be strengthened, and judges on occasion may be vulnerable to intimidation and manipulation by both government and private interests. Trial by jury in grave cases acts as an important bulwark against manipulation of the court by outside interests. This is all the more important in a legal jurisdiction where, while there is currently a moratorium on the death penalty, the death penalty still exists for many offences – including those for which the new legislation eliminates trial by jury. In the Nalchik cases, the charges against the defendants (Article 317 of the Criminal Code – attempt on the life of a law enforcement officer; and Article 105 (2) – murder with aggravating circumstances) are punishable by the death sentence under Russian law.

Rasul Kudaev, his co-defendant Azret Shavaev and their lawyers – Magomed Abubakarov and Tatiana Psomiadi – argued in their petition to the Constitutional Court that the new law is unconstitutional. They point out that Article 20 of the Russian Constitution provides for jury trials in cases where the death penalty, prior to its abolition, may be applicable, as in this case.<sup>29</sup> The petitioners also argue that the new law undermines the protection of the human rights of the defendants, which they argue is forbidden under Article 55 of the Russian Constitution.<sup>30</sup> According to the petitioners, the State Duma justified the need for the amendments to the law by the “increasing threat of terrorism which demands that the State takes adequate measure to secure the inevitability of punishment of those guilty of crimes”.<sup>31</sup> Such a view may be interpreted as implying that juries cannot be trusted to agree with the prosecutors, whereas judges will bring in convictions. It also conflicts with the Russian Constitution. As the petitioners point out, Article 118 (1) of the Russian Constitution states that “Justice in the Russian Federation shall be effectuated only by a court”.

Amnesty International calls on the Russian authorities to fulfil the commitment under international law to abolish the death penalty, and to maintain the jury trial system as a guarantee of the independence and impartiality of the courts.

## Dagestan

Amnesty International has received reports of excessive use of force by law enforcement agencies, deaths in custody, use of torture and ill-treatment in custody, extrajudicial executions, arbitrary detentions, abductions, enforced disappearances and threats to human rights defenders in Dagestan.

In the course of 2008, the conflict in Dagestan intensified. Approximately 40 law enforcement officers were reported killed by members of armed opposition groups that year, with twice that number injured. Dozens of members of armed groups were killed in “special operations” by law enforcement agencies. Clashes of this kind continued in 2009. For example, as a result of a clash between government security forces and armed members during 19-21 March 2009, 20 armed men were reported killed in Karabudakhkentky region, 30kms south of Makhachkala. Five policemen were also killed. A number of armed men reportedly later fled to the mountains. On 5 June 2009, Adilgeri Magomedtagirov, Minister of the Interior of the Republic of Dagestan, was shot dead in Makhachkala.

There have been regular reports of human rights violations resulting from special operations conducted by the security forces and the activities of local police forces. Nevertheless, since 2007 the number of disappearances has declined. According to a report by the NGO Memorial, the prosecutor’s office in Dagestan opened 25 criminal cases into disappearances and abductions in 2007; in 2008, according to the same report, the number of reported disappearances and abductions was 12.<sup>32</sup> Most of the victims were young men aged between 20 and 30. In many instances Dagestani police officers were allegedly involved in these disappearances.

### *Mothers of Dagestan for Human Rights*

Mothers of Dagestan for Human Rights is an NGO of relatives of victims of enforced disappearances, founded in 2007, that investigates allegations of disappearances and campaigns to bring those responsible to justice. According to Mothers of Dagestan for Human Rights, highly-placed police officers in Dagestan are engaged in unlawful activities that include the burning down of houses in the course of so-called “special operations”; torturing, disappearing or killing suspects, arrestees, and detainees; obstructing the work of lawyers; and falsifying criminal cases. According to Mothers of Dagestan, innocent people, including religious believers, often become victims of crimes by the police. On 23 December 2008, the Moscow-based national newspaper *Komsomolskaya pravda* published an article alleging that Mothers of Dagestan for Human Rights defended criminals and extremists.<sup>33</sup> On 11 January 2009, Dinara Butdaeva, the sister of Gyulnara Rustamova, an active member of Mothers of Dagestan for Human Rights, was detained by Dagestani police and not allowed to see a lawyer. Dinara Butbaeva was charged with the illegal purchase and storage of firearms, but Russian human rights organizations believe the firearms were planted on her. On 26 January 2009, information about her arrest was announced on a news programme of a federal Russian TV network. Dinara Butdaeva was described as a member of Mothers of Dagestan for Human Rights, an organization that was represented as supporting extremists. A number of Russian human rights organizations, including Memorial, Moscow Helsinki Group and the Russian Movement for Human Rights, have protested against the campaign of defamation against Mothers of Dagestan for Human Rights.



## 6. RECOMMENDATIONS

Amnesty International urges the federal authorities of the Russian Federation and the authorities in the Republics of Chechnya, Ingushetia, Dagestan and Kabardino-Balkaria to take the following steps to restore the rule of law in the North Caucasus.

### Human rights violations past and present

- Condemn ongoing enforced disappearances, extrajudicial executions, torture and other cruel, inhuman and degrading forms of ill-treatment or punishment, and secret or arbitrary detentions, and take all necessary measures to end such human rights violations immediately;
- Take immediate action to ensure that law enforcement structures including the Federal Security Service (FSB) comply with international standards governing the conduct of law enforcement officials and the use of force and firearms and respect and protect the right to life; police and other law enforcement officials should be provided with clear regulations on the use of firearms, and effective training programmes should be initiated on their use, to ensure that relevant international standards are adhered to;
- Investigate fully every incident involving the use of lethal force by law enforcement officials to determine the legality of the use of force; those responsible for using excessive force or for unlawful killing should be brought to justice;
- Ensure that allegations of human rights violations are fully investigated and that those reasonably suspected of being responsible for human rights violations are brought to justice in trials which meet international standards of fair trial;
- Review the work of the Investigative Committee to date, and develop standards to ensure that it complies with the requirement of carrying out effective and independent investigations into human rights violations;
- Fully implement all judgments of the European Court of Human Rights;
- Ensure adequate reparation, including payment of compensation, to the families of victims of unlawful killings and to victims of other human rights violations;
- Maintain the jury trial system as a guarantee of the independence and impartiality of the courts;
- Implement the recommendations of the UN Special Rapporteur on the independence of judges and lawyers, and of the UN Human Rights Council in connection with the Universal Periodic Review;
- Invite and facilitate visits of international and regional bodies and mechanisms, including the long planned fact-finding visit by the PACE Rapporteur for Legal remedies for human rights violations in the North Caucasus region to Chechnya, Ingushetia and Dagestan, to take place as soon as possible;
- Ensure that thorough, independent investigations into all sites of mass graves in Chechnya are carried out by forensic experts in line with UN guidelines on the disinterment and analysis of skeletal remains; and make available adequate resources to do so, including by establishing a sufficiently large morgue facility at the forensic laboratory in Grozny;
- Create a single authoritative and comprehensive public database, accessible to the relatives of victims and regularly updated, of the names and details of all individuals who have gone missing, been subjected to enforced disappearance,

or abducted in Chechnya since 1999, and create a single official database logging details of all unidentified bodies found in Chechnya;

- Ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance.

### **Torture and other ill-treatment**

- Renew the invitation to the Special Rapporteur on torture under the usual terms of conditions of the Special Rapporteur; and facilitate the visit of the Special Rapporteur without delay;
- Authorize the publication of all reports of the European Committee for the Prevention of Torture; and ensure cooperation with the CPT and implementation of the CPT's recommendations;
- Sign and ratify the Optional Protocol to the UN Convention against Torture, Inhuman and Degrading Treatment;
- Ensure that investigators of the Investigative Committee are trained in how to investigate allegations of torture or other ill-treatment.

### **Human rights defenders, lawyers and journalists**

- Respect and protect the right of human rights defenders, lawyers, journalists and civil society activists to conduct their work without hindrance, intimidation or harassment, in line with the UN Declaration on Human Rights Defenders, the Declaration of the Committee of Ministers of the Council of Europe on human rights defenders, the UN Basic Principles on the Role of Lawyers and other human rights standards;
- Violations of the rights of human rights defenders, lawyers, journalists, and civil society activists should be investigated fully, promptly, independently and impartially; anyone responsible for such violations should be brought to justice in a trial which meets international standards of fairness;
- Officials should refrain from making threats, allegations and unsubstantiated accusations, including labelling human rights defenders who peacefully exercise their right to freedom of expression as "terrorists" or "extremists".

### **Internally Displaced Persons**

- Prevent forced evictions, including forced evictions of internally displaced people, provide basic shelter and adequate housing, and ensure protection against arbitrary displacement.

### **Freedom of expression, assembly and association**

- Ensure that the rights to freedom of expression, assembly and association are respected;
- Issue clear guidelines to law enforcement officials on the rights to freedom of expression, assembly and association, in line with international standards.

### **Death penalty**

- Fulfil the commitment to abolish the death penalty.

<sup>1</sup> Shortly after this announcement, the counter-terrorism operation was reintroduced in a number of districts in Chechnya.

<sup>2</sup> The Optional Protocol establishes a Sub-Committee to the Committee against Torture of 10 independent experts who conduct regular visits to state parties, and requires state parties to establish and maintain an independent national preventive mechanism for the prevention of torture at the domestic level which has 'unrestricted access' to all places of detention and relevant information (Articles 3 and 17). In September 2008 Russia took a positive step towards allowing public scrutiny of places of detention when legislation was passed enabling the setting up of regional Public Commissions for Monitoring Places of Detention. Amnesty International will follow the work of these commissions to ascertain their effectiveness.

<sup>3</sup> 'Promotion and Protection of All Human Rights, Civil Political, Economic, Social and Cultural Rights, Including the Right to Development', *Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy. Addendum, Mission to the Russian Federation*, A/HRC/11/41/Add.2, 23 March 2009.

<sup>4</sup> Correspondence with government includes: the Office of the Prosecutor General of the Russian Federation and its Investigative Committee, the Ministry of Justice of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation, the Office of the Military Prosecutor of the United Grouping of Forces for Counter-Terrorist Operations on the Territory of the North Caucasus Region of the Russian Federation, the Ombudsperson for Human Rights of the Russian Federation, the Office of the Prosecutor of the Republic of Chechnya and its Investigative Committee, the Administration of the President and the Government of the Republic of Chechnya, the Office of the Prosecutor of the Republic of Ingushetia and its Investigative Committee, and the Office of the Prosecutor of the Republic of Kabardino-Balkaria.

<sup>5</sup> 'Severnyi Kavkaz – 2008: god neokonchennoi voyni', [www.kavkaz-uzel.ru](http://www.kavkaz-uzel.ru), 9 January 2009.

<sup>6</sup> 'Kadyrov posle vzryva v Groznom bol'she ne budet amnistirovat' boevikov', [www.kavkaz-uzel.ru](http://www.kavkaz-uzel.ru), 16 May 2009.

<sup>7</sup> 'Doklad k ocherednomu raundu konsultatsii po pravam cheloveka Evropeiskii Soiuz – Rossia. Situatsiia na Severnom Kavkaze oktiabr 2008 – mai 2009', Pravozaščitnyi Tsentr Memorial, Moscow, 2009, p. 11.

<sup>8</sup> 'Public Statement Concerning the Chechen Republic of the Russian Federation', European Committee of the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT), Strasbourg, 13 March 2007, p. 19.

<sup>9</sup> 'Doklad k ocherednomu raundu konsultatsii po pravam cheloveka Evropeiskii Soiuz – Rossia. Situatsiia na Severnom Kavkaze oktiabr 2008 – mai 2009', p. 11.

<sup>10</sup> *Ibid.*, p. 10. Of the 58 abductions reported by the NGO Memorial for the first four months of 2009, four are suspected enforced disappearances, two people were found killed (suspected unlawful killings), seven abductees were later found in pre-trial detention centres, and 45 were either released or ransomed. Of the 42 abductions reported by Memorial for the whole of 2008, 12 are suspected enforced disappearances, four persons were found killed (suspected unlawful killings), five abductees were later found in pre-trial detention centres, and 21 were either released or ransomed.

<sup>11</sup> Reported on [kavkaz-uzel.ru](http://kavkaz-uzel.ru) website, 20 June 2008 (<http://www.eng.kavkaz-uzel.ru/newstext/engnews/id/1224076.html>).

<sup>12</sup> Section 8 of the 2007 report of the Ombudsperson of the Chechen Republic, accessed at <http://www.chechenombudsman.ru/papka/doklad2007.pdf> on 17 October 2008.

<sup>13</sup> <http://www.chechenombudsman.ru/facts.php>

<sup>14</sup> [www.rozysk.org](http://www.rozysk.org)

<sup>15</sup> See, Amnesty International, *Europe and Central Asia: Summary of Amnesty International's concerns in the region: January - June 2005*, Index: EUR 01/012/2005 and *Amnesty International Report 2008*, Index: 46/015/2007.

<sup>16</sup> 'Public Statement Concerning the Chechen Republic of the Russian Federation', pp. 8-9.

<sup>17</sup> *Ibid.*, p. 16.

<sup>18</sup> 'Mukhamadsalakh Masaev: "Pochti chetyre mesyatsa ya nakhodilsya v zalozhnikakh u Ramzana Kadyrova"', *Novaya gazeta*, No. 49, 10 July 2008.

<sup>19</sup> Full title: Grozny Interdistrict Investigative Department of the Investigative Committee of the Prosecutor of the Russian Federation for the Chechen Republic.

<sup>20</sup> Full title: Investigative Department for Specially Important Cases of the Investigative Committee of the Prosecutor of the Russian Federation for the Chechen Republic.

<sup>21</sup> Sergei Mashkin, Musa Muradov, 'V Chechne kaznili zhenshchin', *Kommersant*, 27 November 2008. According to some media reports, shortly afterwards President Ramzan Kadyrov stated the women had

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been rightfully shot by male relatives because they were of 'loose morals' ('Kadyrov Defends Honor Killings', *The Moscow Times*, 2 March 2009).

<sup>22</sup> Punkt vremennogo razmeshcheniya.

<sup>23</sup> The full name of the Declaration is "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms".

<sup>24</sup> Other issues Amnesty International wished to take up included exhumation of the remains of unidentified individuals buried in a large number of sites and the forensic identification of these individuals; the impact of the special commission set up to search for and identify missing and abducted persons in Chechnya; efforts to improve the effectiveness of investigations into alleged human rights violations and establish criminal responsibility in these cases; measures to ensure individuals submitting complaints to the authorities or pursuing action in court are not subject to reprisals; review of criminal cases where individuals from Chechnya have been convicted of crimes, allegedly following fair trial violations, including torture; steps by the authorities in Chechnya to implement the decisions of the European Court of Human Rights relating to violations that occurred during the second conflict in Chechnya, to ensure that similar violations are not repeated; and progress of investigations into individual cases of human rights violations.

<sup>25</sup> They are held in North Ossetia, there is no SIZO in Ingushetia.

<sup>26</sup> Judgment in the case of *Slimani v France*, 27 July 2004.

<sup>27</sup> 'Doklad k ocherednomu raundu konsultatsii po pravam cheloveka Evropeiskii Soiuz – Rossia. Situatsiia na Severnom Kavkaze. Oktiabr 2008 – mai 2009'.

<sup>28</sup> Full title: Investigative Department for Specially Important Cases of the Investigative Committee of the Prosecutor of the Russian Federation for the Republic of Ingushetia.

<sup>29</sup> Article 20 (2) states: "The death penalty may until the abolition thereof be established by a federal law as an exceptional measure of punishment for especially grave crimes against life while granting to the accused the right to consideration of his case by a court with the participation of jurors."

<sup>30</sup> Article 55 (2) states: "Laws abolishing or diminishing the rights and freedoms of man and citizen must not be issued in the Russian Federation". Article 55 (3) states: "The rights and freedoms of man and citizen may be limited by a federal law only to the extent which is necessary for the purposes of defence of the foundations of the constitutional system, morality, health, rights, and legal interests of other persons and ensuring the defence of the country and security of the State."

<sup>31</sup> 'Dvoe podsudimyykh po delu o napadenii na Nalchik pozhalovali v Konstitutsionnyi sud Rossiiskoi Federatsii', [www.kavkaz-uzel.ru](http://www.kavkaz-uzel.ru), 18 April 2009.

<sup>32</sup> 'Pokhishcheniya i ischeznoveniya liudei v Dagestane v 2008 godu', Pravozaashchitnyi Tsentr Memorial, Moscow, 4 February 2009.

<sup>33</sup> Aleksandr Igorev, 'Pravozaashchita po-kavkazski', *Komsomolskaya pravda*, 23 December 2008. This incident was reported by the NGO Frontline, 'Russia: Defamation campaign against human rights organization, Mothers of Dagestan for Human Rights,' 10 February 2009, [www.frontlinedefenders.org/node/1793](http://www.frontlinedefenders.org/node/1793).