

SECURITY WITH
HUMAN RIGHTS

ПОХИЩЕННЫЕ И ПРОПАВШИЕ БЕЗ ВЕСТИ ЛЮДИ НА ТЕРРИТОРИИ РЕСПУБЛИКИ ИНГУШЕТИЯ



THE CIRCLE OF INJUSTICE – A SUMMARY

SECURITY OPERATIONS AND
HUMAN RIGHTS VIOLATIONS
IN INGUSHETIA, RUSSIAN
FEDERATION

AMNESTY
INTERNATIONAL



Since the military phase of the conflict in Chechnya drew to a close in the early 2000s, violence has spread outward across the Russian Federation's North Caucasus region. Armed groups, increasingly diffuse in leadership and goals, now operate across the region. Security operations and human rights violations committed by military and law enforcement officials have followed in their wake.

Today, the situation in the North Caucasus remains deeply unstable; the suicide bombing of Moscow's Domodedovo Airport in January 2011 showed that targets deep inside Russia continue to be well within reach of armed groups based in the North Caucasus.

In recent years, the Russian authorities have tried to diversify their approach to the threats posed by armed groups. There has been significant investment in the region and, in some republics, a greater emphasis on dialogue. However, the law enforcement response to these threats has remained crude. It demonstrates scant regard for the rule of law, resulting in widespread human rights violations. For many in the North Caucasus, the security threat comes as much from the activities of the many law enforcement agencies that operate out of – and beyond – control, as they do from armed groups. This situation is hindering the region's stability.

This summary examines the human rights violations in Ingushetia and the policies and practices that generate them. It is based on

the report *The circle of injustice: Security operations and human rights violations in Ingushetia* (index: EUR 46/012/2012). Ingushetia is not the most troubled region in the North Caucasus. Indeed, there have been some moderate improvements over the last few years. However, the range of human rights violations and the structural failings generating them are typical of the region as a whole. Amnesty International's findings and recommendations are therefore applicable more widely.

THE LAW ENFORCEMENT SYSTEM

The structure of the law enforcement agencies operating in Ingushetia is complex, opaque and involves several agencies, including the Federal Security Service (FSB), the military, the police and various specialized units and forces under the authority of the Ministry of the Interior. Co-ordination and oversight of security operations in Ingushetia is, in theory, provided by the Operations Staff attached to the Anti-terrorist Commission. However, at least some operations appear to be carried out by some forces without the knowledge



of others, including forces based in neighbouring republics. Apart from officially announced “counter-terrorist operations”, various law enforcement agencies also gather intelligence and apprehend suspects covertly, which may not necessarily be agreed on by, or disclosed to, the Operations Staff.

Human rights violations are typically committed by masked armed men, who have no identifying insignia and often drive unmarked vehicles commonly used by law enforcement agencies. It is often extremely difficult to know which agency may have been responsible for these abuses – let alone which individuals within them. This situation allows each agency to deny any responsibility for alleged violations and claim ignorance of the responsibility of others. A corporate



veil is drawn across the activities of law enforcement officials in the North Caucasus. Sometimes prosecutors and investigators are unwilling to investigate abuses they know of, sometimes it is impossible for them to do so. This system may have evolved unintentionally, but it is knowingly being perpetuated.

HUMAN RIGHTS ABUSES DURING SECURITY OPERATIONS

ENFORCED DISAPPEARANCES

A person is subjected to enforced disappearance when he or she is deprived of liberty by state agents, followed by denial of detention and concealment of the person's whereabouts, thus leaving the victim outside the protection of the law.

Most reported cases of enforced disappearance in Ingushetia have common features. Typically, the missing person is reported to have been taken by a group of armed men, wearing camouflage often with balaclavas or face masks but, in most cases, no insignia. They drive unmarked vehicles of the kind commonly used by law enforcement agencies and present no documents authorizing their actions. Usually, they offer no explanation for their actions. Some people are taken from their homes, others are stopped while travelling by car. Eyewitnesses are often intimidated from interfering with or recording the incident.

Criminal investigations into enforced disappearances are usually opened with delay, and invariably fail to establish the identity of the perpetrators and the fate of the abducted person. No one has ever been

prosecuted for an enforced disappearance in Ingushetia or, indeed, elsewhere in the North Caucasus.

The list of alleged enforced disappearances in Ingushetia has been growing since 2002 and, according to some estimates, now exceeds 200 people. In February 2012, the Head of Ingushetia Yunus-Bek Yevkurov was quoted in the media, saying that in cases of some disappearances there are "signs of involvement of secret services and law enforcement agencies". This admission contrasts starkly with the official response of law enforcement agencies and prosecutors, who routinely deny this practice.

above: Law enforcement officials conducting a security operation in Ingushetia, 2009.



ISRIL TORSHKHOEV

On 22 November 2010, Israil Torshkhoev went to the site where two people in a car had just been attacked by unidentified assailants. The driver had been killed and the passenger wounded. Police and some 50 members of security forces, wearing masks and camouflage, were already at the site. Israil discovered that the driver was his second cousin, and wanted to take the body to the mortuary. Reportedly, he also made critical remarks blaming security forces for this killing and the general state of lawlessness in Ingushetia. Some security officers demanded to see his ID and insisted on coming to his home with him and searched his house. Finding nothing, they took Israil away. This was the last time his family saw him. The family appealed, unsuccessfully, to many official agencies for an investigation. Although he had undeniably been detained by security officials, their identity has never been established and no agency has acknowledged his detention. In May 2012, his fate and whereabouts were unknown.

EXTRAJUDICIAL EXECUTIONS

Extrajudicial executions are unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence, by military or security officials, or by civilians working with government complicity.

A handful of allegations of extrajudicial executions are made each year in Ingushetia, often taking place during security operations or stop and search procedures. Official reports of such incidents, which investigators appear to accept unquestioningly, typically allege that the individual had opened fire and been killed in the ensuing shoot-out. A criminal case is then opened focusing on the reported attack against law enforcement officials, and promptly closed on the grounds that the criminal suspect has died. Not a single case of alleged extrajudicial execution has ever been brought before a court in Ingushetia.

Given the strong evidence in support of at least some allegations of extrajudicial executions, there are clear grounds to

above: Israil Torshkhoev's wife shows two remaining photos of her husband. He has not been seen since 22 November 2010, when he was taken from his home by security officials. *above right:* Likely location of the alleged extrajudicial execution of Mustafa Mutsolgov and Vakha Sapraliev.

conclude that the Russian Federation is failing in its human rights obligations. The initial violation of the right to life is compounded by the lack of redress, to carry out independent, thorough, impartial and effective investigations into suspected cases of extrajudicial executions and bring their perpetrators to justice.

TORTURE AND OTHER ILL-TREATMENT

Russia's criminal justice system has undergone significant reform since the Soviet period and now officially offers many of the procedural and practical safeguards against torture required under international human rights law. These include restrictions on who can be detained by which



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authorities in which locations and for what length of time. Provisions regarding access to lawyers, medical examinations and contact with relatives are broadly in line with prevailing international standards. Statements made under torture are inadmissible as evidence in court, as are statements retracted by defendants in court if made earlier without the presence of lawyer. However, these formal safeguards and procedural requirements are regularly flouted in Ingushetia and elsewhere across the North Caucasus.

There is compelling evidence that torture is regularly used for the purpose of extracting testimonies and intimidation. This is routinely denied by law enforcement officials. The only case that has been acknowledged, and in respect of which charges have been brought, is that of Zelimkhan Chitigov.

SECRET DETENTION

Holding an individual in a place that is not officially recognized as a place of detention, without disclosing the location, or even the

fact of their detention is a human rights violation, and exposes victims to the risk of torture. Its attractions are obvious: individuals can be held, and information extracted through any means, without witnesses, time limits, access to lawyers and doctors. It clearly violates international law and Russian legal norms. Nonetheless, its use by law enforcement officials is regularly reported in Ingushetia and elsewhere in the North Caucasus.

Typically, individuals are abducted by armed masked men, blindfolded and subjected to torture. Later, they may be released without charge, not knowing who had held them and where. Some “reappear” at a later date at an official place of detention, from which point on, their whereabouts are disclosed and access to lawyers is granted.

MUSTAFA MUTSOLGOV AND VAKHA SAPRALIEV

Official sources claim that on 24 July 2010, FSB and police officials tried to stop the car in which Mustafa Mutsolgov and Vakha Sapraliev were travelling, but were fired at and had to return fire, killing them both. However, according to some eyewitnesses’ accounts the car had stopped, the two men had been taken out without resistance, handcuffed and then shot at point-blank range. Reportedly, bruises on the wrists from the handcuffs were clearly visible on at least one of the bodies handed over to their families for burial. The families have appealed to the authorities to investigate this incident but, by May 2012, they had still not received answers to these questions.

ZELIMKHAN CHITIGOV



Zelimkhan Chitigov moved from Chechnya to Ingushetia in February 2010 to live with his mother in Karabulak. On 27 April 2010, some 30 armed men reportedly forced their way into her house and took Zelimkhan away with no explanation. He was handcuffed, a plastic bag put over his head, and taken in an unmarked car to an unidentified location where for three days he said he suffered repeated bouts of torture, including beating and electrocution, lasting hours at a time. Zelimkhan maintains that his captors wanted him to confess to planting a bomb at Karabulak Police Station which had killed two police officials, but he refused. Two other captives at the site, both badly tortured, were forced to testify against Zelimkhan Chitigov; one of them later retracted his statement.

Between the beatings, Zelimkhan was left alone in a small room. He managed to text his mother from his mobile phone which was still in his pocket. He pleaded for help but could not explain where he was. Meanwhile, the family had already reported his abduction to the authorities, but no-one could tell them where Zelimkhan was and who had taken him. His text message later helped to establish the time and location of his captivity as the Centre for Combating Extremism of the Ministry of the Interior in Nazran (although this building has no officially recognized detention facilities).



On the fourth day of his detention, Zelimkhan was reportedly handed over to “the Russians” (some unidentified federal military officials stationed in Ingushetia) who continued to beat him, but, according to Zelimkhan’s testimony “not so hard”. One soldier agreed to give Zelimkhan water – his first drink in all this time of captivity. He lifted the black bag off Zelimkhan’s head and was so astonished by the disfigured face that he reportedly exclaimed “Are you from hell?!” Later on that day, his initial captors took him to Karabulak Police Station, and he was “officially” registered in detention on 30 April. On 1 May, Zelimkhan was brought in front of a judge to authorize his arrest. No longer able to walk, he was brought

into the courtroom in a wheelchair, collapsed during the hearing, and had to be hospitalized. Doctors recorded serious head, spinal and internal injuries which were probably the result of a combination of beatings and electrocution.

On 10 August 2010, the staff at Karabulak Police Station staged a protest against their commander. He was later sacked, together with his deputy, and a number of criminal charges brought against them, one relating to Zelimkhan Chitigov’s unlawful detention. In May 2012, the court hearing of the case was still ongoing.

No longer able to walk, he was brought into the courtroom in a wheelchair, collapsed during the hearing, and had to be hospitalized. Doctors recorded serious head, spinal and internal injuries which were probably the result of a combination of beatings and electrocution.

INCOMMUNICADO DETENTION

A detainee is held incommunicado when they are denied access to people outside the place of detention. A period of incommunicado detention can be used to apply pressure on suspects, without their being able to complain of any ill-treatment, thereby greatly increasing the risk of torture and other ill-treatment. Incommunicado detention in officially recognized detention facilities is relatively rare in Ingushetia, but is often reported from outside the republic where detainees from Ingushetia may also be held.

By law, all detainees should have a physical check on their arrival at a place of detention and at any time during their stay, should their state of health require it. In a number of reported cases, access to medical professionals has been denied, or medics have allegedly been pressured into ignoring signs of torture or ill-treatment. There have also been reports of intimidation and pressure applied by law enforcement officials on civilian medical personnel (such as ambulance and hospital staff) to prevent them from documenting torture and ill-treatment.

When torture and other ill-treatment takes place in official custody and is concealed, detainees are forced to sign a statement and later “confirm” it in the presence of a defence lawyer under the threat of repeated bouts of torture. Amnesty International has received a number of such allegations from Ingush inmates held in remand centres outside Ingushetia, as well as allegations of inmates being forced to refuse a defence lawyer of their choice and accept instead a state-appointed lawyer likely to turn a blind eye to the use of torture.

FAILURE TO INVESTIGATE ALLEGATIONS OF TORTURE

Victims of torture and other ill-treatment in Ingushetia face multiple obstacles in their attempts to obtain justice. Torture is often difficult to verify, as there are usually no independent witnesses. Even in rare cases when injuries are accurately documented, officials can claim that they were exercising lawful force to restrain a violent detainee. Successful prosecutions therefore depend on diligent investigation. One of the difficulties torture victims face, however, is

in getting a criminal investigation opened in the first place.

Allegations of torture and other ill-treatment made to the Prosecutor’s Office or to a law enforcement agency are subject to an initial “check” or “*proverka*”, typically consisting of no more than cursory questioning, sometimes on paper, of officials from the agency alleged to be responsible. The agency’s denial – or explanation that the use of force was necessary and proportionate – is usually enough for investigators to decline to open a case on the grounds of the “lack of sufficient evidence of torture” or “the absence of elements of a crime”.

far left: Zelimkhan Chitigov at his court hearing. He was so badly injured he was unable to stand, May 2010

left: Zelimkhan Chitigov in hospital. He had to undergo lengthy medical treatment for his injuries as a result of torture, May 2010.



IMPUNITY FOR SERIOUS HUMAN RIGHTS ABUSES

Across the North Caucasus, serious human rights violations committed by law enforcement agencies have continued for many years. The failure to ensure justice in these cases can be attributed both to a number of difficulties in gathering sufficient evidence and the lack of the necessary will to conduct effective investigations. While some difficulties are genuine, they often appear to be used as an excuse by investigators and prosecutors, who might nonetheless have been able to make some progress had they diligently pursued all available leads and been more probing in

above: Mukhmed Gazdiev looks at a photo of his son Ibragim Gazdiev, who was subjected to enforced disappearance on 8 August 2007. Mukhmed Gazdiev believes that his son has been held in secret detention by law enforcement officials. Since the disappearance, Mukhmed Gazdiev has been campaigning for clarification of the fate of his son.

their questioning of the law enforcement agencies potentially implicated in the alleged violations.

Usually, victims or their relatives lodge complaints with as many authorities as possible including the police, the Investigative Committee, the Prosecutor's Office (at the local, republican and federal

levels), as well as the Ingushetian political leadership. Typically, the complaint is then passed around the system, from one level or agency to another, without anyone appearing to take responsibility for insisting on, or conducting, an effective investigation. This process, sometimes referred to by bewildered and frustrated complainants as "ping-ponging", can take

IBRAGIM GAZDIEV

According to an eyewitness, Ibragim Gazdiev was abducted by armed men wearing camouflage on 8 August 2007 in Karabulak. He has not been seen since. The authorities deny any involvement. Two days after the abduction, his father had a meeting with the then President of Ingushetia, Murat Ziazikov. The father inferred from Murat Ziazikov's words that Ibragim was being held by law enforcement officials for questioning but would soon be released. An investigation into his abduction was later opened and repeatedly suspended, for the common failure to establish the identity of the perpetrators. Over the years, Ibragim's father

has challenged its suspension in court, and insisted that former President Ziazikov be summoned for questioning. At a court hearing in November 2010, the judge agreed with the investigation and prosecution officials that the case should remain suspended as all possible leads had been exhausted. The judge ruled that there was no need to question the former President because the investigation already had sufficient witness statements from several senior Ingushetian officials. On 11 January 2011, the Supreme Court of Ingushetia upheld this decision.



months, even years. During this time, leads go cold and the prospect of an effective investigation, always difficult, recedes yet further.

Investigators send formal requests to several law enforcement agencies asking them whether they might have been involved in a particular incident. As a rule, replies to such requests deny any involvement in or knowledge of the incident in question. These denials are taken at face value, and no further inquiries are made into the possible involvement of law enforcement officials.

The failure to conduct an effective investigation can be challenged in court. Such challenges are rarely successful in forcing a case to be re-opened but even when they are, the end result is no different: investigations continue to stall, the prospect of redress to remain entirely illusory. Many victims simply give up at this point. If they choose to continue, they have to take the case to the European Court of Human Rights.

OBSTACLES TO EFFECTIVE INVESTIGATION

SECRECY

The secrecy surrounding security operations, including the total concealment of the identity of those agencies and officers involved, is a major obstacle to effective investigation of the serious human rights abuses which have occurred. While protection of the individual identities of law enforcement officials involved in counter-terrorism operations might be legitimate occasionally, the routine absence of any form of identification, such as individual number badges, cannot be justified. It has become a free pass to impunity and must be ended.

Information relating to the forces and methods of so-called covert operative and search activities and some other counter-terrorism measures constitutes a state secret. The accountability and oversight mechanisms are defined in Russian legislation only briefly and worded vaguely. The authority of the main oversight agency,

the Prosecutor's Office, is restricted in connection with state secrecy.

Protective measures for law enforcement officials and agencies should be reserved only for exceptional circumstances and be balanced with strong and effective accountability mechanisms. Clear provisions should be introduced to enable official investigators to identify any law enforcement unit and officer post facto in the event of complaints being made, including by reference to any official record of any activity by the agencies potentially responsible.

above: FSB compound in Magas, Ingushetia.



Impunity continues to exist because there appears to be no political will to end it.

Russian authorities overwhelmingly lack the will to carry out effective and impartial investigations which would lead to the prosecution of law enforcement officials suspected of serious human rights violations.

The Investigative Committee and the Prosecutor's Office are both formally independent institutions, but they work closely with law enforcement agencies in combating crime, not least in relation to the activities of armed groups. It is difficult to maintain impartiality when investigating alleged human rights violations committed by their colleagues, especially as it might prejudice the prosecution of a suspected armed group member. Given that independent information is sparse, eyewitnesses are as a rule unwilling to step forward, security operations are opaque, and the identity of the units and officials involved in a security operation is intended to be un-traceable, investigators will almost always be able to find sufficient reason to refuse to open, suspend or close the case, and prosecutors not to challenge this outcome.

THE LACK OF INDEPENDENT WITNESSES

In many cases of human rights violations, there are no witnesses to an incident other than the victim and the alleged, usually unidentifiable, perpetrators, and there may be little evidence with which to challenge the denial of involvement by the agencies potentially responsible. In some instances, however, there are people who witness at least part of the chain of the alleged violations. These witnesses often fear severe risks if they testify before investigators or in court. Some of those who have come forward complain confidentially of intimidation by the alleged perpetrators.

Russian law does provide for the possibility of witness protection. However, when law enforcement agencies are believed to be behind the incidents, ordinary people have little confidence in the protection programmes they provide.

INVESTIGATORS' AND PROSECUTORS' LACK OF IMPARTIALITY

Investigators and prosecutors should be able to overcome at least some of the obstacles they often face. Many cases of alleged human rights violations examined by Amnesty International suggest lines of inquiry that have not been effectively pursued. This would suggest that the



Dismissing victims' allegations of what happened and assumptions about who might have been involved precisely as just that – allegations and assumptions, not facts – will invariably be the easiest option. This way, its findings will not conflict with other government agencies, cause bad publicity, or expose the investigators or prosecutors themselves to the risk of retribution.

THE EUROPEAN COURT OF HUMAN RIGHTS: THE LAST HOPE OF JUSTICE?

Given the systematic failure of the Russian criminal justice system to deliver justice to victims of human rights violations committed by members of law enforcement agencies, many are looking to the European Court of Human Rights as the last and only legal institution capable of providing them with some remedy. However, only a trickle of cases from Ingushetia has reached the Court, although many more have done so from Chechnya. As of February 2012, the Court had ruled in 10 cases from Ingushetia, all in favour of the applicants,

and delivered judgements in 184 cases from the North Caucasus. Details from these cases provide a compelling record of enforced disappearances, the use of torture by law enforcement officials, deaths in custody including extrajudicial executions and the systematic failure to investigate.

The Russian authorities have consistently paid applicants the compensation awarded by the European Court of Human Rights. However, they have consistently failed to implement the individual and general measures required by the Court.

CONCLUSION

Impunity for the human rights violations in the North Caucasus is not simply the cumulative effect of a series of obstacles to finding the truth or bringing successful prosecutions – although there are many. It continues to exist because there appears to be no political will to end it.

Until this changes, there can be no peace or lasting stability in the North Caucasus. Undoubtedly, the Russian authorities have

a clear obligation to combat the threat that armed groups pose to the life and security of all those within Russia's territory. This obligation must, however, be fulfilled within the rule of law and with full respect for human rights. Achieving this requires a comprehensive overhaul of how the many different security forces in the North Caucasus operate – and co-operate – and, crucially, how they are held accountable. It requires the circle of injustice to be broken.

above left: Boris Ozdoev, father of Rashid Ozdoev, looking through numerous official replies he received while looking for his son, 2010. Rashid worked as a prosecutor and disappeared in 2004 after he had alleged crimes were being committed by the FSB in Ingushetia. *above:* Office building in Nazran, Ingushetia, with the hopeful slogan: "Ingushetia: land of peace".



above: Street protest against enforced disappearances in Nazran, 2007. The placards read: “V V Putin Help us get back our children” and “Return our sons”.
front cover: MASHR, a human rights organization in Ingushetia, displays pictures of some of the people who have disappeared since 2002.

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RECOMMENDATIONS

The Russian Federation authorities must:

- Acknowledge the human rights abuses committed by law enforcement officials in the course of security operations in the North Caucasus, commit to their non-repetition, and develop a comprehensive “zero tolerance” policy of such abuses;
- Strengthen the accountability of law enforcement agencies. Ensure that the responsibility for investigating human rights violations allegedly committed by law enforcement officials, is always transferred to the new department within the Investigative Committee created for the investigation of such cases;
- Review the legislation and policies relating to the secrecy and the protection

of the identity of the units and officials involved in security operations, and ensure that such power can never be used to limit accountability for human rights violations, nor limit effective access to all the information required by the investigation and prosecution authorities;

- Ensure that any official carrying out law enforcement functions, such as arrests or property searches, visibly wear a unique number badge or other form of identification sufficient to identify the agency to which they belong and enable an official investigator to identify subsequently the individual concerned;
- Make effective provisions for the adequate protection of complainants,

witnesses and experts in all cases of alleged human rights violations by law enforcement officials;

- Co-operate fully with international and regional human rights mechanisms and ensure full implementation of the European Court of Human Rights’ decisions on cases from the North Caucasus.

The international community should:

- Monitor the human rights situation in Ingushetia and the wider North Caucasus. Actively engage with the Russian Federation to urge it to co-operate fully with all relevant international and regional human rights mechanisms and put an end to human rights violations.

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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