

AMNESTY INTERNATIONAL

Public Statement

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Russian Federation: Amnesty International is concerned about the climate of impunity prevailing in the Russian judicial system

Amnesty International warned against a climate of impunity in the Russian Federation after a court relieved Colonel Yury Budanov of criminal responsibility on grounds of 'temporary insanity' and ordered that he be transferred to a psychiatric hospital. Colonel Budanov, commander of a tank regiment in the Russian army in Chechnya, was on trial in the southern town of Rostov-on-Don for abducting and murdering an 18-year-old Chechen girl Kheda Kungaeva. Post-mortem evidence that she had been raped before death was ignored by the prosecution.

"Amnesty International is concerned that justice again has been denied. Colonel Budanov was the highest ranking member of the Russian security forces in Chechnya to be put on trial for serious crimes against civilians. His transfer after being tried for murder, a crime carrying the maximum sentence of 20 years in prison, will further undermine the confidence of the civilian population in Chechnya that they can rely on the judicial system for protection and redress," the organization said.

Colonel Budanov's trial, which began in February 2001, had been adjourned several times for psychiatric assessments. Earlier psychiatric assessments found him sane and responsible for his actions. The last one was carried out at the court's request by the state-run Serbsky Institute, heavily criticized in Soviet times for its role in the political abuse of psychiatry, and supported Colonel Budanov's claim of 'temporary insanity'.

The lawyer of the Kungaev family Abdullah Khamzayev said that she and her family has been denied justice. Russian human rights organizations also criticized the court ruling saying the trial was neither 'honest nor just'.

"One of the key factors which allows abuses to persist in Chechnya is the failure of the Russian authorities to bring those in its forces who are responsible to justice," Amnesty International reiterated today. "Russian officials should fulfil their obligations to ensure that all allegations of human rights abuses are investigated thoroughly and impartially, to bring those responsible to justice, and provide the victims with an effective remedy."

Background

On the night of 26 March 2000, Colonel Budanov, together with soldiers from his unit went to Kheda Kungaeva's house in the village of Tangi-Chu in Chechnya and kidnapped her. Colonel Budanov stated that he suspected Kheda Kungaeva of possessing information about Chechen fighters and took her to his tent for interrogation.

By his own admission, supported by a post-mortem examination, Colonel Budanov strangled Kheda Kungaeva to death. The same post-mortem examination concluded that Kheda Kungaeva was raped shortly before her death. Inexplicably the prosecution ignored the allegation of rape in its charges against Colonel Budanov and no one has been charged with raping Kheda Kungaeva.

"Rape in situations of armed conflict must never be taken lightly. The Russian authorities must send a clear message to their troops that rape will not be tolerated in the conflict in Chechnya," said Amnesty International.

Kheda Kungaeva's parents, who continue to face the hardships common to all internally displaced persons after fleeing Chechnya, and their lawyer are filing an appeal against the verdict.

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