
**INTERNATIONAL
HELSINKI
FEDERATION FOR
HUMAN RIGHTS**

HONORARY CHAIRMAN
Yuri Orlov

EXECUTIVE DIRECTOR
Aaron Rhodes

DEPUTY EXECUTIVE DIRECTOR
Brigitte Dufour

ADVISORY BOARD (CHAIR)
Karl von Schwarzenberg

EXECUTIVE COMMITTEE
Sonja Biserko
Holly Cartner
Bjørn Engesland
Krassimir Kanev
Andrzej Rzeplinski

PRESIDENT
Ludmilla Alexeyeva

VICE PRESIDENT
Ulrich Fischer

TREASURER
Stein-Ivar Aarsæther

Wickenburggasse 14/7, A-1080 Vienna, Austria; Tel +43-1-408 88 22; Fax 408 88 22-50
e-mail: office@ihf-hr.org – internet: <http://www.ihf-hr.org>
Bank account: Bank Austria Creditanstalt 0221-00283/00, BLZ 12 000

The Rigakhoi Case

On 8 April 2004, a woman and her five children were killed when Russian military aircraft bombed their home in Rigakhoi, Chechnya.

Will the perpetrators be brought to justice?

**International Helsinki Federation
for Human Rights (IHf)**

May 2004

The IHF has consultative status with the United Nations and the Council of Europe.

MEMBER AND COOPERATING* COMMITTEES IN:

Albania – Austria – Azerbaijan- Belarus – Bosnia-Herzegovina – Bulgaria – Canada – Croatia – Czech Republic – Denmark – Finland – France – Georgia*
Germany – Greece – Hungary – Italy – Kazakhstan – Kosovo – Kyrgyzstan – Latvia – Lithuania – Macedonia – Moldova – Montenegro – Netherlands
Norway – Poland – Romania – Russia – Serbia – Slovakia – Slovenia – Sweden – Switzerland – Ukraine* – United Kingdom – United States – Uzbekistan*

COOPERATING ORGANIZATIONS:

The European Roma Rights Center – Human Rights Without Frontiers – Mental Disabilities Advocacy Center

The International Helsinki Federation for Human Rights (IHF) is a non-governmental organization that seeks to promote compliance with the human rights provisions of the Helsinki Final Act and its follow-up documents. In addition to supporting and providing liaison among 42 Helsinki committees and cooperating organizations, the IHF has direct links with human rights activists in countries where no Helsinki committees exist. It has consultative status with the United Nations and the Council of Europe.

The IHF represents member and cooperating committees in Albania, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kosovo, Kyrgyzstan, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Netherlands, Norway, Poland, Romania, Russia, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Ukraine, United Kingdom, United States and Uzbekistan. Other cooperating organizations include the European Roma Rights Centre (Budapest), Human Rights without Frontiers (Brussels) and the Mental Disabilities Advocacy Center (Budapest).

President:	Ludmilla Alexeyeva
Vice President:	Ulrich Fischer
Executive Director:	Aaron Rhodes
Deputy Executive Director/Legal Counsel:	Brigitte Dufour
Chief Editor:	Paula Tscherne-Lempiäinen

International Helsinki Federation for Human Rights
Wickenburggasse 14/7, A-1080 Vienna, Austria
Tel: (+43-1) 408 88 22 Fax: (+43-1) 408 88 22-50
Email: office@ihf-hr.org
Internet: www.ihf-hr.org
Bank account: Bank Austria Creditanstalt, 0221-00283/00 BLZ 11 000

©2004 by the International Helsinki Federation for Human Rights and IHF Research Foundation. All rights reserved.

Preface

The International Helsinki Federation for Human Rights in cooperation with the Moscow Helsinki Group monitors the human rights situation in the Chechen Republic by regular field-missions focusing on human rights issues.

In the framework of an IHF mission to Chechnya, Tanya Lokshina, Programs Director of the Moscow Helsinki Group, made a series of interviews with witnesses to the Rigakhoi bombing of April 8, 2004, and the consequent events, in order to gather additional information on the case and share it with the international community.

The Rigakhoi Case

On April 8, 2004, around 3 p.m., four military planes bombed the Rigakhoi settlement¹ of the Vedeno district, 15 kilometers from the Chechnya-Dagestan border, leveling the house of Imar-Ali Damaev. At the time of the bombing, Imar-Ali (born 1961) was in the local cemetery, which is at a certain distance from the house higher in the mountains. Mr. Damaev's elder son, Umar (born 1994) was away from home, in the village of Sharo-Argun, where he stayed with relatives in order to be able to attend the local school (there is no school in Rigakhoi). Mr. Damaev's wife, Maidat, however, and their five small children were in the house and died under the ruins.

The names of the dead family members are:

- Maidat Tsitsaeva (born 1975)
- Dzhanati Damaeva (born 1999)
- Zhardat Damaeva (born 2000)
- Umar-Khazdi Damaev (born 2002)
- Zara Damaeva (born 2003)
- Zura Damaeva (born 2003).

The Rigakhoi case was first reported by the Human Rights Center "Memorial". Initially, the HRC "Memorial" stated that the bombing happened on April 9. The Russian Ministry of Defense vigorously denied sending any planes to the area on that date. Then, the HRC "Memorial" clarified the situation and stated that the actual date of the bombing was April 8. The Ministry of Defense, again, denied any responsibility for the tragedy.

On April 13, a staff-member of the Human Rights Center "Memorial" went to Rigakhoi and interviewed Mr. Damaev. He stated that on April 8, after 2 p.m., he heard the unmistakable sounds of a very close aerial attack. Imar-Ali rushed to his house as he was worried for the well-being of his wife and children, particularly because there had already been a heavy bombing of Rigakhoi on the night from April 5 to April 6 which had significantly frightened his family-members. However, when he reached the house, all he saw was a pile of ruins, a *voronka* (bomb-crater), and neither his wife nor any of his children anywhere in sight. The mutilated body of their horse was close to the remnants of the house, its front legs torn off. Imar-Ali hoped that his wife and children were hiding somewhere, scared by the bombing. He kept calling for them but to no avail. His brother went down to the lower settlements of Chimbakh-Kineroi, Makazhoi, Nokhch-Kiloi and Sharo-Argun to summon relatives and other local residents and ensure that the Shatoi district² military commandant be notified about the bombing so that he could get in touch with the "Khankala" – Regional Operational Headquarters in Charge of the Counter-Terrorist Operation -- and inquire about the aerial attack. When Imar-Ali's relatives and neighbors arrived, together they began to excavate the ruins. This task was completed

¹ Rigakhoi is very small settlement with only ten houses, only two of which were still inhabited by April 8, one belonging to Imar-Ali Damaev, and the other one to his brother, Minkail. Rigakhoi, along with the almost equally small Chimbakh-Kineroi settlement and the somewhat more populated Makazhoi settlement form the Makazhoi administrative locality of the Vedeno district.

² While Rigakhoi as well as Chimbakh-Kineroi and Makazhoi officially belong within the Vedeno district, the neighboring larger settlement Nokhch-Kiloi is already part of the Shatoi district. When the residents of Makazhoi administrative locality need to contact some civil or military authorities, they access those in Shatoi, as it is much easier, faster and safer than trying to access those in Vedeno. The Shatoi authorities are cooperative in this respect and even share some of the humanitarian cargo delivered for the Shatoi district with residents of

late in the evening, and the bodies of Imar-Ali's six family-members were revealed: Maidat was sitting on her hunches still hugging the bodies of four of her children, covering them with her arms. The body of the fifth child, a 9-month-old girl, Zura, was lying nearby. The bodies were buried that night at a local cemetery.³

Meanwhile, the area continued to be targeted by the federal forces. On April 11 and 12, special operations in Nokhch-Kiloi and the neighboring settlements were carried out, allegedly aimed at revealing caches of weapons from insurgents. On April 13, the region suffered another heavy aerial attack.

By April 12, no officials, neither civil nor military, appeared in Rigakhoi, despite the fact that the Shatoi district military commandant and the Military officials at Khankala had been made aware of the situation as early as April 8. On April 12, Imar-Ali filed a complaint to the Shatoi ROVD (district police department). On April 12 and 13, Mr. Damaev, his relatives and many people from the neighboring settlements held a picket by the Shatoi administration demanding that a special commission be sent to Rigakhoi to investigate the circumstances of the killing of Mr. Damaev's family and ultimately bring the perpetrators to justice.

The head of the Shatoi administration asked the crowd to disperse promising that a commission composed of the Shatoi district officials and military procuracy officials would be dispatched to Rigakhoi that very day. He suggested that Mr. Damaev and his relatives return to Rigakhoi and wait for the commission at the site of the bombing. No such commission was sent to Rigakhoi, but when Mr. Damaev, his relatives and friends returned to the settlement they found several military procuracy officials already at the site of the bombing. (Those officials had been dropped at Rigakhoi by a helicopter around 11 a.m., when Mr. Damaev and the others were still in Shatoi.) The officials did not identify themselves and insisted that, according to their sources, guerilla fighters had been eliminated in that area that they were sent to pick up the bodies.⁴ They also remarked that they did not know the area was inhabited and had no idea about any civilian death from the aerial attack in Rigakhoi. Mr. Damaev repeatedly asked them to carry out an exhumation so that the incident could be officially acknowledged. He also asked the official to search the area very carefully and try to find the remaining pieces of the bomb (his relatives and neighbors already started digging up the grounds with this aim in mind). The officials replied that they could not carry out an exhumation because there was no forensic expert among them and because they simply did not have enough time. They searched the grounds without much zeal and, in a couple of hours were picked up by the helicopter. When they left they promised to return later on to carry out the exhumation. Soon after their departure the locals finally found the end-piece of the bomb that had destroyed the Damaevs house (marked with a number 350 F5-90). By that time, it was already late in the evening and it was apparent that no commission from Shatoi would be coming. Tremendously frustrated by the situation, the locals decided to carry out an exhumation themselves, to film the bodies, and to give the tragedy as much publicity as possible.

Rigakhoi, Chimbakh-Kineroi, and Makhazhoi, while from the Vedenov authorities they receive no assistance what-so-ever .

³ A local *ulem* (Muslim wiseman) from Nokhch-Kiloi pronounced Maidat and her children *shahids* (martyrs for the Faith). Hence, they were buried like shahids, in their clothes, the blood not cleaned from the bodies. Not only this detail is significant as an illustration of the feelings of the locals regarding the Rigakhoi tragedy, but it also explains why the pictures made later on show the bodies of the children as fully clothed with dried blood on their faces.

⁴ To note, on April 14, the Police Wave Radio in Chechnya reported that seven guerilla fighters had been eliminated through an aerial attack in the mountain area of the republic. Neither the exact locality or the timing of the attack were specified.

Owing to the efforts of Mr. Damaev and his relatives as well as to those of the Human Rights Center “Memorial” and the IHF, the story was immediately picked up by Russian and foreign media. Also, the late Chechen President, Akhmad Kadyrov was distressed by the situation and pressured the military authorities to bring the perpetrators to justice. In light of those developments, despite all its reluctance, the military procuracy had to initiate a criminal case. The case was opened on April 16, in accordance with Article 109.3 of the RF Criminal Code, i.e., “causing death through an act of carelessness.”⁵ This qualification did not seem satisfactory either to relatives of the victims, or to the human rights community in Russia and abroad. It failed to satisfy the Chechen authorities, who took a strong stand on the case and criticized the ineffective work of the military procuracy.

On April 21, a special meeting was held with the participation of Vladimir Yakovlev, plenipotentiary representative of the RF President in the Southern federal District, Akhmad Kadyrov, President of Chechnya, Rudnik Dudaev, head of the Chechen Security Council, representatives of all law-enforcement bodies in Chechnya, and the leadership of the Regional Operational Headquarters in Charge of the Counter-Terrorist Operation (Khankala). Akhmad Kadyrov stressed that the federal troops were responsible for the death of the Damaevs family, addressed the military officials with relevant accusations and demanded a speedy and effective investigation of the case. The military officials did not give any coherent answers to his questions and would not accept responsibility for the death of Maidat Tsitsaeva and her five children. Rudnik Dudaev also made the following very strong comment for the press: “We have photos evidencing the guilt of the military. We have the witnesses and we have the victims. However, the military officials are saying that they did not bomb the area. We do not believe them any longer.”

Following that meeting, a commission comprised of military and civil procuracy officials and forensic experts finally arrived to Rigakhoi on April 23, carried out an exhumation of the bodies, searched the grounds near the remnants of the Damaevs house, collected the end-piece of the bomb 350 F5-90 that destroyed the house, as well as the end-pieces of three other bombs that were found at a distance of 20-30 meters from the house.

Excerpts from Interviews

Below are excerpts of the interviews conducted in the settlements of Nokhch-Kiloi and Chimbakh-Kineroi on May 8, 2004.

Testimony of Aпти Khazhimuradov (born 1972)

On April 8, around 2 pm, I saw two planes flying low over the area, a small one and a cargo plane. They carried out an aerial attack on Rigakhoi. They made three rounds over the settlement. The visibility was excellent and I could see very clearly how the bombs were dropped. I was at home at that time, in Chimbakh-Kineroi. Then, two more planes came and fired rockets, aiming at the same area. A bit later, Imar-Ali’s younger brother, Minkail, rode into Chimbakh-Kineroi on his horse. He said that a bomb hit the front-side of Imar-Ali’s house, the house collapsed, and Imar-Ali’s whole family were under the ruins.

⁵ Military prosecutor, captain Zaur Batokov, is in charge of the case.

So, I, Ilias, Rizvan, and some other people from Chimbakh-Kineroi equipped ourselves with spades and headed for Rigakhoi. Then, the Nokhch-Kiloi people also got there. Together, we were digging at the ruins until we found Maidat, Imar-Ali's wife. She was sitting and holding her children in a tight embrace, covering them with her hand. They were all dead. She and the children. They were simply squashed by the layer of very hard earth covered with rubber tiles – it was 50 centimeters thick and served as a roof. I think they died right away. It was a direct hit, that bomb. So, Maidat was just sitting there, hugging her children. She probably thought they would be less afraid if she held them close. And she was so much afraid of planes herself.

An intelligence plane flies over the area every day. They can see everything from the cabin, the children, the cattle, the linen hanging over the clothes lines. They know very well that people live here. And still they go on bombing. They bomb here, and there and everywhere. And the thing is, with the referendum, with the presidential election, with the federal-level parliamentary election held in Chechnya, they kept promising peace and stability. But they still keep bombing and killing. They do not give a damn about us dying. They really don't care. They don't even care when their own people die.

All of us who saw Maidat and her children – such tiny children, really – we were all crying from the shock of it, men and women alike. The grounds next to the house seemed turned inside out, as if by a plough. The house itself was destroyed to the extent that it did not look like a house anymore, just a pile of ruins. One could not tell there was a house out there just a few hours ago. We extracted the bodies from those ruins and buried them quickly.

The head of the Nokhch-Kiloi administration immediately got into his car and drove to the Shatoi administration. Once there, he made his way to the district military commandant and pressed him to contact Khankala. And they did. As for ourselves, we did not go to Shatoi at that time as we had to observe the three day burial ritual. But afterwards, we got together the people from Chimbakh-Kineroi, Nokhch-Kiloi, and those from Dai and Sharo-Argun⁶ and held something like a picket in Shatoi. The police chief came out to talk to us, and so did the deputy commandant (commandant Bondarenko himself did not show up – allegedly, he was out of town but maybe he was simply hiding from us). The police chief called Khankala and the Chechen Government. He did so in our presence. Then, he said, “Now, you go back. Return to Rigakhoi and wait for us there. We'll put a special commission together and follow you.” So, we found a tractor and managed to clear the road all the way up to Rigakhoi for them. But they never came.

However, the military did come. We found them in Rigakhoi when we returned. They had arrived somewhat ahead of us. They were military prosecutors, most probably from Khankala. But I am not sure. They would not introduce themselves. And they also seemed unhappy to see us return. We thought they came because of the Damaevs' death. But they told us they did not know anything about it. They said, “We came here because we were told that several insurgents had been eliminated. We came for their bodies.” We pushed them to go to the cemetery, dig up the grave and do an exhumation. But they refused flatly. They told us, “We do not have a forensic expert with us. And our time is really limited.”

⁶ Dai and Sharo-Argun are the neighboring settlements. It was near the settlement of Dai, where captain Ulman and his subordinates killed 6 civilians, including a pregnant woman, on January 11, 2002. To note, captain

They also kept asking Minkail, Imar-Ali's brother, "Who are these people? Where did they come from?" They also kept checking their watch, "We're due to be picked up by the helicopter any minute now." But they did promise to return in two or three days specifically to look into the situation. There were six of them, including one Chechen from the Vedeno district. And even that Chechen told us, "We didn't really know why they sent us here. We had no clue what had happened. We were only informed about some insurgents that had been supposedly eliminated here. And that's that."

After they left, we found the end-piece of the bomb that destroyed Imar-Ali's house, with the number and all. And we also dug up the grave and filmed the bodies.

Then, on April 16, the case was initiated on the order of military prosecutor Makritsky, in accordance with Article 109, Part 3, causing death through carelessness.

And then on the 23rd of April, a commission finally arrived from Khankala, composed of military procuracy officials, civil procuracy officials, forensic experts. Together with them, we went to the grave. We dug it up again. The forensic experts examined the bodies. And they started saying that the mother and two of the children may have died from a bomb but the other three children may have been poisoned or something.

Rizvan Suliibanov (born 1970)

On April 8, I was at home in Chimbakh-Kineroi. I live nearby, next to the cemetery. So, I saw two planes coming. They made a circle over the area and then, on the second round, dropped the bombs. Then, there was also a rocket attack.

Sometime later, Minkail, Imar-Ali's brother, came on his horse and told us what had happened. So, we went to Rigakhoi. And the house of Imar-Ali is just not there. I mean, there is no house where it used to be. Only a pile of ruins. And Imar-Ali himself was running around those ruins and screaming the names of his wife and kids. He thought they had hidden themselves somewhere. He kept calling out for them. So, I got on a horse, returned to Chimbakh-Kineroi and asked everyone there to get some spades and go to Rigakhoi right away. And I also sent my brothers down to Nokhch-Kiloi so that people from there could also learn about this and join us. And so they did. It took us three or four hours to clear those ruins. When we finally managed to get the bodies out, it was already very late at night. We buried them that very night and made it home at dawn.

I must also tell you that close to the house there were several bomb craters. And a mutilated corpse of Imar-Ali's horse was also sprawled nearby. And all over the place one could see pieces of sheepskin, clothes. Everything was in shambles.

You know, after Putin's presidential elections in March, things have become even worse for us. Bombings and killings are even more frequent now. And in the future, it will probably become still worse and worse. But what is this, really? Why is this happening. In this area, 99% of all people voted

Ulman and the others were acquitted by a jury of the North Caucasus district military court in Rostov-on-Don, on May 29, 2004.

for Putin. Is this our reward? Imar-Ali and Maidat did not go down to vote themselves – the road is difficult, it takes a while to get to Nokhch-Kiloi. But some relatives in Nokhch-Kiloi did vote on their behalf. And so, they votes were also cast for Putin. And what did they get in return? Maidat and the children died from that bomb...

On April 13, when we all returned to Rigakhoi from Shatoi, Imar-Ali, Aпти and Shait told the military officials that had arrived before us, “Here we have the witnesses. Let’s draw up a protocol. Carry out an exhumation. Let’s get through with this.” But they said, “No, we can’t. A helicopter shall come for us any second. And we don’t have a forensic expert here.” So, we decided – if they don’t want to do this, we’ll do it without them, we’ll just do it ourselves. And so we did.

In fact, if Yar-Ali, the eldest of Damaevs’ brothers, had given us his permission, we would have take the bodies of Maidat and her children all the way to town [to Shatoi] right in the night of the 8 to the 9 of April. We would have laid them out, we would have shown them to the people, to the administration. But Yar-Ali was against it. So, we had not done it then. But on the 13th, the military refused to do the exhumation and left. And we did not believe they would come back. So, we set our mind to it. We decided we had to show this to the whole world. So that everyone could see this. We decided to film the bodies. And we got down to it.

Shait Gazgeriyev (born 1956, former policeman)

On the 8th of April, when I learnt about what had happened, I personally went to Shatoi with a few other people in order to make the local commandant contact Khankala. And commandant Bondarenko called Khankala and repeated to them everything we told him. We were there listening to him talking.

On April 13, I came to Rigakhoi with other people and saw two military officials next to where Imar-Ali’s house used to be. I came up to them and asked, “Who are you?” One of them said, “I’m an investigator from the military procuracy.” The other one said, “I am a criminalist.” They did not give their names. They also explained, “We are examining the site near the bomb crater. Then, they showed us a plastic bottle full of ammunition and said, “We found these cartridges here. There is probably the insurgents’ base in this place. If you create problems we’ll attribute the ammunition to the owners of the place and they’ll have to face the consequences.”

They dug up the crater, found some bomb splinters. Wrapped them up in some kind of cloth and gave me a piece of paper to sign. “You sign it as a witness of seizure.” But it was not a protocol, just a piece of paper. So, we got into an argument. And they told me, “It’s too early to initiate a criminal case. Nothing is proved. Maybe, an explosive device was blown up here.” I insisted. So, they told me that Imar-Ali and his brother had to be taken to Vedenno in a helicopter. But they could not leave right away because of the cattle and everything. They could only go later on. I explained this to those officials. And they said, “If there was a bombing here, how come the hay hasn’t burnt out?” But we did have bombings before and there were no fires. So, what did the hay have to do with this?

We wanted them to do an exhumation. But they refused flatly – they said they did not have a doctor with them, so they could not do it. We also told them that the bomb’s end-piece had to be somewhere around and it was necessary to dig it up. But they would not do this either. We found the end-piece of that bomb after they had already left. We dug it up ourselves, the guys and me.

Also, these people from the procuracy told us that, as far as they were concerned, Rigakhoi is not inhabited. Like it's not marked on their maps. But how can this be when Rigakhoi is part of the Makazhoi administrative district. There are people living in Rigakhoi, there are children, there is cattle. The Makazhoi administration head and the local police chief must know that Rigakhoi is inhabited and how many people live there. They must have the exact lists. But you see, in the past five years, they have been in this area only once. Everything is being written off on the account of this war. That is, officially there is no war, but there are victims. And you know, recently, in Rostov, the court acquitted those people [*Ulman et al., murder of six civilians neat the Dai settlement*]. And those who did it in Rigakhoi will also be acquitted. Such a shame for the country, for the state. A great shame it is.

Islam Mizayev (born 1979)

On April 8, in the afternoon, I saw four planes. They were nose-diving – first two of them, and then another two. And they were bombing. You could see them clearly. And you could even hear the sounds of the bombing.

Then, around 5 p.m., a man came here [*to Nokhch-Kiloi*] from Chimbakh-Kineroi and said that in Rigakhoi a house was destroyed in a bombing, and the bomb killed a woman and several children. We drove to Chimbakh-Kineroi in a car. From there on, there was no road, so we continued to Rigakhoi on foot. We made it there by 10 p.m. or so. They pulled the bodies of the woman and children out of those ruins. They made a grave and buried them all. It was dark. One could not see much. But I carried one of the children to the grave and I saw blood on his face and under the nose.

Next to the ruined house, there were several bomb craters. Everything was in shambles. And there was this unpleasant smell of powder in the air. Also, a bit high, on the grazing patch, last year's grass was burning.

Musa Baisultanov (born 1972)

I saw those planes very clearly. I was at home in Makazhoi at the time. The first two planes came from the west, flying over the mountains. They were circling over Rigakhoi for a while and then turned back. They probably flew in from Mozdok. And then, from Rigakhoi they flew in the direction of Grozny. When the first plane appeared in the sky I looked at my wrist-watch. It was a couple of minutes after 3 p.m. I remember this very well. So, two planes dropped bombs, and the other two fired rockets. Those that dropped bombs had long noses. And those that fired rockets had large wings. I watched them very carefully the whole time. You know, when planes appear in the area all the people round here follow every movement of them. People are scared. They know what those planes bring.

Gairbeck Suleimanov (born 1966)

On that day [April 8], I saw the planes flying low and bombing the area. I was in my yard watching them. First I saw one plane, then another one, then two more. They were nose-diving, two of them first and then the other two, and I knew that some rockets were dropped. There is smoke during rocket attacks, and that's how I knew they were shooting rockets. The smoke was visible. As far as the bombs are concerned, I could not see them, but the people higher up, in Chimbakh-Kineroi saw them clearly. I could only make out the rockets – three of them.

In the evening, after dusk, a car rode into Nokhch-Kiloi. It was Said-Akhmet Magomadov. He told us about what had happened. He told us that people died in that bombing, that children died. So, some of our neighbors got into his car moved in the direction of Rigakhoi. I also got into my car and took several people with me. We drove to Chimbakh-Kineroi, and from there on one could only walk. I am handicapped myself. I have a bad leg. And the guys told me, “Don't even think of it. You won't make it.” So, I stayed on [in Chimbakh-Kineroi]. I decided to wait there. I thought that there could be some wounded people and I would be able to take them down in my car. But our fellows returned only at dawn, after the bodies had been buried.

On the 13th, together with everyone else, I was clearing the rode to Rigakhoi for that commission that was supposed to come but never came. The police chief told us that the commission would come on that very day but we needed to make a road for them. And so we did. There were about 15 of us and two tractors.

When we finally made it into Rigakhoi we saw the military officials there. Those from the military procuracy. They said that an explosive device might have destroyed the house. They did not want to admit that it was the bomb. There were four bomb craters altogether. But they looked only in one of them, the one where the house used to be. Picked up some bomb splinters. Packed them and took them along. They left. And then, we found the end-piece of the bomb – number 350 F5-90. Those military men said that some combatants had allegedly died in that place. Shait insisted that they do an exhumation. But they did not want to. “We don't have the time, and there is no doctor with us,” they said.

I think that they simply did not want to dig up the grave with all these witnesses present. If we had not been there, they would have opened the grave and taken the bodies away with them. I mean they kept saying they did not have enough time to do an exhumation but in fact that were waiting for their helicopter to tick them up for about three hours, even longer than that. They could have done that exhumation if they wanted to.

Also, when we were still five kilometers away from Rigakhoi and clearing up the road on those tractors, we saw their helicopter landing. So, they had arrived approximately an hour and a half before us. And they spent all that time trying to scare Minkail, Imar-Ali's brother, who was there when they came. They threatened him that they would take him away. They pressed him to keep things quite. They really wanted to frighten him and keep this whole story under the carpet.

Said-Akhmet Magomadov (born 1979)

Last summer, I was visiting with Imar-Ali. And I kept telling him, “Why do you live here? This is no life! Why don't you move to town [to Grozny]?” But he would always reply, “You're wrong. There is

no life in town. Down there, people are killed everyday. People disappear every day. So, until this is over, it's much better to stay here." During the time of my visit, his twin-girls were born. And he was so happy, really.

And then, on April 8, I saw those four planes. Two of them first, and then the other two. When they dropped the bombs they were nose-diving right through Makazhoi. I was at home in Nokhch-Kiloi. You could see everything clearly from there.

And then, in the evening, Imar-Ali's brother [*Minkail*] came and said that Imar-Ali's family was killed. My mother started crying. It's not the first time such things are happening here. But this is still so horrible...

So, we drove to Chimbakh-Kineroi and walked to Rigakhoi from there. We barely made it. When we got there, the bodies were already out. So, we buried them. I was among the people who buried them. The kids, they were so pale. I mean not the kids – their corpses. And we could see by their facial expressions how scared they had been. You could see a lot of blood on the woman's bodies. One of the children also had a splinter wound. We did not wash the blood off. It was not necessary, considering how they died. That's what the ulem (*a person of high spiritual authority among Muslims*) said.

Also, Imar-Ali's elder brother, Yar-Ali, said that about two days before the killing intelligence helicopters were flying very low over Rigakhoi. They were inspecting the area. Imar-Ali came out of the house and made his whole family come outside, so that those in the helicopters could see that there was a woman and children living there. Yes, that was on the 6th of April, during the day. They could not fail to see that the place was inhabited. They could not fail to see the children, the cattle.

Conclusion

The evidence provided by multiple witnesses clearly demonstrates that the Russian Airforce is responsible for the death of the members of the Damaev family. The procuracy's qualification of the crime in accordance with Article 109.3 of the Russian Federation Criminal Code -- "causing death though an act of carelessness" -- is far from adequate considering that the pilot and the gun-layer could not fail to see that Rigakhoi was an inhabited settlement (the visibility is reported to have been good, and all signs of civilian life were in place).

The IHF insists that the military procuracy carry out an effective investigation of the case to bring perpetrators to justice. But the lack of comments by the Regional Operational Headquarters in charge of the Counter-Terrorist Operation and the Russian Ministry of Defense are already an indicator in the opposite direction. Also there is a diversion of the public and law-enforcers attention from the Rigakhoi tragedy by the terrorist attack in Grozny on May 9, which brought the death of Akhmad Kadyrov.

On May 13, 2004, the deputy-military prosecutor of the Russian Federation, General-Colonel of Justice A. Savenkov, replied the following: "...the preliminary investigation activities evidenced that the death of M. Tsintsavaeva and her children was caused by suffocation from the collapse of the body of a residential house. No traces of affliction by destructive elements of aerial or other ammunition were detected on the corpses of the dead. The reasons for the collapse of the house are in process of

being established, including by means of relevant expertise activities. The investigation is under control of the Chief Military Prosecutor's Office.”

This official response only supports the concerns of the IHF. In fact, it goes in contradiction with such hard evidence as the presence of bomb craters and that of a shell wound on the body of one of the children (the relevant evidence is provided by witnesses and can be seen on the film) and clearly demonstrates the reluctance of the procuracy to bring the perpetrators to justice.

The IHF calls the international community to carefully follow all developments relevant to this tragedy and render pressure on the Russian authorities to ensure the responsible military officials are duly punished.