

## Glossary of Acronyms

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| FSB             | Federal Security Services  |
| FMS             | Federal Migration Service  |
| SIZO            | Pre-trial detention centre   |
| IVS             | temporary isolation detention centre, usually at police departments      |
| MVD             | Ministry of Internal Affairs   |
| OVD             | District Department of Internal Affairs: local police department         |
| ROVD            | Regional Department of Internal Affairs                                  |
| GUVD            | General Department of Internal Affairs; city department of MVD           |
| RUBOP           | Department on Fighting Organized Crime                                   |
| OMON            | special police units   |
| <i>spetznaz</i> | special purpose detachments of the MVD, often used during armed conflict |
| ICCPR           | International Covenant on Civil and Political Rights                     |
| ICRC            | International Committee of the Red Cross                                 |
| OSCE            | Organization for Security and Cooperation in Europe                      |
| NGO             | non-governmental organization  |
| UN              | United Nations   |
| <i>propiska</i> | Mandatory residence permit system  |
| IDPs            | internally displaced persons   |
| POWs            | prisoners of war   |

- “cage” an open barred cell in a police station, usually has only a narrow wooden bench in it.
- “Wahhabis” In the context of Chechnya: Islamic armed groups, some members of whom are allegedly Arabs.
- “filtration” In the context of this war, Chechen men and women are separated from each other and their identity documents are checked at border crossings against computer data, which allegedly includes information on suspected members of armed Chechen groups and their relatives.
- “filtration camp” detention centre where some people are held following “filtration”.

# **RUSSIAN FEDERATION: CHECHNYA FOR THE MOTHERLAND**

Reported grave breaches of international humanitarian law.  
Persecution of ethnic Chechens in Moscow.

## **INTRODUCTION**

In November 1999, Amnesty International representatives together with members of the Moscow-based human rights organization, Memorial, visited the border between Chechnya and the Republic of Ingushetia and Stavropolsky Kray Region of the Russian Federation, bordering on Chechnya, to collect first-hand testimony from people affected by the conflict in the Chechen Republic and to assess the humanitarian situation of the hundreds of thousands internally displaced people living in camps along the border.

The Amnesty International representatives also travelled to Moscow where they interviewed a number of Chechens and other people from the Caucasus, who reported that they had been subjected to arbitrary detention, ill-treatment and torture in custody and that in some instances evidence to support criminal charges was fabricated against them, by police who allegedly planted drugs or weapons on them.

The Russian military offensive in Chechnya began, and the campaign of intimidation against Chechens in Moscow intensified, following the apartment bombings in Moscow and two other Russian cities in September, which killed at least 292 people. These have been attributed by the Russian government to Islamic groups from the Chechen Republic, but no group has claimed responsibility.

Amnesty International is concerned that the way in which the Russian forces are waging war in Chechnya -- that is, in apparent disregard of international humanitarian law -- and the discriminatory manner in which Chechens have been targeted by the authorities in Moscow, suggest that the government has been involved in a campaign to punish an entire ethnic group. "Fighting crime and terrorism" is no justification for violating human rights.

## **I ALLEGED VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW BY RUSSIAN FORCES**

Testimonies collected by an Amnesty International representative on the border between Ingushetia and Chechnya strongly suggest that during current operations the Russian federal forces have not taken sufficient precautions to ensure the safety of the civilian population and may have been deliberately targeting civilians in Chechnya, many of them women and children. Amnesty International is concerned that the many thousands of people who were forced to flee as a result of the conflict do not have adequate access to protection and humanitarian assistance; and that people fleeing the conflict have been prevented from crossing national borders.

While Amnesty International takes no position on the reasons for armed conflicts, or the resort to the use of force *per se*, it does call on all parties to a conflict to abide by international humanitarian law. The Geneva Conventions and their Additional Protocols, to which the Russian Federation is a party, emphasize that “the civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.”<sup>1</sup> International humanitarian law also requires stringent safeguards when carrying out attacks against military objectives, including giving effective advance warning -- “unless circumstances do not permit” — of attacks which may affect the civilian population.

The Russian military has claimed that its air and artillery attacks on Chechnya are aimed at military targets, strongholds of Islamic armed guerrilla groups in the Chechen Republic, and has denied targeting civilians and civilian objects during the attacks. However, a number of incidents investigated and examined by Amnesty International suggest that these claims are questionable.

Amnesty International has on a number of occasions in recent months raised its concerns about specific allegations of violation of international humanitarian law by Russian federal forces in Chechnya and has requested an official explanation by the Russian authorities. During a meeting at the beginning of November in New York with the Russian Ambassador to the UN, Sergey Lavrov, Amnesty International’s Secretary General raised the organization’s concerns on a number of alleged indiscriminate and direct attacks on civilians in Chechnya by the Russian forces.

However, Amnesty International has not received from the Russian authorities any detailed account of specific incidents of Russian military attacks which reportedly resulted in high civilian casualties and were conducted in violation of international humanitarian law.

In a letter to Amnesty International of 23 November, the Russian Ambassador to Norway, Yuly A. Kvitsinskiy, stated: “I assume we do not differ about the necessity to put an end to [I]slamic terrorism on the sovereign territory of the Russian Federation. Otherwise there would not be any reasonable basis for our communications on this issue. I would like to draw your attention to the fact that your letter to a large extent consists of episodes and events which are concocted of Chechen war

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1 Article 13(2), Protocol II Additional to the Geneva Conventions.

propagandists, have not taken place or at least remain not independently confirmed. I strongly advise you against spreading of this kind of calumnious information which might be detrimental to our bilateral relations. ...It makes your letter look like a compendium of new-fangled prevarications and didactics concerning human rights. Unfortunately I do not find your arguments applicable or even relevant to the juridical situation or to the actual policy pursued by the Russian government or to the activities of our army. They do their best to mitigate the hardships in the areas of anti-terrorist operations, to limit collateral damage and to find a political solution.” The letter did not address specific incidents raised by Amnesty International.

*Amnesty International has investigated a number of specific incidents in which allegations were made by eyewitnesses and victims of attacks that the Russian forces have directly attacked civilians and civilian objects - including hospitals, medical personnel and vehicles clearly marked with the Red Cross emblem - causing high civilian casualties. The Russian forces have also allegedly been responsible for indiscriminate attacks.*

*There have been reports that Russian forces are using airplanes; tanks; artillery; multiple rocket launching systems “Grad” and “Uragan”; and cluster bombs. Witnesses interviewed by Amnesty International claimed that many people were killed or wounded by fragments from high-explosive artillery shells, many of which exploded in the air.*

*A number of incidents have been reported in which civilian convoys, carrying people fleeing the conflict, have been subjected to bombing from the air or artillery shelling, specifically those travelling on the main road out of Chechnya towards Ingushetia, the “Rostov-Baku highway”. This suggests a tactic of direct targeting of civilians with the aim of preventing them from leaving Chechnya.*

*A number of civilians from different parts of Chechnya told Amnesty International that in order to protect their village from Russian attacks, they had sent delegations of the village's elders to the command of the Chechen*

armed groups (if there were any near their village) and asked them to leave. Nevertheless, in a number of cases, attacks on the very same villages were reported, despite the absence of Chechen armed groups. In other places, such as the town of Gekhi, the local people are said to have organized checkpoints at the entrance to the town, in order to turn away Chechen armed groups.

All of the Chechen civilians whom Amnesty International interviewed made a clear distinction between the armed groups of the so-called "Wahhabis" (Islamic armed groups, some members of whom are allegedly Arabs) and the so-called "Chechen fighters", groups of Chechen volunteers officially organized by the Chechen President Aslan Maskhadov to oppose the Russian advance. Many civilians said that they had not seen any fighters being killed as a result of Russian attacks on their villages, and that the only casualties had been civilians. At the same time, people readily listed the names of neighbours and relatives whom they knew to have been killed or wounded in the attacks.

In this report, Amnesty International describes selected recent incidents, on which the organization was able to collect a number of eyewitness accounts which corresponded to one another. No journalists and independent monitors are officially allowed by the Russian border guards through the only opened border crossing between Chechnya and Ingushetia. The Russian authorities claim that this is for their own protection. Chechens interviewed by Amnesty International at the border claimed that Russian forces confiscate video or photograph cameras during searches of the people entering into Chechnya. Foreign journalists in Ingushetia told Amnesty International that all their activities have been monitored by the Russian authorities and some of them have been threatened with cancellation of their media accreditation if they were to attempt to

independently cross the border into Chechnya.<sup>2</sup> Some foreign journalists, accompanied by Russian military officials, have been allowed to interview Russian troops stationed on the territory under the control of the Russian forces. However, they reported that they have not been taken to Grozny or near any area of conflict during such trips. Other foreign media representatives have crossed into Chechnya independently, either using small roads through the border with Ingushetia, (many of which have been mined by Russian forces) or crossing into Chechnya from Georgia.

#### ***The attack on the village of Elistanzhi (7 October)***

According to testimonies collected from witnesses by Amnesty International and accounts by members of Memorial, who visited Chechnya between 9 and 12 October, an attack on the village of Elistanzhi took place on 7 October, leaving 48 civilians dead and over 100 wounded. A number of the civilian casualties were women and children. Among the dead was 18-year-old Imani Muzaeva, who was in her sixth month of pregnancy. A representative of Memorial interviewed about 20 wounded people from Elistanzhi in hospitals in Shali and Grozny: there was reportedly only one adult man among them; the rest were women and children.

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2 The border crossing checkpoint, "Adler - 20", on the Ingush side of the border with Chechnya is guarded by officers of the Ingush OMON. Approximately 10 metres after the Ingush barrier is another barrier, which is guarded by Russian FSB troops. An Amnesty International representative took video footage at "Adler - 20", on the Ingush side of the barrier. On the morning of 14 November, while filming, the representative was approached by Ingush OMON officers who explained that they had been asked by the Russian guards to forbid further filming. They had also allegedly asked the Ingush OMON to check the identity of Amnesty International's representative and to search her car. The Ingush officers also said that the Russian guards were very worried and had asked the Ingush side to establish whether the representative had filmed a car carrying the body of a man who had died of his wounds just before crossing the border, while his relatives had been trying to take him to a hospital in Ingushetia. In order to continue filming and collecting testimonies from Chechens at the border and to avoid objections by the Russian side, Amnesty International's representative was accompanied by an Ingush border guard during that day.

"Zara" Tursultanova, who witnessed the attack on Elistanzhi because she was visiting relatives at the time, told Amnesty International on 11 November: "At 7.30pm, two airplanes very high up in the sky started to bomb the village, at a time when people were gathering potatoes and maize to be able to survive. Children, old men and the infirm were killed. Now the peaceful picturesque village among the mountains is just a living grave... there is no water, no bread, no food there, not one person left." Witnesses and victims stated that there were no Chechen fighters or military objectives in the village prior to or at the time of the attack.

#### **The attack on the central market in Grozny (21 October)**

On 21 October 1999 at around 5pm there were a series of explosions in the central market of Grozny, a mosque and the only working maternity hospital in the city. At least 137 civilians were reported to have died and about 400 wounded. The dead included 13 mothers and 15 newborn babies at the hospital and 41 people gathered for evening prayer in the mosque in the suburb of Grozny, Kalinina.

Leila Migieva, aged 46, lost her left hand and leg when the bus in which she was travelling was hit by shrapnel as it passed the central market at the time of the attack. She was on her way home after buying groceries at the market. She told an Amnesty International representative who was visiting the hospital in the village of Galashki on 13 November:

"Many people died. Children among them. It was mostly women, children and old people, because these are the people mainly left in the town. The fighters never suffer; it's always the peaceful civilians. So many people died



*and so many people were like me; I am just a drop in the ocean. But even without a leg and a hand, I survived. Many didn't."*

Asya Esmurzayeva, a mother of three children aged 11, nine and eight years, told Amnesty International that she was wounded on 21 October at the central market in Grozny while selling bread. Her mother, Tousari Esmurzayeva, was also there:

"After the first hit, I saw a man who was sitting in a car. His head had been blown off but his hands were still holding the wheel. Corpses were everywhere in the market. They were lying on the stalls. It was a terrible day. I took my daughter to hospital No. 9, but there was no electricity and the hospital was full. They sent us to Achkhoy-Martan hospital. There was no electricity there either. It was being shelled. We went to Sleptsovskaya hospital and from there came here. We crossed the border on 22 October; the next day the border was closed. My daughter was already in Galashki hospital when I went back to Chechnya; it was around 25-26 October. I tried to cross back to Ingushetia but the border was closed. Buses were burning on the road leading up to the border, around the village of Shami-Yurt, Achkhoy-Martan district, when we were travelling, and people were burning. Planes were shelling the road. People didn't even get the chance to bury the corpses properly. There were eight corpses from the buses buried in our cemetery. They were shelling the cemetery. It was around 29 October. They aren't killing fighters; they are killing women and children. What am I going to do now. I've got no money, no home here, no one to turn to for help."<sup>3</sup>

On 12 November, at the hospital in the village of Sleptsovskaya, Ingushetia, Amnesty International interviewed Luiza Asukhanova from Kirovo village, mother of Sulikhan Asukhanova, aged 14, whose right arm had been amputated after the attack in the Grozny central market.

At 5pm on 21 October, Luiza Asukhanova was walking home with her daughter, Sulikhan, after selling fruit and vegetables at the market in Grozny. Luiza Asukhanova stated that small arms were also sold at the market in Grozny, but that she did not have anything to do with it. "Everything was sold at the market. It was the only market we had." There were two explosions. Sulikhan started running, when there was a third explosion. Sulikhan had sat down and a bone in her arm was broken and sticking out. They abandoned the bags and began to run; Sulikhan's arm was hanging off her body. They found a car to take them to the hospital, where already many people were being operated on. When it got dark, they used candles for light. Sulikhan was given an anaesthetic and they were told to go to another hospital as the first hospital would not have time to treat her. They went to Hospital No.

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3 Interview with Asya and Tousari Esmurzayeva at the hospital in the village of Galashki, Republic of Ingushetia, 13 November 1999.

9, where there was the same situation, and from there, to Hospital No. 4, where Sulikhan was given an anaesthetic every 30 minutes. At around 10pm her arm was amputated.

Valya Sultykhanova, an ethnic Russian from Grozny married to a Chechen, had arrived from Grozny on 13 November and was interviewed by Amnesty International at the border crossing. She claimed that many ethnic Russians were also killed at the central market in Grozny.

The Russian authorities have given different and conflicting versions of what happened in the market place in the afternoon of 21 October. Aleksandr Mikhailov, head of the Russian Information Centre (founded by the government to release information regarding the conflict in Chechnya), reportedly stated on 22 October in the TV program "Segodnya" that no Russian military attacks on Grozny - from the air or by ground-to-ground rockets - had taken place on 21 October. He reportedly stated that the explosions at the Grozny market were possibly caused by the Chechen fighters themselves.

Aleksandr Veklich, head of the United Press Centre of the Russian federal forces in the North Caucasus, was quoted as saying in an interview for the TV channel ORT on 22 October: "According to information from the security forces, yesterday in the Grozny district called "Birzha", a market was discovered where weapons and explosives were sold. The market, including the weapons, explosives and the people who were selling them, was destroyed by a special operation. I would especially like to emphasize that the operation was conducted in a non-military way, without the use of artillery and aviation." Asked about the possible civilian casualties, Aleksandr Veklich reportedly stated: "You know, when it's dark peaceful civilians do not wander in the market, where weapons are sold to bandits and terrorists; they stay at home. That is why, even if there were any victims, these were only among the people who were selling weapons to the bandits and who supports them."

At a press conference during an official visit to Helsinki on 22 October, Russian Prime Minister Vladimir Putin reportedly stated: "I can confirm that there was an explosion at the market in Grozny. But I would like to stress that this was not a regular market -- it was a weapons market -- this is how this place is referred to in Grozny. This is a warehouse for weapons. And this place is one of the command points of the Chechen bandit formations. We do not exclude the fact that the explosion which happened there was as a result of fighting between two warring bandit groups. There is also information that a special operation by the Russian federal forces also took place there. These type of operations are carried out regularly. But this operation has no connection to the events which took place in Grozny."

On 23 October, Valery Manilov, First Deputy Chief of the General Staff of the Russian Forces, was interviewed by the TV channel NTV in the program "Segodnya". He commented on the incident the following way: "...The operation on 21 October in Grozny was not a military operation; it was a special [security] operation. As a result of this special operation, two bandit groups, which are opposed to each other, began a fight, which took place near one of the biggest warehouses for weapons and explosives. This warehouse was situated near a place where weapons and explosives were being sold.... During the combat between the two groups, it is possible that this warehouse for weapons was hit and it resulted in a powerful explosion."

It was reported that on 26 October in an interview broadcast by NTV channel, General-Major Vladimir Shamanov, Commander of the Russian Federal Forces “Zapad”, said that the explosions in Grozny on 21 October were the result of a Russian attack. He reportedly stated: “Obviously the ‘means of the higher boss’<sup>4</sup> were used here. The ‘means’ are usually either rocket attacks conducted by the air force or by the ground troops, or precision weapons.” Asked about who had the power to order the use of such weapons, General Shamanov reportedly stated: “No, I don’t have such powers. This is a question for the higher bosses.”

The President of Ingushetia, General-Major Ruslan Aushev, who is a professional military officer and a veteran of the Afghanistan war, also commented on the market attack in an interview with Radio Liberty on 23 October. He reportedly dismissed reports of an explosion in a weapons warehouse: “I’ve seen in the past fire in military warehouses. Even when the biggest warehouses in the Far East were exploding, there were only one or two people wounded. Here we have such a precise hit, and so many corpses, and so many wounded. For me as a military man is clear that this was an attack with tactical rockets.” President Aushev reportedly added: “These decisions are made at the very top, especially the decision to use or not ground-to-ground rockets, which are in principle carriers of nuclear weapons. I think that the President knows about this. Otherwise, who would take on themselves without the knowledge of the President the responsibility to use the rocket troops?”

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4 “ \_\_\_\_\_ ” -- meaning that the attack had to be authorized at the highest level.

According to witnesses, there were legitimate military targets at the market - weapons being sold at several stalls in one corner of the market. However, even assuming that these weapons were indeed the target of the attack, the use by Russian forces of high explosive weapons in a market place crowded with civilians suggests that this attack may have been indiscriminate within the meaning of Article 51 of Protocol I Additional to the Geneva Conventions<sup>5</sup>, to which the Russian Federation is a party, and therefore a grave breach of this Protocol<sup>6</sup>.

### **Attacks on hospitals or surrounding areas in Urus-Martan and Grozny (19, 21 and 27 October)**

On 19 October the area around the hospital in the town of Urus-Martan was attacked. Rosa Sharipova, mother of Aset, said she witnessed the death of eight people wounded in the attack who had been brought to the hospital where her daughter was undergoing surgery<sup>7</sup>. She said that in an attempt to avoid shelling the hospital staff had placed a cloth with a red cross on the roof of the building. Amnesty International met another person who reported this attack. She was recovering from a leg injury in hospital in the village of Galashki.

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5 Among other things, Article 51 states that: "Indiscriminate attacks are:

- (a) those which are not directed at a specific military objective;
- (b) those which employ a method or means of combat which cannot be directed at a specific military objective; ...and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction." It further states that: "Among others, the following types of attacks are to be considered as indiscriminate: ...an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."

6 Article 85 of Protocol I states *inter alia* that: "... the following acts shall be regarded as grave breaches of this Protocol, when committed wilfully, in violation of the relevant provisions of this Protocol, and causing death or serious injury to body or health:.... launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects ...."

7 Aset Sharipova, eight years old, was wounded in an attack, which took place on the night of 18 October in the village of Gekhi, Urus-Martan district, when a "ground-to-ground" rocket reportedly destroyed 10 houses. She lost part of her foot, after being hit by a fragment from a high-explosive artillery shell.

On 21 October, the only working maternity hospital in Grozny reportedly came under attack, causing the death of 13 mothers and 15 new born babies. Taisa Ismailova, from Grozny, was near the hospital when it was bombarded. Taisa told her sister Zara Debirova that she saw a woman who was giving birth in the hospital being thrown through a window as a result of the blast. Taisa Ismailova saw many people who had been killed.<sup>8</sup>

Luiza Asukhanova and her daughter, Sulikhan, were in Hospital No. 4 in Grozny, after Sulikhan's arm was amputated. She told Amnesty International that on 27 October, at about 10am, the buildings around the hospital were bombed. At the time the bombardment began, Sulikhan was being given a blood transfusion. The doctors shouted for people to get onto the floor, but as Sulikhan had also an injured stomach, she could not be moved from the bed. Luiza Asukhanova waited 10 minutes and then took Sulikhan to the basement. After about 10 minutes, the cellar was completely full of people whose houses had been hit. The hospital itself was not hit directly.

***Attacks on the village of Zakhan-Yurt. Russian forces open fire on medical personnel of the Zakhan-Yurt psychiatric hospital (1 November and 6 November)***

Several people told Amnesty International about air and artillery attacks on the village of Zakhan-Yurt at the beginning of November which resulted in civilian casualties. Witnesses recalled that on 1 November Russian forces who had taken up a position in the grounds of psychiatric hospital in Zakhan-Yurt the previous night, fired on doctors and nurses who came in the morning to look after their patients. The chief doctor was reportedly killed in the attack and three other medical personnel were wounded. The hospital was reportedly clearly marked with the red-cross emblem and was an isolated building on the outskirts of the village. It was reported that when the doctors and nurses drove up to the hospital in the morning they were holding a white paper with a red cross marked on it up to the windshield and that this would have been visible from a long distance. More than 30 psychiatric patients remained in the hospital and their plight is unknown.

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<sup>8</sup> Amnesty International interview with Zara Debirova in Camp "Severny" on 12 November 1999.

The Geneva Conventions specifically prohibit attacks on medical personnel and require all parties to a conflict to respect and protect medical personnel, medical units, medical transports and to respect the emblem of the Red Cross.<sup>9</sup> The Geneva Conventions also require that the sick during conflict be protected and respected.

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<sup>9</sup> Article 9(1) of Protocol II Additional to the Geneva Conventions states: "Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission."

Other accounts told of further attacks on the village. For example, Petimat Tursultanova<sup>10</sup> had fled Grozny with her family, and had gone to the village of Zakhani-Yurt. She said that she was indoors when the bombing of the village began on 6 November. It lasted 30 or 40 minutes. Attacks were periodic, with lulls of between three and five hours. She claimed that local doctors were hit by missiles while visiting wounded patients in their homes. Petimat Tursultanova said that initially the airplanes were bombing the edges of the village. The village elders sent a delegation<sup>11</sup>, begging the Russian federal troops to stop peaceful inhabitants being killed. Many women were killed, and others seriously wounded. During the attacks the Russian forces were said to have used anti-personnel high-explosive artillery shells, whose fragments in some cases exploded in the air, long-range missiles and heavy artillery.

Witnesses claimed that in an artillery attack on Zakhani-Yurt, following the air attack, many women died as they left their shelters to fetch water, and there were many people wounded by fragments from the high-explosive artillery shells. Tamara was wounded by a shell fragment during the attack on 6 November. She was taken over the border into Ingushetia by the Tursultanov family and was taken to the hospital in Nazran and later to Sleptsovskaya for urgent treatment of her open wound.

The village was surrounded by Russian troops. Petimat Tursultanova said they were lucky, their street was not hit in the attacks. She also claimed that there were no Chechen fighters in the village, because the villagers themselves appealed to them not to come into the village.

#### ***Repeated attacks on Samashki (between 23 and 27 October and on 2 November)***

Several people interviewed by Amnesty International reported artillery and rocket attacks on Samashki on 23, 24 and 25 October, during the night of 26 October, and all day on 27 October and 2 November, resulting in many casualties. According to witnesses, the most serious attack was on 27 October. Khamsat Askhadovna Amageva saw her female cousin, Zara Mutaeva, and 12-year-old niece, Emina, killed by shells. Shells which hit the Mutaevs' house on Lenin Street killed Lina Debrieva, aged 12, and Zara Mogamedovna Barzoeva, aged 47, and seriously wounded Esila Abudalipovna Debrisheva, aged 35. She is now undergoing treatment in a hospital in Ingushetia.

Umar Khadzhiiev, 70 years old, from Samashki, residing in Druzhba street, had travelled from Samashki to the border post with Ingushetia. He had just crossed the border on foot when he told

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10 Amnesty International's representative interviewed Petimat Tursultanova, 25 years old, from Grozny, at the central railway station in Nazran on 11 November, where she was awaiting overnight to be assigned a seat on a train out of Ingushetia. A teacher and a widow since her husband was killed in the previous armed conflict, she is a mother of a four-year-old son, Islam, and two girls. She was also with her 64-year-old mother, "Zara".

11 Many people interviewed by Amnesty International told about the practice in Chechen villages of sending a peaceful delegation by the village's elders to both the Chechen fighters and the Russian troops to negotiate the safety of their village: they asked the fighters not to enter in residential areas and the Russian troops to stop the attack on their village in the absence of Chechen armed groups.

Amnesty International about the attack on Samashki that he had witnessed on the night of 24 October. Umar Khadzhiev was there with his 18-year-old grandson, Arsen Khadzhiev. Umar Khadzhiev said: "It was dark, people were asleep when it began. The windows and door of our house were blown out by the blasts." He said that other houses were completely destroyed in the attack, for example along Kooperativnaya and Lenina streets. Umar Khadzhiev said that he knew personally 10 individuals - men, women and children - who had died in the attack. He said he buried Anzur Magomadov, the best player of the local football team, who was killed in the attack. He also said that there were no Chechen fighters in Samashki, as they had left the village weeks before the attack.

*On 12 November at camp "Severny", Nora Labazanova from Samashki told Amnesty International about the attack on the village on 2 November 1999. She said: "They started bombarding Samashki with ground-to-ground rockets at 7.30pm. It continued all night with a short break at 4am the next morning. I saw many people who were injured, women who lost limbs, children."*

*Nora Labazanova's mother's cousin, Isila Derbisheva, lost her 12-year-old daughter Alina in the attack - her family retrieved the parts of her body for burial. Nora Labazanova also said that the Chechen fighters had already left the area weeks prior to the attack: "Only the poorest, the elderly, the orphans remain in Samashki. Everyone else has left."*

**Attack on a civilian convoy near Shami-Yurt (29 October)**

According to witnesses, on 29 October a Russian air attack took place near the village of Shami-Yurt, Achkhoy-Martan district, 12 miles west of Grozny, on a convoy of five vehicles, including vehicles from the Chechen branch of the Russian Red Cross clearly marked with the Red Cross emblem<sup>12</sup>, and other vehicles with civilians fleeing the conflict. At least 25 people, including two local Red Cross staff members, were killed and up to 70 people, including one local Red Cross staff member, were wounded. Kheidi Lapazanova told Amnesty International on 13 November that her uncle, Umar Lapazanov, was killed in the attack. Two female relatives, Aiza Akayeva and Khedi Timbulatova, who were travelling with him in the same car, were injured. They had just been turned back from the border by the Russian troops when they came under fire.

Tousari Esmurzayeva from Grozny told Amnesty International that she was travelling by road back to Grozny on 29 October and saw buses burning on the road leading to the border around the

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12 Article 11 (1) of Protocol II states: "Medical units and transports shall be respected and protected at all times and shall not be the object of attack.."



village of Shami-Yurt. People were burning inside them. She stated that later she saw the burial of eight corpses from the buses.

Petimat Tursultanova's family expected that on 29 October there would be a safe corridor to escape the conflict zone, following a TV report. On 29 October they headed for the border with Ingushetia and as they travelled towards the border they witnessed people fleeing in buses being hit by bombs from airplanes. Petimat's mother, "Zara", told Amnesty International on 11 November in Nazran:

"We were not permitted to cross the border, so we turned back and headed for another village inside Chechnya. While we were on the road there was an attack on and around the village of Shami-Yurt from two airplanes. I saw buses with women and children who had burned to death inside. There were four cars with people dead inside. We survived because we hadn't got as far as the village by that stage".

The reports of this attack on a civilian convoy would also seem to be corroborated by other testimonies collected by Amnesty International which indicate that Russian forces were conducting air bombing raids on 29 October in the area of the main road leading from Chechnya to Ingushetia, the Baku-Rostov highway. According to these reports, on 29 October Ramzan Mezhidov, a freelance cameraman for TV Tsentr, was killed when the convoy of civilian cars in which he was travelling towards the border with Ingushetia was fired on by a Russian airplane. Cameraman Shamil Gigayev of the Grozny-based TV company "Nokhcho" was also reportedly killed in the same attack while en route from Grozny to Nazran, in Ingushetia.

Press reports quoted the Russian Prime Minister, Vladimir Putin, as saying that some errors could have been made. However, the Russian authorities have officially denied responsibility for civilian casualties as a result of the attack.

Reports indicated that at the time of the Russian attacks there were no legitimate military targets in the area. Eyewitness accounts of this incident would seem to indicate that the Russian forces had deliberately targeted civilians and civilian objects, despite some of them being marked with the Red Cross emblem, in violation of international humanitarian law.

### ***Attack on Sernovodsk elders***

While in Ingushetia, an Amnesty International representative met members of the non-governmental organization, Centre for Peacemaking and Community Development, who have been based in the village of Sernovodsk in South West Chechnya. They reported an incident in which Russian forces based on the edge of Sernovodsk invited representatives of the village elders living temporarily in Sleptsovskaya, Ingushetia to a meeting on 29 October 1999. The group of five elders was headed by Eli Umkhanov, a 60-year-old man who had been appointed by the Sernovodsk elders as their representative in talks with the Russian forces blockading their village. Russian officers, who had been in regular contact with Eli Umkhanov over 10 days, reportedly explained that they had seen Chechen fighters on the other side of the village near the railway station. Eli Umkhanov was asked to

go to the area of the station and request the fighters to leave the village. He agreed, and set off to the station in a Russian 'Niva' car, accompanied by four other village elders. The men inspected the area around the station, but allegedly found no trace of any fighters.

On the way back, Russian forces on the ridge above Sernovodsk reportedly opened fire on the five elders returning to the Russian base outside Sernovodsk on the road to Sleptsovskaya. Eli Umkhanov was hit in the head by a bullet. The other elders held up white cloths to the Russian forces attacking them to urge them to stop firing. Reportedly, the firing did not stop immediately, and the five elders had to wait for two hours before being able to move towards the village.

Eli Umkhanov was later hospitalized and was lying unconscious in the hospital of Sleptsovskaya in Ingushetia at the time of the interview. Amnesty International learned at the end of November that Eli Umkhanov died in hospital from his head injuries.

#### ***Attempted killing in Naursky district, in territory under the control of Russian forces***

'Ibragim' (not his real name), aged 20, from Naursky district, told Amnesty International that on 9 October he was stopped in a field outside his village by 15 to 20 Russian soldiers dressed in camouflage uniforms. He was looking after his animals. They gagged him, tied his hands and legs together with his own belt, and forced him to kneel on the ground. He claimed that one of the soldiers cut his throat with a knife, and the soldiers then left. He lay on the ground until the next morning, when his relatives found him. He had lost a large amount of blood. When Amnesty International interviewed him in a hospital in Ingushetia he asked to remain anonymous for fear of repercussions.

#### ***Killing of civilians fleeing Grozny (3 December)***

*The correspondent of Radio Liberty in Ingushetia, Andrey Babitsky, reported that on 3 December at least 40 civilians fleeing Grozny, as part of a civilian convoy, were killed by Russian special detachment ("spetsnaz") troops. According to seven survivors, interviewed in a hospital in Ingushetia by Radio Liberty, at 9am on 3 December about 50 civilians in a convoy consisting of seven cars and one bus were heading towards the border with Ingushetia. They had marked their vehicles with white flags.*

*According to these testimonies, the convoy was stopped at a Russian checkpoint near the village of Goity, a few kilometres south of Grozny, by Russian troops wearing masks and camouflage uniforms. They checked the cars and then opened fire on the passengers at point-blank range. The bus caught fire*

and the passengers were burned. More than 40 civilians were killed. The seven who survived were wounded. They reached Ingushetia in one car, with shattered windows and bullet holes, as seen by journalists in front of the hospital in Sleptsovskaya. Among the survivors was Tatyana Aidamirova, who was treated at the hospital in Sleptsovskaya:

“They came up to the cars. Their cannon was a bit further away, and they shot at us from their sub-machine guns right at point-blank range. They checked the cars. They saw that dead people were lying there. They did not explain anything. They were all in masks. And they were also so satisfied, as if that was the way it should be. I do not understand, such cruel people, that everyone had to die. Later they themselves gave first aid to the wounded: put bandages on wounds, gave us anaesthetics... We asked whether we could go back to Grozny and they answered, 'no, you will not go back alive', and they allowed us to travel towards Nazran.”

It was reported that the Russian Ministry of Defence stated that the media reports of this incident were “disinformation”.

#### ***Trapped civilians in Chechnya and Russian ultimatum to leave Grozny (6 December)***

Hundreds of thousands of civilians are believed to be still in Chechnya, including a large number of displaced persons who have moved within Chechnya seeking safety. For example, tens of thousands of people from other parts of Chechnya had reportedly gathered in the town of Goity, south of Grozny, believing it to be safe. According to reports, Russian forces shelled Goity on 21 November killing at least seven civilians, and have repeatedly attacked the roads out of Goity.

People told Amnesty International in November that whole districts in the south of Chechnya, in the direction of the border with Georgia, were cut off by the Russian forces which were constantly shelling bridges and the only remaining roads out. According to these accounts, thousands of civilians remained trapped, seeking protection in the basements of their houses. Other reports indicate that by the end of November about 1,300 civilians displaced from various parts of Chechnya were in the village of Alkhan-Yurt, and that the main road leading from the area of Urus-Martan district towards Ingushetia had been cut off and was constantly shelled by Russian forces.

Malika Istamulova, mother of two children aged 15 months and four years, from the village of Khal-Kiloy in Shatoysky District, told Amnesty International on 14 November that she had been trying for days to get safely to Khal-Kiloy village where her children and elderly relatives are, to rescue them and to bring them to Ingushetia. She said: "In Shatoysky District there is a huge buildup of thousands of internally displaced people from other parts of Chechnya, but no humanitarian aid and no food is available, and people will start to die of hunger there. People are unable to flee due to the bad roads, the narrow mountain pass is constantly bombed, there is no transport. Am I a terrorist? Do I look like a bandit? There are thousands of people like me, trapped there, with no way to safety."

On 6 December Russian aircraft dropped leaflets over Grozny telling residents to leave the city before 11 December through a designated corridor: "Only in this way will you be able to avoid death and save your city," one leaflet is said to have warned. Another leaflet reportedly stated that the Russian armed forces would consider all those remaining in Grozny after the deadline of 11 December to be "terrorists and bandits. They will be destroyed by artillery and aviation." Estimates of the number of civilians remaining in Grozny at the time ranged from 10,000 to 50,000.

Amnesty International sent urgent appeals to the Russian authorities stressing that under international humanitarian law civilians who remained in Grozny after the deadline did not lose their civilian status and should therefore be protected against attack. There were concerns that many of them would not be able to leave for reasons including age or illness, or would not have known of the ultimatum. Amnesty International called on the Russian authorities to publicly commit to upholding their obligations to ensure the safety of civilians<sup>13</sup>.

It was reported by Russian TV channel ORT that by 11 December fewer than 200 people had fled along the corridor through the village of Pervomayskoye, a suburb of Grozny. According to Russian officials there are between 8,000 and 33,000 civilians still in Grozny. On 14 December Russian Minister of Emergency Situations, Sergey Shoigu, was quoted as saying that more than 2,000 civilians have fled the city. He stated: "There are six corridors in action, two are most active". However, the number of alleged corridors and their safety for civilians remained unclear. On 16 December the first deputy chief of the Russian General Staff Colonel-General Valery Manilov, reportedly said: "We shall definitely allow civilians to leave Grozny and will possibly set up five or six safe corridors". He also reportedly added that the command of the Russian federal forces "does not plan any onslaught on Grozny".

The former Chechen Deputy Prime Minister, Movladi Udugov, said in an interview with Russian Radio "Ekho Moskvyy" on 16 December: "There are no humanitarian corridors whatsoever. People are leaving the city if they can and where they can. [Sergey] Shoigu announced that there would be humanitarian corridors towards the village of Pervomayskoye, but a convoy of five buses was shelled there several days ago. As a result, 15 people were killed and more than

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13 Article 17 of Protocol II Additional to the Geneva Conventions states that:

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.
2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

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20 wounded.” According to media reports on 16 December, civilians fleeing Grozny reported that the bus they were travelling in was attacked by Russian forces in the “safe corridor”. One of the survivors, 72-year-old, Lidiya Kobekova reportedly said: “This is not a road to life, it’s a road to death. The radio said there was a corridor. They were shooting, we were nearly killed.” Another survivor, “Luyba”, reportedly said: “Our bus was shot by the Russians. Four people were wounded. We had to crawl on our stomachs to avoid the gunfire and then carry on by foot.”

It is impossible to estimate the number of people still trapped in Grozny at the time of writing of this report. According to different statements an estimated 20,000 and 40,000 civilians remain in the city.

### ***The plight of the internally displaced in Ingushetia***

According to the Russian Federal Migration Service (FMS), as of 12 November the number of people who had left the Chechen Republic since the beginning of the conflict had reached 202,313. By the beginning of December the number had increased to around 300,000 people. Around 209,000<sup>14</sup> of them, are currently in Ingushetia, living in camps along the Chechen-Ingush border. The largest is a tent camp, “Sputnik”, hosting over 8,000 people. Around 10,000 people are in train carriages in “Severny” camp.

When Amnesty International visited these two camps, a tent designed to accommodate 10 people was housing over 20, and a train compartment meant to accommodate six people was housing

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14 It is difficult to assess the exact number of internally displaced people living in Ingushetia because of the constant flow of Chechens in and out of Chechnya. Many people have left family members in Chechnya and are frequently returning to Chechnya from Ingushetia to supply them with food. Some elderly Chechens have allegedly refused to leave their houses and have remained in the area of conflict. According to information from the UNHCR of 14 December, the Ingush Migration Service had registered a total of 246,219 internally displaced in Ingushetia. Since 1 November, a total of 82,683 internally displaced people have moved from Chechnya to Ingushetia, and 35,730 from Ingushetia to Chechnya. On 13 December, 1,408 people went to Ingushetia and 915 to Chechnya. However, the BBC reported on 18 December that the Ingush Migration Service had stated that 209,000 displaced people remained in Ingushetia.

more than 12 people. People told Amnesty International that there was insufficient water, food and heating, both in the tents and in the train carriages. A baby boy, Islam, 16 months' old, died, reportedly from cold, during the night in one of the train carriages. Two other children, aged eight months and two years, reportedly also died in November from the cold in the train carriages. People living in the camps reported that there have been a number of cases of dysentery, digestive disorders and infections. Infestation with lice was also reported. Reports from the border indicated that on 2 December some of the internally displaced in Ingushetia were attempting to return to Chechnya because of the conditions in the camps.

Displaced people told Amnesty International that roads leading out of Ingushetia to other regions of the Russian Federation were closed by Russian forces, the only way out being by train from Nazran. People interviewed by Amnesty International at the main railway station in Nazran said they had been waiting for days to obtain free tickets provided by the Ingush authorities. The trains go to two destinations, Mineralniye Vody in Stavropolsky Kray and Moscow.

Amnesty International has also received reports that money has been extorted from displaced people at border crossings between Chechnya and Ingushetia, and in order to get on to a train out of Nazran.

### ***Allegations of secret "filtration camps"***

According to accounts collected by Amnesty International, women and men are subjected to "filtration" – they are separated from each other and their identity documents are checked at the border crossing with Ingushetia against computer data, which allegedly includes information on suspected members of armed Chechen groups and their relatives. A number of men have reportedly been detained following such checks. They are usually kept for some time in a detention place at the checkpoint and then taken to unidentified detention facilities, or so-called "filtration camps". Their relatives have not been informed of their whereabouts.

Amnesty International does not know of any official confirmation of the existence of "filtration camps", but a number of sources alleged that at least one such camp exists in the town of Mozdok in the Republic of North Ossetia, bordering on Chechnya. Amnesty International is concerned that arbitrary detention of people in such camps, without access to their relatives, to lawyers, or to the outside world would facilitate the practice of torture and ill treatment. The organization documented a large number of cases of torture and ill-treatment, including electric shocks, in "filtration camps" during the 1994 to 1996 armed conflict in the Chechen Republic. Men between the ages of 16 and 55 were held in such camps throughout the war in Chechnya.<sup>15</sup>

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15 The 1996 report of the Russian Presidential Commission on Human Rights (covering 1994-1995), formerly headed by Sergey Kovalyov, states that during the period up to 25 January 1995, when the majority of detentions took place, civilians were detained and brought to the "filtration camps" without being officially charged or their detention acknowledged in any way. Beginning in February 1995, when detention orders began to be written up in some instances, they were processed in violation of existing Russian laws. In the majority of cases, the orders contained references to the Russian President's Decree "On Measures to Prevent Vagrancy and Begging" of 2 November 1993,

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which, in violation of the law, was applied to legal residents of the Chechen Republic, possessing proper identification papers. Reference to this Decree allowed for extending the period of detention without charge to nine days, in violation of the 48-hour maximum period provided in the Russian Constitution or the 72-hour maximum period permitted by the Code of Criminal Procedure. According to official information, a total of 1,325 persons passed through the “filtration camps” between 11 December 1994 and 22 July 1995. According to witnesses, every Russian army checkpoint in Chechnya at the beginning of 1996 had a common list of 958 names of people who were wanted for “filtration”, and in addition every checkpoint had created its own list of local residents who were to be detained and transferred to “filtration camps”.



In July 1995 the Human Rights Committee noted in paragraph 29 of its Comments: “The Committee expresses deep concern about the large number of reported cases of torture, ill-treatment of the person and arbitrary detention in ‘reception centres’ or ‘filtration camps’, which were originally established to determine the identities of captured combatants but are reported to accommodate large numbers of civilians as well. It deplores the maltreatment of detainees in these centres and is concerned that the International Committee of the Red Cross (ICRC) has not been given access to all such camps.”<sup>16</sup> The Committee, in paragraph 42, urged the Russian government “to ensure that all persons held in detention are held for legitimate cause, for a reasonable period of time, and under humane conditions, in conformity with the State party’s obligations under the Covenant.” Amnesty International is unaware of any effective steps taken to implement these recommendations.

In November 1999 Amnesty International received the following information from several different, non-Chechen sources, who do not wish to be identified. At the border crossing checkpoint “Kavkaz - 1” near the village of Assinovskaya the Russian federal forces are filtrating both men and women, but mainly men are targeted. There are two detention facilities near the border crossing checkpoint, one for men and one for women. According to one witness, he saw 16 men in detention at the beginning of November. He also saw seven women in detention, who were allegedly suspected of being relatives of Chechen fighters. One of the women was reportedly pregnant. The same source claimed that on 10 November he saw the two Varayev brothers from Grozny in detention. On the same date he also saw Usman Umotgireevich Khadisov; Mogamed Zaurov from the village of Kantyshego; Beslan Khasmogamedovich Beksultanov from the Staropromyslovskiy district in Grozny; Rezvan Kavarnukaev from Achkhoy-Martan, who was sent to Mozdok “filtration camp”; and Adam Gadayev from Urus-Martan in detention at the Russian border crossing checkpoint detention facility. Almost all of them were, according to the source, bruised and with visible contusions on their faces. He claimed they had been beaten. The detention facility is situated in a house controlled by FSB officers.

Another source claimed that during the “filtration” at the border crossing “Kavkaz-1”, the Russian soldiers were checking the hands of the men to see whether they had blisters, considered as evidence of involvement in the digging of trenches and, therefore, of being Chechen fighters. Displaced people awaiting their relatives at the border crossing “Adler-20”, which is on the Ingush side, claimed that they had seen, on different occasions, men being detained at “Kavkaz-1”. Men claimed that all men’s passport details are compared with data on a computer. Russian intelligence had allegedly obtained a list of all men who fought on the Chechen side in the previous war from the office of President Aslan Maskhadov, against which men’s passport details are checked.

Another source claimed that on 6 or 7 November 32-year-old Imran Ediev, who was travelling in a car with five companions, was detained.

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16 See *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, Comments of the Human Rights Committee, Russian Federation*, UN Doc. CCPR/C/79/Add.54, 26 July 1995.

Relatives waiting on the Ingush side of the border claimed that on 13 November, at around 12 noon, Ibragim Daudovich Giriev was detained; on 14 November at midday they were still waiting for him to reappear.

Sotsita Yedisultanova and her mother Tousari Yedisultanova, who arrived in Ingushetia from Urus-Martan on 14 November told Amnesty International that they witnessed a neighbour's boy, 16-year-old, "Bozhe" Dudayev, being detained at "Kavkaz -1". He was allegedly suspected of being a relative of former President Dudayev, because of his family name, and a supporter of the Chechen fighters.

Zainap Dedikova from Grozny told Amnesty International in camp "Sputnik" on 12 November that 18 or 19-year-old Gamza Musayev, from Katyr-Yurt, Achkhoy-Martan district, was detained by Russian soldiers on 2 or 3 November while trying to cross the border into Ingushetia. Zainap Dedikova was later told that he was in a Russian prison.

Oleg Kusov, one of the correspondents for Radio Liberty, was detained on the evening of 21 November at "Kavkaz - 1" when he attempted to cross into Chechnya. He claims that while in detention he saw two Russian OMON officers beat two Chechen detainees from Samashki, "Uslanbek" and "Salanbek". He claimed that the OMON officers had repeatedly kicked one of the Chechens in the stomach, while the other one was hit with a pistol butt on the head. On the following morning, they were reportedly taken to the "filtration camp" in Mozdok. Oleg Kusov stated he was released on 22 November following the intervention of the Ingush President Ruslan Aushev.

Another source claimed he had visited the premises of a "filtration camp" in the city of Mozdok, situated in the military base of the Internal Troops of the Russian federal forces. The base is surrounded with a barbed wire fence. The source claimed that at the military base he saw a group of about 23 young men in handcuffs who had just been delivered from Chechnya. He also claimed that at "Kavkaz-1" he heard an OMON officer instructing his subordinate: "If you see anyone suspicious, you have to detain them, and you know what to do with them – send them to Mozdok, to the camp." The source claimed that the Russian forces conceal all information about detentions on the border and the existence of the "filtration camps". No independent organizations have access to the detention facilities at the checkpoint "Kavkaz - 1" or to the alleged "filtration camps".

## **II ALLEGATIONS OF VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW BY CHECHEN ARMED GROUPS**

*There have been reports of violations of international humanitarian law by Chechen armed groups, primarily by Russian official sources, but there are serious difficulties in investigating them, including the lack of independent information and witness accounts of such incidents. In one instance, the Russian Ministry of Defence claimed that Chechen civilians have been killed by Chechen armed groups for refusing to allow them into their village. There have also been reports that Chechen armed groups have been preventing people from leaving Chechnya, that they are using people as a "human shield" and are making them dig fortifications. Witnesses told Amnesty International that following the attack on the market in Grozny, ethnic Russian residents of Grozny had been visited by Chechen armed groups who gave them an ultimatum to leave the city, and subsequently some of them left.*

*It was reported that on 28 November unarmed Chechen civilians in the village of Gekhi came under direct fire by Chechen fighters and at least five people were wounded in the attack. Reportedly, in the weeks prior to this incident the Chechen fighters had frequently entered the village in order to fire on the nearby Russian forces' positions and then immediately withdraw. This provoked retaliation attacks by the Russian forces against the village. Allegedly, the residents of the village had established a checkpoint on the outskirts of Gekhi in order to stop Chechen fighters from coming into their village and thus giving cause to the Russian forces to launch retaliatory attacks on the village.*

*It was reported on 3 December by the correspondent of Radio Liberty that during a combat mission in the town of Urus-Martan on the night of 2 December about 200 Russian soldiers were killed in combat and a number of*

Russian troops who were captured by the Chechen forces as prisoners of war were killed by having their throats slit. According to Radio Liberty, the Deputy Minister of Internal Affairs of Ingushetia, Ali Dudarov, was reportedly told by the commander of the Russian checkpoint "Kavkaz -1", Colonel Khrulyov, that he had ordered the closing of the border crossing with Ingushetia on 3 December as a reaction to the incident from the night before when Russian prisoners of war had been killed by Chechen fighters. The Russian commander was quoted as saying: "They cut [the throats] of our people."

Amnesty International is concerned that if these reports are accurate, the Chechen fighters have committed a grave violation of international humanitarian law. Common Article 3 of the Geneva Conventions, relating to conflicts not of an international character, prohibits killing of any "persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause."<sup>17</sup>

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17 Common Article 3 of the Geneva Conventions of August 12 1949.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel

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*treatment and torture;*

*(b) taking of hostages;*

*(c) outrages upon personal dignity, in particular humiliating and degrading treatment;*

*(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.*

*(2) The wounded and sick shall be collected and cared for.*

*An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.*

*The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.*

*The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.*

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*There was no independent confirmation of most of the above-mentioned reports.<sup>18</sup>*

### **III PERSECUTION OF CHECHENS BY THE POLICE: ALLEGATIONS OF ARBITRARY DETENTION, TORTURE AND ILL-TREATMENT, FORCIBLE EXPULSION AND FABRICATION OF EVIDENCE**

***"The only good Chechen is the dead Chechen."***

- A phrase reportedly spoken by Moscow police officers during interrogations of Chechens

In general, members of ethnic minorities have been particularly vulnerable to possible ill-treatment in police custody in the Russian Federation. Amnesty International has been concerned over the past five years about the apparent pattern of persecution and ill-treatment of members of ethnic minorities, especially those from the Caucasus, by law enforcement officials in Moscow and elsewhere in the Russian Federation, and by the apparent failure of the authorities to investigate complaints of such treatment. In July 1995 the Human Rights Committee expressed its concern "at reports of harassment shown towards persons belonging to minority groups from the Caucasian region taking the form of search, beatings, arrests and deportation."<sup>19</sup>

Reports collected by Amnesty International indicate that ethnic Chechens in Moscow and in other parts of the Russian Federation, outside Chechnya, have been discriminated against and that the whole ethnic group has been targeted by the Russian authorities on account of their identity. In September Russian law enforcement officials and local authorities in Moscow and other big cities launched what appeared to be a massive intimidation campaign mainly targeting Chechens and other people from the Caucasus. The Russian authorities claimed that since 15 September they had undertaken an anti-terror operation in Moscow known under the code-name "Whirlwind" (*Vikhr*), in which 22,000 law enforcement officials took part. In addition, 9,000 police officers from other cities have been sent to Moscow to assist and strengthen the Moscow police force. The Deputy Minister of Internal Affairs, Igor Zubov, was quoted as saying: "Operation 'Whirlwind' will be applied not only to Moscow, which suffered from the explosions, but to the whole of the country."

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*18 Following receipt of reports of human rights abuses being committed during the 1994-1996 conflict Amnesty International urged the Chechen authorities to condemn publicly human rights abuses by Chechen forces and to ensure that all detainees were treated humanely.*

*19 See Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, Comments of the Human Rights Committee, Russian Federation, UN Doc. CCPR/C/79/Add.54, at para. 23, 26 July 1995.*

Verifying possession of a residence permit or registration appears to be used by the authorities as a pretext to stop any person who appears to be from the Caucasus on the street for an identity check and to subsequently detain them. Reports suggested that up to 20,000 non-Muscovites were rounded up by the Moscow police and more than half of them were refused official registration and a resident permit. Officials in Moscow stated that some 10,000 non-Muscovites who lacked resident permits and were refused registration, had been expelled from the city.

Amnesty International has received reports over the past three months and has gathered a number of testimonies which indicate a pattern of arbitrary detention, including incidents of ill-treatment in custody, of Chechens and other people from the Caucasus by Russian law enforcement officials and the local authorities in Moscow and other large cities in the Russian Federation.

**(i) Targeting Chechens and other ethnic minorities by enforcing illegal and discriminatory practices: the “propiska” or “registration” system.**

*"Do you approve of a stricter registration regime in the capital?" Answers: "Yes" -- 90,3 %; "No" -- 7,9%; and "It doesn't concern me" -- 1,9%.*

- Results of a public opinion poll among Moscow residents by Moscow TV channel, TVC, conducted in September.

The so-called “propiska” (resident permit) system, although legally abolished in 1991 in national law, continues to be enforced by the local authorities in Moscow, St Petersburg and other large cities. It reinforces strict rules, requiring prior official permission for residence. Migrants, internally displaced persons or asylum-seekers who lack resident permits do not enjoy regular access to medical care, education and social services and are often subjected to arbitrary detention and forcible expulsion by law enforcement officials.

Amnesty International has documented a number of cases of torture and ill-treatment in police custody over the past five years<sup>20</sup> which have established that the lack of a “propiska” makes specific ethnic groups an easy target for law enforcement officials. Most of the documented cases of torture and ill-treatment of ethnic Chechens, Armenians, Azeris, and members of other ethnic minorities have happened after the victims were apprehended on the initial pretext that they did not have a valid “propiska”. Between 1994 and 1997, law enforcement officials have often used the provisions regarding the “propiska”, in combination with the provisions of the presidential decree on fighting organized crime, to detain people for up to 30 days without charge and without access to a lawyer, thus creating one of the preconditions for torture.

The Russian government has on a number of occasions been criticized for the continued enforcement of the practice of “propiska” by different UN and European regional bodies and institutions charged with reviewing the country's obligations under international human rights law. The

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<sup>20</sup> For more information see Amnesty International's report, *Torture in Russia: "This man-made Hell"*, April 1997 (AI Index: EUR 46/04/97).

latest example of such criticism is the recommendation to the Russian government by the UN Committee on the Rights of the Child of October 1999 to the Russian government to "end this practice of discrimination against children without residence permits".<sup>21</sup>

**(ii) Local law-making facilitating human rights violations: Moscow government's orders and instructions violating the Constitution**

*"We remove cars from the street, which are not parked properly or interfere with the traffic, the same is happening here too..."*

- Mikhail Serov, Head of the Passport Department of the Moscow GUVB, commenting on the procedure for forcible expulsion from Moscow of people who failed to re-register, 22 September 1999.

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<sup>21</sup> [UN doc: CRC/C/15/Add.110, October 1999.] In paragraph 51 of the Concluding Observations of the Committee on the Rights of the Child, following the consideration, on 23 September 1999, of the second periodic report of the Russian Federation under Article 44 of the Convention on the Rights of the Child, the Committee expressed concern about *"reports of the continuing practice, by some municipal administrations, of preventing parents and their children from having access to medical, educational and other social services in a city for which they do not have a residency permit, notwithstanding the practice being prohibited by law. This practice is particularly harmful to internally displaced children, migrants and asylum seekers and children working and living in the street."*



Following the bomb explosions in residential buildings in Moscow on 9 and 13 September, the Mayor of Moscow, Yury Luzhkov, on 13 September 1999 enforced Order No. 1007-PM “On urgent measures to ensure the registration of citizens temporarily residing in Moscow”<sup>22</sup>. This Order has never been officially published. In view of Article 15<sup>23</sup> of the Russian Constitution, laws and regulations such as Order No. 1007-PM are invalid in that they violate a number of constitutional guarantees.<sup>24</sup>

As set out in Order No. 1007-PM, it was announced that all citizens temporarily staying in Moscow had to undergo re-registration within a three-day period; failure to re-register would result in expulsion from the city. According to reports, despite the fact that the perpetrators of the apartment explosions had not been identified, Mayor Luzhkov expressed publically his complete conviction that the “terrorist” acts had not been performed by Muscovites, and reportedly promised to implement “strictest measures toward the city's guests”.

This is not the first time Mayor Luzhkov has made public statements implying that the ethnic Chechens and other people from the Caucasus residing in Moscow were responsible for criminal acts, while promising tough measures to fight crime. Amnesty International has been concerned that these statements over several years appear to be an implied instruction, allowing law enforcement officials in Moscow to persecute and instil fear in members of the Chechen ethnic minority residing in the city, solely on the basis of their ethnic origin. Given the existing pattern of persecution and the torture and

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22 See the full text of the Order in Appendix I.

23 Article 15 of the Russian Constitution provides the following guarantees:

- “1. The Constitution of the Russian Federation shall have supreme legal force and direct effect, and shall be applicable throughout the entire territory of the Russian Federation. Laws and other legal acts adopted by the Russian Federation may not contravene the Constitution of the Russian Federation.
2. Organs of state power and local self-government, officials, citizens and their associations must comply with the laws and the Constitution of the Russian Federation.
3. The laws shall be officially published. Unpublished laws shall not be applicable. No regulatory legal act affecting the rights, liberties or duties of the human being and citizen may apply unless it has been published officially for general knowledge.”

<sup>24</sup> After analysing Order No. 1007-PM, the experts from the Moscow-based non-governmental organization, Independent Council for Legal Expertise, led by Russian legal expert, Mara Polyakova, concluded that its provisions violate a number of national and international human rights norms.

ill-treatment of Chechens by the regular police force and the special police units in Moscow, the mayor appeared to be condoning and encouraging unlawful practices of law enforcement personnel against members of the Chechen ethnic minority.

On 12 July 1996 Mayor Luzhkov made similar remarks when visiting the site of a bomb explosion that day on a Moscow bus. His remarks, which were made in a conversation with a high-ranking police officer present on the site, were televised on 12 July on the "Segodnya" program broadcast by the NTV station:

*"Now we have to take actions. We have to take all of them out of Moscow. Everyone. The whole diaspora." Police officer: "Well, if you only allow us -- I will certainly introduce terror on the streets." Mayor Yury Luzhkov: "Yes. The whole Chechen diaspora -- out of here." Police officer: "It's about time we did that, Yury Mikhailovich. You are right -- it's about time." Mayor Yury Luzhkov: "We have warned them many times..."*

Amnesty International is concerned that the provisions of Order No. 1007-PM and their implementation may violate Article 12 of the International Covenant on Civil and Political Rights (ICCPR) providing for the right to freedom of movement and a choice of residence; the similar provisions of Article 2 of Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms; and provisions of the Russian Constitution including Article 19 (providing for equality before the law)<sup>25</sup>; Article 27(1) (providing for the right to freedom of movement and a choice of residence)<sup>26</sup>; Article 55 (2) and (3) of the Russian Constitution (prohibiting the adoption and inaction of laws which violate human rights and freedoms, as well as laying down that certain restrictions on rights and freedoms may be applied only in accordance with federal law)<sup>27</sup>; and

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25 Article 19 of the Russian Constitution provides the following guarantees:

Article 19(1): "All people shall be equal before the law and in the court of law."

Article 19(2): "The state shall guarantee the equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance. Any restrictions of the rights of citizens on social, racial, national, linguistic or religious grounds shall be forbidden."

26 Article 27(1) of the Russian Constitution: "Everyone who is lawfully staying on the territory of the Russian Federation shall have the right to freedom of movement and to choose the place to stay and reside."

27 Article 55(2) of the Russian Constitution states that: "No laws denying or belittling

the provisions of the Russian federal law "On the Right of Citizens of the Russian Federation to Freedom of Movement and Choice of Place of Arrival and Residence Within the Boundaries of the Russian Federation" of 25 June 1993.

In addition, the practice of enforcement by local authorities of the requirement for prior permission for residence, based on orders and instructions by the local executive powers, has been ruled as unconstitutional on several occasions by the Russian Constitutional Court, which reviewed these practices and issued decisions on 25 April 1995, 4 April 1996, 2 July 1997 and 2 February 1998.

The Order also violates Article 178 of the Administrative Code, which stipulates that residence without a passport or a registration is punishable by a fine or a warning to the person. However, Order No. 1007-PM (point 1.1) allows law enforcement officials to detain and to forcibly expel any person who lacks re-registration, including a forcible return to their place of permanent residence. Point 3 of the Order instructs law enforcement officials from the different departments of the Ministry of Internal Affairs to "take all measures to not allow access into the city, including taking people off airplanes and trains, and forcible expulsion and return, of citizens who have not registered their temporary stay in Moscow".

Given that the requirement of resident permits and enforcement of regulations or orders requiring re-registration violate national and international law, Amnesty International considers that the deprivation of liberty of any person in connection with such laws, regulations or orders violates Article 9 of the ICCPR and Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and constitutes arbitrary detention.

***Arbitrary detention and forcible expulsion of Malika Takayeva and her brother Amzhet Takayev***

Amnesty International interviewed Malika Takayeva and her brother Amzhet on 6 November 1999. Malika Takayeva, a former employee at the Ministry of Finance in Chechnya has been living in Moscow since 1995 with her brother and sister. The duration of the Takayevs' residence permit had run out, but they had not had time to renew it. Malika and Amzhet Takayev claimed that on 11 September all three Takayevs were fined and on 13 September they were detained by officers of "Chertanovo-Tsentrálne" Department of Internal Affairs in Moscow. Malika Takayeva's friends and colleagues did not know their whereabouts. Eventually, they found out that the Takayevs had been

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*human and civil rights and liberties may be issued in the Russian Federation."*

Article 55(3): "Human and civil rights and liberties may be restricted by the federal law only to the extent required for the protection of the fundamentals of the constitutional system, morality, health, rights and lawful interests of other persons, for ensuring the defence of the country and the security of the state."

sentenced by the Chertanovsky Court in Moscow to five days' imprisonment, on a charge of "petty hooliganism" under Article 158 of the Administrative Code.

However, they were kept in the same detention facility as those held under criminal charges. During their interrogation they were reportedly threatened with being put into a cellar "to rot", and they were told that their sister would be killed. On being released, the brother and two sisters returned to their flat, to find that it had been sealed up. Police officers arrived and allegedly gave them 24 hours to remove their belongings. An hour later another police officer returned and allegedly stated that Chechens should not just be expelled but destroyed. On 19 September, the Takayevs left Moscow for a town called Nalchik, although they had no guarantee that the hostel in Nalchik where their mother lives would allow them to stay. Later they returned to Moscow.

Following Order No. 1007-PM, the Moscow City Government adopted Decree No. 875 of 21 September 1999, "On the enforcement of the temporary regulations for the relocation of persons who are violating the rules of registration, out of Moscow to the place of their permanent residence."<sup>28</sup> Decree No. 875 (Point 1.4) ordered law enforcement officials to discover citizens of the Russian Federation and of other countries of the former Soviet Union, the so-called Newly Independent States (NIS), who have been residing in Moscow but who have failed to re-register, to detain them and to deliver them to the district departments of Internal Affairs to be charged for violations under the Russian Administrative Code, and for initiation of the procedure for their expulsion from the city and for their forcible return to the place of their permanent residence. The Decree also prescribed that people without registration are to be held in detention in the police departments awaiting their expulsion from the city.

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28 See the full text of the Decree in Appendix.

The Moscow government Decree No. 875 violates a number of Constitutional provisions and Russian federal laws, including Article 27 of the Constitution which guarantees freedom of movement and choice of residence to everyone who legally resides on the territory of the Russian Federation. The Decree, which does not have the legal force of a federal law, violates the Constitutional requirement in Article 55(3) that human rights and freedoms may be restricted in exceptional circumstances only by a federal law. By restricting the rights of particular group of people in the absence of an officially declared state of emergency, the Decree violates Article 56(1) of the Constitution, which provides that the exercise of certain rights could be restricted temporarily by law only if a state of emergency has been declared<sup>29</sup>.

The renewed armed conflict in the Chechen Republic and the Russian bombardment of Chechen towns and villages has driven hundreds of thousands of people to seek refuge elsewhere in the Russian Federation, the majority of them fleeing to the neighboring Republic of Ingushetia. In order to prevent the massive flow of people to Moscow, the city authorities adopted Order No. 1057-PM of 28 September 1999, "On temporary measures to regulate the procedure for dealing with refugees and internally displaced persons who arrive in Moscow, as well as with persons who are seeking to obtain such status." This Order enforced the rule (in Point 1.1) that the Moscow branch of the Federal Migration Service (FMS) should officially record in Moscow internally displaced persons (IDP) who have received a status elsewhere on the territory of the Russian Federation, only if they have a residency registration in Moscow. The Order also instructed the Moscow Migration Service to consider only those applications for obtaining refugee status or status as an internally displaced person, if the applicant is registered as resident with close relatives in Moscow for a period not less than six months. In addition the reason for coming to Moscow must be shown to be the acquisition of the relevant status, according to Order No. 1057-PM.

Therefore, any internally displaced people who have come to Moscow and have failed to obtain registration, are open to persecution and forcible expulsion from Moscow back to the place they have fled to seek refuge elsewhere. On the other hand, those newly arrived internally displaced people who have residence with close relatives, may still not receive a status if they fail to convince the authorities that their reason for coming to Moscow was to obtain the relevant status. Without registration or an official status, the refugees and internally displaced people do not have access to pensions, medical care, education and other social services, which is a clear violation of the Russian Constitution and international human rights standards.

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*29 Article 56(1): "Individual restrictions of rights and liberties with identification of the extent and term of their duration may be instituted in conformity with the federal constitutional law under conditions of the state of emergency in order to ensure the safety of citizens and protection of the constitutional system."*

**(iii) Violation of the rights of internally displaced persons: refusal to register newly arrived Chechens by the Moscow authorities.**

During a public opinion poll, conducted by the Russian TV Program "Vremechko" on ORT channel in September, 1,000 Moscow residents were asked: **"Who do you recommend to be expelled from Moscow?"** The respondents were offered a choice of three possible answers: **"All Chechens"** (96 people answered "yes"); **"All Caucasians"** (637 people) or **"All bandits"** (193 people).

The restrictions on residency provided for by Order No. 1007-PM and Decree No. 875 are particularly harmful to internally displaced people from the armed conflict in the Chechen Republic, many of whom have left their homes in a hurry to flee the shelling and bombardment of their towns and therefore lack identity documents. If they succeeded in reaching Moscow after leaving Chechnya, and did not manage to obtain registration within the three-day period, according to the Order and the Decree they were supposed to be returned back to their place of permanent residence -- the Chechen Republic.

The three-day time limit for re-registration proved to be impossible for thousands of people coming from Chechnya or other places in the Caucasus. Reports suggested that it took sometimes up to a week for a person to gather all necessary documents (in the event that they had access to them) and to stand in lengthy queues waiting to register. In order to register, people needed to provide documentary evidence supporting the legal grounds for their stay in Moscow, including a labor contract or a recommendation from their place of employment and a document demonstrating their permission to work.

According to reports, newcomers to the city were registered arbitrarily: almost all ethnic Russians were allowed to register, while many Azeris, Armenians, Georgians and other people from the Caucasus were refused registration. Allegedly, all newly arrived Chechens were refused registration, regardless of whether they had a complete set of documents required by the registration procedure. A number of people interviewed by Amnesty International claimed that the law enforcement officials had given no explanation for their decision to refuse to register them: some referred to an alleged order not to register Chechens.

Many people reported that during September and October it was not unusual for a person with or without registration to be stopped several times in one day for an identity check and to be released after paying a bribe. The registration system has been reportedly used by law enforcement officials as a pretext for extortion. Often, police officers have confiscated registration certificates or put a cancellation stamp on them without any clarification of their actions, forcing the owners to leave the city in order to avoid further persecution and detention. Many of the ethnic Chechens interviewed by Amnesty International were having their registration certificates laminated in order to prevent police officers destroying them during an identity check on the streets.

The Russian human rights groups Memorial and Civic Assistance claimed that a number of Moscow law enforcement officials, including those working with the passport and visa department, had unofficially stated that they had received verbal orders, allegedly based on a communication from the

head of the Moscow City Department of Internal Affairs (GUVI), to detain and refuse registration to any person from the Caucasus, first and foremost to ethnic Chechens.

It was reported that on 22 September 1999, while reporting back at a public briefing on the results of the re-registration process in Moscow, the head of the Passport Department of the Moscow GUVI, Mikhail Serov, stated: "We were forced to refuse registration to more than 15,000 non-Muscovites. They were either unable to explain the reason for their coming to Moscow, to prove they have a place to reside, and for a number of other reasons. 74,000 people were re-registered. The rest are awaiting expulsion to their place of permanent residence. A detained violator will be asked to sign a statement obliging them to leave the city within three days. If a person does not leave, the head of the district Department of Internal Affairs will issue an order for their expulsion. We remove cars from the street, which are not parked properly or interfere with the traffic, the same is happening here too..."

Amnesty International is concerned that based on the information available to the organization, the two orders of the Mayor of Moscow and the decree of the Moscow local government enforced in September in the capital, and apparently aimed mainly at people of ethnic Chechen origin, continue to be applied in a discriminatory fashion by the authorities in violation of the rights to equality and equal protection guaranteed by Article 26 of the ICCPR<sup>30</sup> and Article 14 of the European Convention on Human Rights.<sup>31</sup> Amnesty International considers the detentions or arrests of ethnic Chechens by law enforcement officials for not having valid registration or for having failed to re-register to be unlawful under national law and arbitrary under the provisions of international human rights law<sup>32</sup>.

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30 Article 26 of the ICCPR: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

31 Article 14 of the European Convention on Human Rights: "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

32 Article 9(1) of the ICCPR: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Also relevant is Principle 20(2) of the Guiding Principles on Internal Displacement: "To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the

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replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents."



Based on the information collected by Amnesty International, it appears that in the majority of cases of detention or arrest of ethnic Chechens, a number of internationally recognized human rights were violated. In some cases the authorities have failed to promptly bring the person before a judge or judicial officer in violation of Article 9(3) of the ICCPR<sup>33</sup> and Article 5(3) of the European Convention on Human Rights. In many cases the authorities had failed to allow the detainee to notify or to have notified their family about the fact of their detention or their whereabouts, which violates Principle 16(1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>34</sup> and Rule 92 of the Standard Minimum Rules for the Treatment of Prisoners.<sup>35</sup> In a number of cases, detainees were not given prompt access to a lawyer of their own choice, which violates Principle 1 of the Basic Principles on the Role of Lawyers<sup>36</sup> and Principle 17(1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>37</sup>

According to information gathered by Amnesty International, a number of ethnic Chechens have been allegedly subjected to torture and ill-treatment in custody in violation of the prohibition of torture in all circumstances by the Convention against Torture, the ICCPR, the European Convention for the Prevention of Torture (ECPT) and the European Convention on Human Rights. Many detainees have also been allegedly coerced into signing confessions implicating themselves, often following torture and ill-treatment by law enforcement officials. Amnesty International is concerned about reports that the Russian authorities have failed to investigate allegations of torture and ill-treatment in detention, as well as to fulfil their obligation under international standards (Article 5(5) of the European Convention on Human Rights), to grant reparation, including paying compensation, to those unlawfully detained.

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33 Article 9(3) of the ICCPR: “Anyone arrested or detained on a criminal charge 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...”

34 Principle 16(1): “Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody.”

35 Rule 92 of the Standard Minimum Rules: “An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.”

36 Principle 1 of the Basic Principles on the Role of Lawyers: “All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.”

37 Principle 17(1) of the Body of Principles: “A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it.”

#### **(iv) Allegations of torture and ill-treatment in police custody**

Amnesty International received a number of reports about incidents of torture and ill-treatment by the police of Chechens and other people from the Caucasus taken into custody following routine identity checks on the street or in their homes. The organization is not aware of any criminal investigation by the authorities into the allegations of torture and ill-treatment of Chechens in custody. Torture and ill-treatment have reportedly often been used to induce a detainee to sign a confession relating to possession of drugs and weapons. Sometimes, ill-treatment occurs without any obvious reason, in what appear to be racist attacks. Alleged victims of torture and ill-treatment in custody were mainly Chechen adult men, but cases of ill-treatment of women and adolescents under 18, were also reported.

For example, Zara Isaeva was visiting Moscow for medical treatment. On 14 September she was detained at the home of her brother along with one of his friends, Musa Vagaev, and taken to OVD Zhulebino, where later her brother, Zavlady Isaev, was also brought. Zara Isaeva claimed that she was interrogated by police officers who threatened to hand her over to homeless vagrants to be raped and to send her to a women's prison. Then the police officers ordered her to strip naked for an examination. She was released after a day in detention. Later she learned that her brother and his friend were beaten and forced to sign a confession relating to possession of drugs. Reportedly, police threatened that if they refused to sign, the police would arrange for Zara Isaeva to be raped by common criminals in detention at the police station.

Amnesty International also received allegations that during a number of routine checks on residential premises, money and valuables were taken by law enforcement officials without official explanation or provision of a receipt.

The organization was informed that some hospitals and polyclinics have refused to provide a medical examination and to issue a certificate confirming injuries received from ill-treatment in custody. The reason given for such refusal was that they were not allowed to examine people who were not registered in Moscow.

For example, it was reported by the human rights group Memorial that "Rezvan"<sup>38</sup>, a resident of Ingushetia, had been undergoing medical treatment for two months at a Moscow hospital. In September he decided to leave the hospital and to spend a weekend with his relatives. Police officers arrived at the apartment of the relatives and after they checked their documents, took "Rezvan" and one other male relative to police department No. 38, where the two men were put into different cells. Police officers reportedly confiscated and destroyed all of "Rezvan"'s medicines from the hospital and said: "You bandit, get treatment in Chechnya!" Then "Rezvan" was handcuffed with his arms behind his

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38 In order to protect the victims' identity, in a number of cases throughout this report, Amnesty International has not revealed their real names.

back and was hung from the ceiling by the handcuffs, while reportedly being beaten by two police officers.<sup>39</sup> One of the officers kicked him in the chest with his knee, while the other one beat him with a club along his back. A medical examination at the hospital concluded that two of “Rezvan”’s ribs were broken, but the doctors refused to give him a medical certificate because he was not registered in Moscow.

***Allegations of ill-treatment of Zelimkhan Abdul-Vabovich Temirsultanov, aged 17***

In November 1999, Amnesty International representatives interviewed 17-year-old Zelimkhan Abdul-Vabovich Temirsultanov, a Chechen internally displaced person from the previous conflict in Chechnya in 1994-1996, who was allegedly ill-treated by law enforcement officials at the Moscow State University police department on 18 September 1999. State Automobile Inspection officers reportedly stopped the car that Zelimkhan Temirsultanov was driving to his mother’s work in Moscow, took away his driving licence, and took him to the Moscow State University police department. There, law enforcement officials reportedly took Zelimkhan Temirsultanov to a separate room, tore up his residence permit, beat him and threatened him with further physical violence, such as having his kidney split open with a metal instrument.

Zelimkhan Temirsultanov’s mother was summoned to the Department of the Interior at the Moscow State University, where she was told that her son was in their custody. At about 10.30pm Zelimkhan Temirsultanov was handed over to his mother. She took him for a medical examination at the Sklifasovsky Institute, where a certificate was issued stating that Zelimkhan Temirsultanov had sustained injuries to his head and the left side of his chest. There is a separate certificate, signed by the chief of the Moscow State University police department, V.V. Bersenev, confirming the fact that Zelimkhan Abdul-Vabovich Temirsultanov had been detained at the police department on 18 September 1999.

***Allegations of ill-treatment of Razmik Alexandrovich Nagdalian, an ethnic Armenian.***

*Razmik Nagdalian is an Armenian born in Azerbaijan<sup>40</sup>. He lives with his parents who moved to Moscow in 1994. Razmik Nagdalian became ill at the age of 31 and is registered as an invalid. He has a brain tumor and as a result of this illness has a type of epilepsy. He has an “aura” in advance of an attack, which is generally triggered by stress or a shock.*

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39 This torture method is known in Russian as “swallow” (*lastochka*). The suspect’s hands are handcuffed behind the back, above the level of the head, whereby the victim’s back is arched painfully and he is secured in this position. Often the suspect is hung from the ceiling by handcuffs and beaten in this position. The name “swallow” was created by association of the suspect’s position with a flying swallow.

40 Interview with Razmik Nagdalian in November, Moscow.

On 23 September he was walking on the street near Savelievsky train station, after meeting a friend, when he saw three men in uniforms. They were officers of the special police detachments (OMON), wearing boots, camouflage, and peaked caps. One of them whistled to Razmik Nagdalian as if for him to stop, but he did not stop. The officer came after him and asked for his documents. Razmik Nagdalian showed his passport. After having to re-register every three months he had finally got a five-year registration. A five-year registration is a very unusual duration to possess; normally people receive short-term registration or permanent registration. The OMON officers thought this type of registration was suspicious and told him to come along with them to check. He tried to explain that he had not just arrived and was not temporarily in Moscow. The men took him into a square, forced his arm behind his back and swore at him, saying: "Don't you know whose land you are living on?" They beat him with their fists and kicked him around his kidneys. Then there was a blow to his head, although he had begged them not to hit him because he might have a fit. Razmik Nagdalian said that he hit a wall and fell on the ground. His head was cut. The officers took his passport and ripped it. At this point he lost consciousness. Razmik Nagdalian said that he did not know if it was an epileptic crisis or not. When he gained consciousness he found himself on the ground with a severe headache and the jacket he was wearing was all bloody.

According to Razmik Nagdalian, usually for two days after an epileptic crisis he cannot function normally. It was only the next day that he went to the local polyclinic and obtained a medical certificate which registered the injuries he had suffered as a result of the beating. A separate medical certificate was issued on 30 September stating that Razmik Nagdalian had been undergoing medical treatment at City Polyclinic No. 20 since 24 September when he received head injuries.

On 25 September he went to his local police department, No. 64, where the police refused to register his complaint. They told him to go to the police department No. 14, which covered the area where he was beaten up. He went with his complaint to the duty officer at police department No. 14, who called up the deputy head of the police department. They began to fill in details of the incident. Razmik Nagdelian claimed that the deputy head said something which suggested that he knew who the three OMON officers involved in the incident were likely to be. He told Razmik Nagdelian to come back at 10pm, "when the soldiers come", in order to identify them. He came back and waited but the soldiers did not turn up. He turned for help to the human rights group, Civic Assistance, who have been trying to obtain a new passport and a permanent registration for him. Since the incident he has suffered frequent epileptic attacks.

#### ***Allegations of torture and ill-treatment of "Mogamed" and his brother "Ibragim"***

"Ibragim" has a wife and child. He is darker than most members of his family, which may be why he has more often been held and beaten by the police in Moscow. The younger brother, "Mogamed", is studying economics. Their mother, "Assa" was an opponent of the new Chechen government at the time of President Dzhokhar Dudayev. Later she was also prosecuted by the Shari'a Court and was convicted to one year's imprisonment on charges of fraud, which she claimed had been fabricated to punish her for her opposition to the government. When she was in Chechnya in the summer of 1999, just before the renewed armed conflict, a relative in the Chechen government told her she was on a blacklist as a government opponent. The relative advised her not to come back to Chechnya.

The family came to Moscow in 1997, fleeing the persecution of the mother in Chechnya. She tried to get employment in Moscow using her law degree but received only refusals. She was told by one official when she applied for a job there: "I can't hire a Chechen." The sons have temporary registration in Moscow. "Assa", paid for a factitious marriage with a Muscovite in order to get Moscow registration. Her daughter does not have permanent registration and cannot get appropriate work, despite her fluency in foreign languages.

On 29 June 1999 "Ibragim" and a Georgian friend were trying to cross a road, when they were stopped by the police and taken to a police checkpoint for an identity check and to check whether they were on the "wanted" list of criminal suspects. "Ibragim" said that the police handcuffed him behind his back and took him to a place on "Molostov" street. His friend was taken into other police premises

nearby and beaten. "Ibragim" was brought into a room, where the police officers laid him face down on the floor and choked him with his own leather trouser belt. He said he lost consciousness. Then the officers poured vodka in his mouth and beat him on the spine, kidneys and ribs. Five officers were involved in beating him: four of them were in police uniform, the other one in civilian clothing. They allegedly told "Ibragim" they would put a car battery around his neck and drown him. The police officers also pretended to stab him with a knife, stopping just short of his body. "Ibragim" said that this treatment lasted from 4pm to 11pm. He also said the officers seemed to get great enjoyment out of it. One phrase he heard was: "The Chechens need to be killed; the way you have been killing us." When his mother saw him he had black ligature marks visible on the neck; his shoulders were black too. She called the emergency services.

"Ibragim" was detained on another occasion in September 1999, before the explosions in Moscow. He was taken into the local police station on grounds of incorrect registration. He had 700 Roubles which he had borrowed from a friend. The police took them as a "fine" and did not provide him with any sort of receipt.

At 10pm on 15 October "Assa" was out with "Mogamed", when three men, members of the special volunteer detachments assisting the local police, stopped him and asked for his documents. "Mogamed" did not have re-registration and they told him to go to the police checkpoint for an identity check. When "Assa" challenged them, they let him go. "Mogamed" spent a month at home not going out for fear of being stopped and detained by the police. He has been told that police officers have visited his institute asking about him.

**(v) Reports of fabricated evidence in cases of ethnic Chechens charged with drugs and weapons offences.**

Amnesty International has received several reports from ethnic Chechens who have been detained in connection with identity checks and checks of their registration status, who claim that police have planted drugs, guns or ammunition on their person or in the place where they reside and that they have been subsequently charged with possession of this contraband.

Many Chechens, including those whom Amnesty International's representatives met in Moscow, have sewn their pockets up in order to prevent anything being planted on them if stopped by the police. Most of the allegedly fabricated criminal cases against Chechens were on charges under Article 222 of the Russian Criminal Code (illegal acquisition, transfer, sale, storage, transportation or carrying of weapons, armaments, explosives and explosive devices) and Article 228 (illegal manufacturing, acquisition, storage, dispatching or sale of drugs and psycho tropic substances). One young Chechen man, whose pockets were stitched up, described the situation the following way: "This is how we live, thanks to our Department on Fighting Organized Crime. First we were bandits, then became terrorists, and now we are becoming seamstresses".

***The case of Lomaly Malikovich Tasuyev***

Lomaly Tasuyev, an ethnic Chechen, was under investigation on charges relating to possession of narcotics when Amnesty International representatives met him in Moscow in November. He studied at the Moscow Energy Institute; he worked temporarily providing computer support in a school. Lomaly Tasuyev has been living with his wife and four children in Moscow, at the place where his wife was registered. He had a resident registration in the town of Fryazino in Moscow Region.

Lomaly Tasuyev told Amnesty International that on the evening of 13 September 1999 he was visited by the precinct police officer who advised him to stay at home and not to go out on the street, because he resembled a criminal suspect the police were looking for in connection with the apartment explosions. Less than two hours after the precinct police officer had left, five men in civilian clothing entered his apartment and took him to the Lyublino District Department of Internal Affairs (OVD) for an identity check because his registration was not for Moscow city but for Moscow Region. Lomaly Tasuyev claimed that he was held in the OVD for three hours. The police officers reportedly took him into a room and emptied his pockets onto the table. Reportedly, they found nothing incriminating, but something was found lying on the floor. He was later told that this was a package containing heroin wrapped in foil. On the basis of that he was held for three more days at the temporary isolation detention centre (IVS) at Marino district. Police then arranged a special expert examination, which apparently concluded that he had traces of drugs in his pocket and under his nails. He was subsequently charged under Article 228(1) for possession of drugs and the case was sent to the Office of the Procurator. Lomaly Tasuyev was released from detention pending trial on 17 September 1999 and he was not allowed to leave the city at any time. He believes he was let out only because his wife came with their four children, including a baby in arms and stood crying until he was let out. Lomaly Tasuyev

is facing up to three years' imprisonment on charges of possession of drugs. He was told that the police had found 0,015 grams of heroin on him, which is apparently considered a "particularly large quantity".

While in detention in IVS Marino, Lomaly Tasuyev was not ill-treated himself, but he claimed he heard dull blows of someone being beaten. He also heard groans and someone saying: "This is enough; I understood everything." There was a Chechen in his cell who could not lie down or stand up without assistance, or breathe properly; the area around his kidneys hurt. He told Lomaly Tasuyev that he had also been taken from his flat and had been beaten to make him confess to a narcotics crime.

#### **The case of Badrudy Eskiev**

In November Amnesty International interviewed Ira Gerasimova, an ethnic Russian and the fiancée of the Chechen Badrudy Eskiev. They have a two-year-old son and Ira Gerasimova was pregnant again at the time of the interview. They are not formally married because the local authorities refused to accept their application for marriage because they did not have a proper registration. At the same time, the local police department have refused to register them because of the limited residential space they have been living in, which was apparently considered not big enough by the authorities for a family. They live in one room at the apartment of Ira's mother. The police department prevented their marriage, but no official refusal has been given. Ira Gerasimova met Badrudy Eskiev five years ago. He is a qualified engineer, but in Moscow he could not find a job as an engineer and has been repairing old cars and selling them.

On 15 September, a friend from Crimea, Galina Petrovna, was visiting them. Badrudy had been keeping indoors because of the apartment explosions. He was also worried about the lives of his son and partner and had gone several



times that evening to check the stairwells of their apartment building for strangers or strange packages, which could have been explosives. At about 4am Ira Gerasimova looked out of the window and saw police in the vicinity. She was relieved to see that the police were in their building and they went to bed. At about 5am there was a ring at the door and three police officers entered the apartment. There were two uniformed police with sub-machine guns; the third man was in civilian clothes with a pistol. They went round the apartment and asked to see Badrudy Eskiev's documents. They saw the word "Chechen" in his passport under nationality and said they would have to check his identity.

The police took Badrudy and Ira in a car to OVD Lublino. They were told that the police knew Badrudy Eskiev was in the apartment because of a telephone call from some neighbours. The family had never concealed the fact that Badrudy Eskiev was a Chechen. In the OVD Ira Gerasimova saw many other Caucasians in detention behind bars in an open cell. One after another the police fined them for lack of registration and released them.

At the police station Ira Gerasimova went to see the head of OVD on the second floor to ask why was Badrudy Eskiev detained. The police chief said they were just checking him out, taking his fingerprints: "He is a Chechen. We have an order to follow. We will check him out and compare his data with the list of wanted suspects and then we will release him".

She went downstairs again. Later Badrudy Eskiev emerged with his hands handcuffed behind his back. Two men in police uniform told her that he was being taken to the Anti-terrorist Centre at OVD Pechatniky. She said she would go too. It was 12pm. He was brought out at 6pm by a tall man in uniform. Ira Gerasimova was told Badrudy Eskiev was taken to OVD Marino for comparison of his identity with the list of wanted criminal suspects. When she

got there she waited an hour. Then she was told he was not there. She went back to Pechatniky. There she was told they did not know where he was. An officer told her that Badrudiy Eskiev had been "taken off the list" and that this meant he had gone home. Someone else said he "wasn't brought back." She asked for some documentation to show that he had been released. They refused.

She was told to go to Room 503 to meet one of the police chiefs. He said Badrudiy Eskiev was probably in prison: "He's a bandit, a drug addict". Ira Gerasimova said that this was not true and asked: "Why should that happen to him?" "Because he is a Chechen. How could you explain, why do they bomb our homes?" Ira said: "Even if the explosions were done by Chechens, it doesn't mean that all Chechens are terrorists?" The officer answered: "The only good Chechen is the dead Chechen" ("*khoroshiy Chechenets - mertvyy Chechenets*"). Ira said: "I have a son who is a Chechen. Do you want him dead too?" When she cried she was told to come back in three days. She telephoned the Lublino militia station and was told Badrudiy Eskiev was not there, that he had been released, but he was not at home either.

Next morning, 16 September, a man who did not identify himself called their home and told her Badrudiy Eskiev had asked that she be informed he was in OVD Tekstilshiky. When she asked when Badrudiy Eskiev would be released she was told that a criminal case had been opened against him for "hooliganism". She was told to talk to the investigator, Svetlana Avdeeva, who said the charges were under Article 228(1) of the Russian Criminal Code for possession and use of narcotics. Ira Gerasimova asked her mother, Olga Gerasimova, to talk to the investigator. When Olga Gerasimova came back from the police station she said she had been told that it was the policy at the moment to imprison all Chechens by all means, if necessary to plant narcotics and weapons on them.

Ira was also told by the lawyer that the police officers and a passerby had testified that Badruduy had been apprehended on the street at 2am in possession of drugs. The whole family, including their house guest, had witnessed Badruduy being detained at the apartment at 5am, and not on the street. Ira also claimed that when the police detained him at home, they emptied all his pockets and found nothing.

Ira saw Badruduy Eskiev for the first time since his detention on 20 September at the pre-trial detention centre (SIZO) "Matrosskaya Tishina", where he had been transferred on 17 September. He told her that he was forced to sign a document while in detention. She did not see any bruises on his face at the time, but he told her he had lost consciousness twice during the interrogation by the police and he suspects that drugs might have been planted on him at that time.

Ira Gerasimova was shown a medical certificate saying Badruduy Eskiev had traces of drugs in his system. He told her the police gave him water to drink during the interrogation and he suspected drugs may have been in the water: either that or the police had falsified the medical results.

The lawyer employed by the family on the recommendation of the police investigator, said that when she met Badruduy Eskiev on 17 September it was obvious to her that he had been beaten. No medical examination, however, took place because the lawyer advised that it was not necessary. Badruduy Eskiev reportedly told his lawyer and Ira Gerasimova that he was taken to the basement of one of the police stations, shown a large quantity of weapons and drugs stored there, and asked to choose to which charge he wanted to put his

signature. Badrudy claimed that in the basement the police officers put a plastic bag over his head and kept it there until he began to suffocate.<sup>41</sup>

No date had been set for the court hearing at the time of the interview, because the criminal investigation was still under way.

Amnesty International believes that the circumstances of Badrudy Eskiev's detention, witnessed by the entire family and the house guest, and the subsequent official police statements claiming that he was detained on the street earlier, suggest that his criminal case for use and possession of drugs was fabricated by the police. It appears that, given the reported statements of different police officials to Ira Gerasimova and to his lawyer, Badrudy Eskiev has been singled out by the police solely because of his ethnic origin.

#### **The case of Arslan Iliasevich Gatiev**

Arslan Gatiev, an ethnic Chechen, came to Moscow from the town of Khasavyurt, in the Republic of Dagestan, 10 years ago<sup>42</sup>. He served in the Russian army and is currently in the last year of university, studying ecological engineering. His registration in Moscow was as a student. Registered as living in the flat of his fiancée, he went to re-register with her on 17 September at the local housing office (ZHEK). Arslan Gatiev's marriage to his fiancée<sup>43</sup>, who is of Georgian origin, is not officially recorded because the police refused to permanently register him on the grounds that he is a Chechen. Without a

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41 This is a torture method widely used in Russian police stations and known in Russian as "elephant" (*slonik*): when a gas mask is put over the suspect's head and the flow of oxygen is cut off until the suspect begins to suffocate. Often the gas mask is substituted by plastic bag.

42 Amnesty International interviewed Arslan Gatiev and his wife in November in Moscow.

43 During an interview with Amnesty International representatives, she asked not to be identified by name.

resident registration, Arslan Gatiev was refused an official recording of his marriage.

His turn in the queue of people waiting to re-register came up on Sunday, 19 September. After opening his passport, the precinct police inspector told him that there was an order that all Chechens should undergo dactiloscopia and took him to OVD Vykhino (formerly police department No. 44, now No. 21) to give his fingerprints. He did not return that day from the police department and the police reportedly refused to give any information about his whereabouts to his fiancée.

On 20 September a lawyer employed by his family visited Arslan Gatiev and was informed that he had been charged under Article 228(1) of the Criminal Code for possession of drugs. The police said they found 0,03 grams of heroin in his pocket.

Arslan Gatiev told Amnesty International in November that when he arrived at OVD Vykhino, the police officer with him said, "I've brought you a Chechen." They said his passport was false. In fact, he served in the army from Moscow and has had a passport since 1995, issued in Moscow. In addition he has been studying in Moscow on the basis of his valid passport. Arslan Gatiev claimed that at the police station he received all sorts of insults on the grounds that he was a Chechen: "But I wasn't particularly afraid. And I wasn't expecting any major problems". One police officer reportedly pulled Arslan Gatiev's jacket pocket from behind saying, "Sit properly". Then the police officers searched him, with his hands above his head. They reportedly searched all his pockets except one which they left to last. The officers pulled out of it a handkerchief and a piece of golden paper neatly folded, like cigarette packet paper. Arslan Gatiev said it was not his and refused to sign anything. He also asked for a lawyer. The

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response of the police officers was: "Where do you think you are? In America?" The police officers reportedly shouted insults about Chechens: "The only good Chechen is a dead Chechen."

In the cell of the IVS at Vykhino with Arslan Gatiev was another Chechen who had been beaten. There were four other people in detention at the IVS when he was there, two in his own cell. One was Ingush, called "Zaki", three were Chechens. They told him that they had been taken from one flat at three in the morning. They said they had been beaten (before they got to Vykhino) and had heroin planted on them. In addition to the heroin, an explosive was reportedly planted on one of them. At first they had been taken to OVD "Ryazansky Prospekt," where they had reportedly been badly beaten to make them admit to the drugs charges. Arslan Gatiev said that he witnessed that the people in his cell were urinating blood and their backs and the backs of their legs were black as a result of the beatings. Then they were moved to SIZO "Matrosskaya Tishina".

The police investigator in "Zaki"'s case, an older woman, reportedly questioned the officers who arrested him and one of them said that he was not sure whether "Zaki" had had drugs on him. Arslan Gatiev claimed that the investigator said she would open a case against the police officers for fabrication of charges against "Zaki". The same investigator was supposed to handle Arslan Gatiev's case initially but he was later told by his new investigator that a high-level police chief told the first investigator: "If you don't obtain a conviction for him ["Zaki"], we will soon find drugs on you, too."

When Arslan Gatiev's lawyer asked why he had been searched, he was told by the police officers who searched him: "Because he looks like a drug addict; he speaks slowly and was acting suspiciously". On the night of 20 September he was

taken to Neurological Hospital No. 17 where a medical test was done. The police reportedly gave a document to the doctor which showed Arslan Gatiev's nationality and the amount of drugs supposedly found on him. The doctor took urine from him. No words were exchanged. The next day Arslan Gatiev learned that the medical test concluded that he had been in a narcoleptic state.

After Arslan Gatiev's fiancée appealed to the Kuzminskiy District Office of the Procurator, she was told that he would be released on bail and that she had to pay 50,000 Roubles by 12pm. No one could tell her what deposit account to use so she was not able to pay the sum until 2.45pm. At around 1pm (that is before his fine had been paid) Arslan Gatiev was called out of the cell and told to sign himself out. He thought he was going to prison. In the yard on his way out was one of the officers who had been present when the drugs were planted on him. This officer told him that his documents were with his lawyer, who was waiting outside.

Outside the IVS a man came up to Arslan Gatiev as if to hit him. Immediately several police officers emerged from cars and handcuffed Arslan Gatiev. A charge under Article 158 of the Administrative Code was brought against him for "petty hooliganism"; he was accused of "fighting with the police officers and swearing". One of the officers reportedly said to him: "Where did you think you were going? Did you think you were going free?"

He was put back in the IVS Vykhino and spent another 24 hours in detention until he was brought in front of a judge on 24 September. He was fined 20 Roubles on the charge of "petty hooliganism" and was released pending trial on the criminal charge of possession of drugs.

### **The case of Islam Bashirov**

Islam Bashirov<sup>44</sup>, a paediatric anaesthetist from Grozny, has been living in Moscow since 1997. He qualified from a medical institute in 1994 and worked as a medical doctor in Chechnya during the previous armed conflict between 1994 and 1996. He said that he provided first aid to wounded from all sides, fighters, prisoners of war and civilians. He was one of the few doctors left in Chechnya during the war. They treated people in basements under the bombardment. After the war he came to Moscow to do his clinical studies and obtained a three-year resident registration covering his period of study, but did not have a permanent Moscow registration. He was working in a children's hospital. Islam Bashirov's wife is a Chechen from Jordan and they have two young children.

Islam Bashirov was the only medical doctor based in the presidential palace in Grozny in 1994. He believes that the reason for his detention by the police might be a photograph album which he kept in his flat containing some photographs taken in the presidential palace in Grozny by a Russian journalist during the previous war in Chechnya. He had shown people the album. In one photograph he is unarmed, but there are bodyguards visible too. There is another photograph of the Chechen fighter commander, Shamil Basayev, and a Saudi Arabian journalist. Islam is not in that photograph, but the journalist is in both photographs. Islam Bashirov suspects one of his guests may have informed on him on the basis of the photographs, which the authorities believed linked him with the Chechen fighters. The photograph of Islam Bashirov and the Saudi Arabian journalist was later published in the newspaper *Kommersant* when Islam Bashirov was arrested.

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44 Interviews with Islam Bashirov in Moscow, 8-9 November 1999.



On 22 August in the evening he was at home in a student hostel, with his wife, when police came bursting in and asked for their documents. The police said they were checking the documents of all the hostel residents. He was then taken out to a car which was parked behind the hostel. The car was joined by a black jeep. There was a total of 10 men in uniform, who did not identify themselves. A first-year medical student, Anzor Khramkhoyev, was also brought to the car. He told Islam Bashirov that his flat was being searched. Islam Bashirov asked to be present during the search, but the officers did not allow this.

Reportedly, one hour or so passed and three officers came back from the search. They handcuffed Islam Bashirov in front, made him face a wall and beat him for several minutes. They reportedly shouted: "You cut our pals' heads off." He was mainly punched on the spine. At the first blow he turned round and tried to defend himself. He was also kicked in the area of the genitals. Islam Bashirov said that some sort of medical report about his injuries should be included in the papers relating to his court case, because he was examined by doctors later in detention.

He claimed that when police officers checked his pockets he felt something being put in his pocket. Two witnesses were brought along and two packages were pulled from his pockets; they contained a white powder. Next day he was told that it was heroin. Later, officers of the District Department of Fighting Organized Crime (RUBOP) claimed that Islam Bashirov was arrested in the street. One of the officers said to Islam Bashirov: "Understand, it's nothing personal. We'll swap you for prisoners of war." He was later taken to OVD "Konkovo", where he was told during interrogation that police had found explosives in his flat during the search.

Before Islam Bashirov was charged, RUBOP officers allegedly came to his cell to film him and this was shown later on TV. Reportedly nothing was said about possession of drugs or explosives. The report related to the war of 1994-1996, his supposed activities at that time and the fact that he had treated Chechen fighters. Nevertheless, he was officially charged under Articles 228(1) and 222(1) of the Criminal Code for possession of drugs and weapons.

His wife, Inaya Asander, and children have gone back to her family in Jordan. She told Islam Bashirov that during the search, two officers put explosives in front of her and photographed her. Later the same day they came again and did another search. She tried to follow them around while they were in the apartment. They put some sort of explosive device by the couch and some more heroin in the apartment. There was also a witness, a guard from the hostel, who said he saw the material being planted.

While in police custody, Islam Bashirov was taken to hospital No. 17 for a drug test. He says he told the doctor on duty that he was himself a doctor, and said "Don't do this to a colleague". In his presence the telephone rang and the doctor allegedly said, "But he is a doctor", which Islam Bashirov took to mean that the doctor was embarrassed to be falsifying the evidence of a medical test in front of a colleague. The next day, aware that traces of heroin stay in the body for a long time, Islam Bashirov wrote to the investigator asking for a second, independent test, but he was refused. There was a further check at the SIZO, in which a psychologist and psychiatrist examined him and concluded he was not a drug addict.

He spent two months in the SIZO in Butyrka, during which time he saw his lawyer only once and did not have any meetings with the investigator. Islam Bashirov was released pending trial on 18 October.

While in the SIZO, Islam Bashirov shared a cell with another detained Chechen, Sultan Ismailov, who was a "second group" invalid. He only had one kidney and had just had an operation on the other. Islam Bashirov claimed that this man kept asking for a doctor for a week, with no reaction from the prison authorities.

### **The case of Khalid Kiloyev**

Ethnic Chechens and other people from the Caucasus have been routinely subjected to arbitrary detention and other human rights violations throughout the year and prior to the September apartment bombings. These practices had intensified since the beginning of the Russian military operation in Dagestan in July 1999 and culminated in September in the campaign of intimidation against ethnic Chechens.

Natalya Kiloyeva<sup>45</sup>, who is an ethnic Russian, and her Chechen husband, Khalid, have two children aged eight and three. Natalya Kiloyeva works as a head of a kindergarten. Her husband also has higher pedagogical training.

Khalid Kiloyev was arrested at 11am on 13 July 1999 in the street. He had come to Moscow to visit the apartment which they had rented for other family members. They used to live at this apartment but now lived outside Moscow, in Moscow Region. Reportedly four men in a jeep and four in a "Volga" car, who wore black masks, stopped Khalid Kiloyev on the street, handcuffed him and took him to OVD No. 18 on Tsvetnoy Bulvar. Khalid Kiloyev later told his wife that while travelling in the police jeep towards the OVD, a pistol was inserted in his pocket from behind. He told his wife that after he was

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45 Interview with Natalya Kiloyeva in Moscow, 8 November 1999.

handcuffed, he was hit with the butt of a gun and lost consciousness. When he came around he did not know what had been happening. He was in the jeep, with law enforcement officials who were dressed in civilian clothing. He could feel something heavy in his pocket. At the time he supposedly was carrying the gun it was summer and he was wearing jeans and a short sleeve shirt. At the first court hearing of the case on 28 October, there were reportedly inconsistencies in the evidence of the police as to where the pistol was; one of the police officers claimed that the pistol was found in Khalid Kiloyev's undershirt.

He spent seven hours in an open cell at the OVD. Then he was reportedly taken to his flat with four "witnesses" for the police. Khalid Kiloyev asked for an independent witness to be there and a neighbour, a Russian, and the head doctor at a polyclinic, agreed. Then Khalid Kiloyev was reportedly handcuffed to a radiator and the police searched the flat. One of the searchers allegedly found a gas lighter (made in the shape of a pistol) on top of the air filter in the kitchen and called out "I found it", but another police officer allegedly shouted from the other room, "No, that's not it". Natalya Kiloyeva believes that the police had already searched the apartment before the official search, and had planted a hand grenade under the mattress, which was later found during the search.

Khalid Kiloyev was held for three days in police custody and was charged under Article 222(1) for possession of arms. Then he was moved to Butyrka SIZO to await trial. His wife claimed that at one stage of the investigation he was also charged with possession of drugs but this charge was later dropped from the case.

While in police custody, Khalid Kiloyev was allowed to call a friend, a lawyer and a translator. About one and a half weeks later, the translator,

Alibek Bakhayev, was also arrested. Bullets were allegedly found on top of the fridge in his flat. In November he was also held in Butyrka SIZO.

Natalya Kiloyeva said that Khalid was shown twice on TV by RTR channel in the program "Dezhurny Chast", once before the bombings in Moscow and once after, in reports on how the investigations regarding Chechen terrorists were progressing. He was allegedly presented in these reports as "the main Chechen bandit" involved in drug dealing, weapons and selling hostages.

Following a court hearing into Khalid Kiloyev's case on 7 December, he was reportedly found guilty of the charges and was sentenced to three and a half years' imprisonment.

***The case of Mayerbek Vachagayev, Representative of the Chechen Republic to the Russian Federation***

Mayerbek Vachagayev<sup>46</sup>, representative of the Chechen Republic to the Russian Federation, was detained on 21 October at 2pm, after the car he was travelling in with his assistant, Musa Nugayev, was stopped for an alleged traffic violation. The traffic police officer, who searched the boot, looked at their documents and let them go. At the time the two men were heading for an official meeting with Russian government officials. About a kilometre further on, near the corner of Kutuzovsky Prospekt and Dorogomilovskaya street in Moscow, they were stopped by five or six RUBOP officers in plain clothing. Reportedly, they pointed pistols at the two men, ordered them out of the car and forced them to lie on the ground. Mayerbek Vachagayev later told his lawyer that the RUBOP officers lifted his jacket, while he was face down on the ground, and put

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46 In November Amnesty International representatives interviewed his relatives and one of his lawyers.

a pistol in his pocket. They allegedly repeated the same procedure with Musa Nugayev. Then they were taken to OVD "Dorogomilovo". In the police car, although handcuffed, Mayerbek Vachagayev claimed he somehow succeeded in taking the pistol out of his pocket. The lawyer said that he noted that the investigation did not establish that the fingerprints of the accused were on the two pistols.

The same day eight RUBOP officers came to Mayerbek Vachagayev's flat to search it. His wife was on her own. The officers claimed they had to check that there were no armed men hiding there. They claimed to have found a box of bullets in the corridor of the flat, on top of a cupboard. The officers reportedly handed the box to the wife and asked "Is it yours?" She held it, opened it and said it was not. Witnesses were also present. Once the box of bullets had been found the officers allegedly did not search the remaining rooms.

Mayerbek Vachagayev was charged on 22 October under Article 222(1) of the Criminal Code for possession of arms. He was then transferred to the SIZO in Butyrka prison pending his trial.

Various independent sources alleged that in fact, because of his political position, Mayerbek Vachagayev had the legal right to request to carry arms (under the Russian law "On Weapons"), but was never known to do so. Witnesses recalled that he even refused to carry arms while in Chechnya during the first armed conflict. He is an academic, a historian, and he was known for his opposition to the ideology and religious practices of the so-called "Wahhabi" groups in Chechnya. Media representatives and others who knew him said that they believe Mayerbek Vachagayev was targeted by the Russian authorities in order to punish him for assisting international media in obtaining safe access to the areas of conflict in Chechnya. Because of his efforts, a large group of foreign

journalists gained access in October to the village of Elistanzhi, a couple of days after the village was subjected to an indiscriminate attack by Russian forces. It was the first time journalists had obtained access to Chechnya since the beginning of the conflict. They interviewed witnesses and wounded victims of the attack, which was widely reported around the world.

Amnesty International is concerned that evidence to support criminal charges against Mayerbek Vachagayev may have been fabricated because of his activities in assisting foreign media representatives in Chechnya to evade the prohibition imposed by the Russian authorities on foreign journalists visiting the conflict.

#### ***The case of Suleiman Saidmukhamedovich Mudaev***

Suleiman Mudaev<sup>47</sup>, an ethnic Chechen, received his higher education at the Leningrad Veterinary Institute and had worked for a collective farm in the city of Rostov for 11 years, before he went into commercial business dealing in sunflower seeds and oil. The family decided to come to Moscow to get better schooling for their four children, aged nine months, four, nine and 13, and better medical treatment for one of the children who is ill. His wife, Tabarik Akhmedovna Mudaeva, and children came to Moscow ahead of Suleiman Mudaev. The wife managed to register in the city. The husband came to Moscow from Rostov on 20 September, because he was worried about them in the wake of the apartment bombings and wanted to see his children.

When he arrived, his car lights were not working, so he said he would go to repair them in a garage near Butyrka prison, on "Krasnopresnenskaya" street.

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47 Interview with Tamara Akhmedovna MUDAeva, 8 November 1999, Moscow.

Tabarik Mudaeva gave him his passport and he went out. Later he called to say someone had stolen his documents from the car but he would stay and try to find them. He also said that he suspected that someone at the garage had stolen them. He came home and changed and then went back to the garage. Reportedly, shortly after that RUBOP officers appeared and immediately started to beat him with clubs on his spine and kidneys. The people at the garage who had reportedly witnessed the beating refused to give evidence to the investigation. The lawyer who was later hired by the family also confirmed that he saw that Suleiman Mudaev had bruises, which he claimed were a result of him being beaten by the police. During the search of his clothes, the police apparently found 15 grammes of marihuana in one of his pockets, which he claimed they planted on him during the beating.

He was then taken for a medical analysis to Hospital No. 17, because the RUBOP officers decided that he have looked "drugged". The test apparently confirmed that he was drugged. Later, there was another "examination" in Butyrka which concluded that he was not drugged. Tabarik Mudaeva did not know the whereabouts of her husband for three days after his detention; she was allowed to meet him for the first time only on 9 October. At the time of the interview with his wife, Suleiman Mudaev was in detention in SIZO Butyrka, kept in a cell with 76 other detainees, and was facing charges under Article 228(1) of the Criminal Code for possession of drugs. The trial date had reportedly not been set, although the investigation ended on 5 November.

Tabarik Mudaeva told Amnesty International: "I think his only fault is that he is a Chechen. I can't see any other."

#### **Arbitrary detention of Ruslan Istamalov**



The Amnesty International representatives received information of an alleged arbitrary detention of an ethnic Chechen man by telephone at midnight on 8 November 1999. They went with a member of the Russian human rights organization, "Civic Assistance", to OVD "Marinsky Park" where Ruslan Istamalov was being held. After about half an hour the duty officer allowed the human rights delegation to see Ruslan Istamalov in order to check whether he had been ill-treated. He was being held in the "cage", which is unheated and has only a narrow wooden bench. The Amnesty International representatives interviewed Ruslan Istamalov through the bars; his story exactly matched that given to his wife by their 15-year-old daughter, who had witnessed the arrest. His wife and daughter had not had any communication with him since the time of the arrest.

Three police officers had arrived at their home and asked to check his passport for registration and a residence permit. When he showed it one of the officers took it, put it in his pocket and announced that he was being detained on the grounds that he did not have a passport. Ruslan Istamalov protested that they had just seen his passport and had taken it themselves. He was then taken to the local police station, where the Amnesty International representatives found him. They told the police officers that the organization would be following the case and, if the man's story proved to be correct, would be seeking an investigation into the violation committed by the police officer concerned. The next morning Ruslan Istamalov's wife telephoned to say that he had been released and his passport had been returned to him. However, he had been fined on charges of "petty hooliganism" under the Administrative Code, for allegedly using abusive language. A Russian Duma member has officially requested an investigation, but Amnesty International is not aware of any outcome.

#### **IV RECOMMENDATIONS TO THE GOVERNMENT OF THE RUSSIAN FEDERATION**

Amnesty International deplors all violations of human rights and international humanitarian law which reportedly continue to be committed in the context of the armed conflict in the Chechen Republic. It also condemns human rights violations against ethnic Chechens in Moscow and other large cities of the Russian Federation. The organization is urging the Russian Government to implement, as a matter of urgency, the following recommendations:

- The Russian military should comply with the provisions of international humanitarian law prohibiting indiscriminate attacks and direct attacks on civilians and civilian objects, and should therefore immediately desist from carrying out any such attacks in the context of its military offensive in Chechnya.
  
- The Russian military should take sufficient precautions to protect civilians. In addition to selecting and vetting targets for their genuine military significance, it should give civilians effective advance warning of its attacks - "unless circumstances do not permit" - in compliance with international humanitarian law. Other rules require specific precautions to be taken when launching attacks, including desisting from an attack if it becomes apparent that the objective is not a military one, or the attack risks being disproportionate to the military

objective. The Russian government should comply with its commitments given to the Council of Europe upon Russia's accession to the Council in February 1996, including the commitment to "respect strictly the provisions of international humanitarian law, including in cases of armed conflicts on its territory".

- The Russian government should comply with its other commitments to protect human rights in times of armed conflicts, including the OSCE Code of Conduct on Politico-Military Aspects of Security, adopted in December 1994.
- The Russian authorities should hold comprehensive and impartial investigations into alleged abuses of international humanitarian law such as direct attacks on civilians and civilian objects, including hospitals and medical vehicles, which have been reported to have occurred in the course of their military offensive in Chechnya. The government should bring all military and government officials responsible for such violations to justice.
- The Russian government should grant immediately safe access to Chechnya to a team of international investigators to conduct independent investigation into allegations of violations of international humanitarian law, to establish the truth and to identify those responsible.
- The Russian authorities should ensure that any individual suspected of committing, participating in, or ordering human rights violations against combatants and non-combatants, including arbitrary arrest, torture and ill-treatment in detention be identified and brought to justice.
- The Russian government should take other effective steps to prevent the recurrence of such abuses by revising rules of engagement for armed forces, training of armed forces and disciplinary procedures. The government should ensure immediate and unrestricted access to all areas of fighting, including introduction of measures guaranteeing the safety of independent media and human rights monitors to the Chechen Republic.
- The Russian authorities should make public the names, the whereabouts and the charges brought against anyone detained in the Chechen Republic, including those detained at the border crossing "Kavkaz - 1", since the beginning of the conflict. The Russian government should also ensure full and appropriate access to detainees by the ICRC, especially in the alleged "filtration camps". As the organization mandated to work for the observance of humanitarian law, its work in visiting and registering prisoners is an important step in ensuring that the safeguards envisaged under humanitarian law are respected and obeyed.
- The Russian authorities should ensure that any person detained and taken to a "filtration camp" will not be subjected to torture and ill-treatment, or any other cruel, inhuman or degrading treatment or punishment. Such acts are specifically forbidden by international human rights treaties by which the Russian Federation is bound, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as international humanitarian law.

- The Russian authorities should provide protection and humanitarian assistance to internally displaced people and other civilians trapped in the conflict areas in Chechnya. Civilians who remain in the areas of fighting remain non-combatants and as such must be protected from attack.
- Amnesty International calls on the government of the Russian Federation to take immediate steps towards providing protection and necessary assistance to all of the up to 300,000 internally displaced people, who have fled the conflict in Chechnya to the neighbouring republics of the Federation, such as over 209,000 Chechen civilians who are currently in the Republic of Ingushetia; around 6,000 in North Ossetia, up to 4,000 in Stavropolsky Kray and over 6,000 in the Republic of Dagestan. In these efforts, the Russian government should follow the provisions of the Guiding Principles on Internal Displacement, outlined in the report by the Representative of the Secretary-General to the 54<sup>th</sup> session of the Commission on Human Rights in 1998.<sup>48</sup>
- The government should take measures to stop the campaign of intimidation against ethnic Chechens and other people from the Caucasus who reside in Moscow and other cities of the Russian Federation. This campaign has resulted in arbitrary detention, torture and ill-treatment in custody and forcible expulsions. The Federal government should uphold and enforce the 1998 Constitutional Court's decision ruling that the use of resident permits and a resident registration system in Moscow and the whole territory of the Federation is illegal. The government should bring to the attention of all local government and law enforcement officials the prohibition of resident permits, and should order the repeal of all orders, regulations and decrees requiring registration, re-registration and resident permits, and allowing for detention and expulsion.
- The Russian authorities should investigate all reports of arbitrary detention and torture and ill-treatment in the custody of law enforcement officials. The authorities should bring officials suspected of being responsible for these human rights violations to justice and award reparation to all those who have been unlawfully detained. The Russian government should ensure that every victim of torture and ill-treatment has access to the means of obtaining

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48 See "Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission on Human Rights, Mass Exoduses and Displaced Persons. Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39," Commission on Human Rights, 54<sup>th</sup> session, 11 February 1998. UN Doc. E/CN.4/1998/53/Add.2.

redress and an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible.

## **V RECOMMENDATIONS TO THE AUTHORITIES IN THE CHECHEN REPUBLIC AND THE MILITARY LEADERSHIP OF THE ARMED GROUPS**

By addressing separately the authorities in the Chechen Republic and the military leadership of the Chechen armed opposition groups, Amnesty International is not taking a position on Chechnya's legal status. Regardless of its current legal status, Chechnya remains bound by the international human rights and the international humanitarian law obligations of the Russian Federation, including the ICCPR, the Convention against Torture and the 1949 Geneva Conventions and their protocols. Amnesty International urges the authorities of the Chechen Republic and the military command of the Chechen armed groups to:

- Comply with the provisions of international humanitarian law regarding the protection of civilians during armed conflict prohibiting direct attacks on civilians and civilian objects as well as indiscriminate attacks.
- The command of the Chechen armed groups should take sufficient precautions to protect civilians in choosing the timing, the place and the military tactics of its attacks, as well as in giving advance warning to civilians where possible.
- The Chechen military leadership should inform all members of armed groups that the use of civilians as "human shields" is prohibited under international law in all circumstances. The Chechen armed groups should make every effort to keep themselves and their equipment separate from civilians and civilian objects.
- The command of the Chechen armed groups should ensure that any Russian prisoner is treated humanely. The killing or ill-treatment of prisoners is strictly prohibited under international humanitarian law.
- The command of the Chechen forces should protect and facilitate the operations of any humanitarian agency present in or seeking access to the territory under its control.

**APPENDIX 1**  
**Orders of the Mayor of Moscow and the Moscow local authorities**  
**(September 1999)**

MAYOR OF MOSCOW

ORDER No. 1007-      
of 13 September 1999

ON URGENT MEASURES TO ENSURE  
OBSERVANCE OF THE PROCEDURE FOR REGISTRATION  
OF CITIZENS TEMPORARILY STAYING IN THE CITY OF MOSCOW

In connection with the terrorist acts committed in the city of Moscow, that have inflicted numerous civilian casualties, and pursuant to Article 52, Part 2 of the Statute of the City of Moscow, [I hereby order]<sup>49</sup>:

1. the General Department of Internal Affairs [GUVD] of the city of Moscow together with District Prefectures and Regional Councils to:
  - 1.1. re-register all the citizens who have been temporarily staying in the city of Moscow since 1 January 1999 and issue them with new certificates of registration at the place of their stay, within three days;  
  
carry out additional measures to identify out-of-town citizens who reside in the city without registration and make a demand that each of them undergoes registration with the [relevant] departments of the Ministry of Internal Affairs at the chosen place of stay, within three days;
  - 1.2. ensure that matters relating to the registration of citizens who are temporarily staying in the city of Moscow, be personally considered by heads of territorial departments and district departments of the Ministry of Internal Affairs. In doing so, the purpose of the temporary stay must be established;
  - 1.3. to undertake a check - within one week - of the observance of the Registration Rules in residential areas, hostels, hotels, organizations and other places where citizens stay and take all the stipulated measures in their entirety against those who violate the said Rules, including officials and owners of residential and non-residential apartments and buildings;

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49 Hereinafter, words and phrases enclosed in square brackets, are implied in the original.

- 1.4 strengthen control over the observance in Moscow of the Rules for Registration and Deregistration [stripping someone of their registration] at a Place of Stay or Residence, by citizens and officers of organizations (irrespective of the types of property [they own]);
2. the General Department of Internal Affairs of the city of Moscow: to ensure 24 hour control over the entry into the city of out-of-town cargo and passenger transport and to thoroughly inspect automobile transport - in line with the established procedure - in order to detect and remove any weapons, ammunition, explosives, narcotics or toxic agents that are unlawfully kept;  
  
to temporarily limit the entry in Moscow of transit automobile transport;
3. the departments of the Ministry of Internal Affairs at the Moscow Railway, Air and Water Transport to take comprehensive measures - in co-operation with Moscow territorial departments of the Ministry of Internal Affairs - to prevent the entry into the city of those citizens who have not registered their temporary stay in Moscow, remove them from airports and railway stations and expel them [from the city].
4. I reserve control over the execution of the above order.

Yu.M. Luzhkov  
Mayor of Moscow  
MAYOR OF MOSCOW

MOSCOW GOVERNMENT

DECREE No. 875  
of 21 September 1999

ON ESTABLISHING A TEMPORARY PROCEDURE  
FOR THE RELOCATION OF THOSE PERSONS,  
WHO PERSISTENTLY VIOLATE THE REGISTRATION RULES,  
TO OUTSIDE THE LIMITS OF THE CITY OF MOSCOW  
TO THE PLACE OF THEIR PERMANENT RESIDENCE

In connection with the current [security] operational situation in the city of Moscow relating to the recent terrorist acts that have inflicted numerous civilian casualties; in order to ensure the maintenance of public order and security and to improve the protection of citizens' rights and freedoms from criminal infringements; and pursuant to Article 72 of the Constitution of the Russian Federation, to Article 12 of the Federal Law "On the Principles of and Procedure for Differentiation Between the Authority and Powers of the Government Bodies of the Russian Federation and That of the Government Bodies of Its Subjects", to Article 5 of the Agreement on differentiation between the authority and powers of the government bodies of the Russian Federation and that of the government bodies at the federally significant city of Moscow, to Article 6 of the Administrative Code of the RSFSR<sup>50</sup> and to Article 91 of the Statute of the City of Moscow, the Moscow Government [hereby] decrees that:

1. A Temporary Procedure be established for the relocation of persons who persistently violate the registration rules, outside the limits of the city of Moscow - to the place of their permanent residence (Appendix).
2. The State and Legal Department of the Moscow Mayoralty together with the GUV<sup>51</sup> of the city of Moscow must prepare a draft of a legislative proposal by the Federation Council Member, M.Yu. Luzhkov, to the State Duma, stipulating changes in the Administrative Code of the RSFSR.
3. Head of the GUV<sup>51</sup> of the city of Moscow, heads of the departments of the Ministry of Internal Affairs at the Moscow Railway, Air and Water Transport, together with District Prefects and Heads of Regional Councils must ensure that the Temporary Procedure for the relocation of persons who persistently violate the Registration Rules, outside the limits of the city of Moscow - to the place of their permanent residence, be followed. The said officials must also

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<sup>50</sup>Russian Soviet Federal Socialist Republic.

<sup>51</sup>General Department of Internal Affairs (\_\_\_\_\_ , \_\_\_\_\_).

strengthen control over the observance by citizens of the Registration Rules in the city of Moscow.

4. First Deputy Premier of the Moscow Government, V.P. Shantsev, and Head of the GUVD of the city of Moscow, N.V. Kulikov, are charged with control over the execution of the above decree.

V.P. Shantsev  
Acting Premier of the Moscow Government



Appendix  
to Decree No 875  
by the Moscow Government  
dated 21 September 1999

TEMPORARY PROCEDURE  
FOR THE RELOCATION OF THOSE PERSONS,  
WHO PERSISTENTLY VIOLATE THE REGISTRATION RULES,  
TO OUTSIDE THE LIMITS OF THE CITY OF MOSCOW  
TO THE PLACE OF THEIR PERMANENT RESIDENCE

1. General Provisions
  - 1.1. Citizens arriving in the city of Moscow, must within three days register their stay [in the city] with the agencies authorized to carry out registration.
  - 1.2. In accordance with Order No. 1007 "On Urgent Measures to Ensure Observance of the Procedure for Registration of Citizens Temporarily Staying in the City of Moscow" issued by the Mayor of Moscow on 13.09.99, departments and units of the Moscow GUVD are entitled to conduct checks on the observance of the registration rules as set out in the Rules for Registration and Deregistration at a Place of Stay or Residence in Moscow and Moscow Region validated by Decree No. 241-28 of 30.03.99 issued by the Moscow and Moscow Region Governments, and by Law No. 33 of the City of Moscow of 09.07.99 "On the Terms of Stay in Moscow of Foreign Citizens Entitled to Enter Russia Without a Visa", and to take legal measures, including the relocation to the place of permanent residence, against any person violating the said Rules.
  - 1.3. Relocation to the place of permanent residence shall be enforced in respect of any citizen of the Russian Federation or any member-state of the Commonwealth of Independent States, who has failed to undergo registration in the city of Moscow upon the imposition [on them] of a penalty under administrative law for the violation of the Registration Rules and upon the serving [on them] of a written notice to leave the city of Moscow.
  - 1.4. In accordance with this Temporary Procedure and Order No. 1007 of 13.09.99 by the Mayor of Moscow, having detected any people who have failed to undergo registration, police officers shall take them to a standby unit [department] of the Ministry of Internal Affairs in order to execute documents required to bring administrative charges against them for the offence committed and to decide on their relocation from Moscow to the place of their permanent residence.
2. Procedure for Relocation

- 2.1 People violating the Registration Rules shall be relocated from Moscow to the place of their permanent residence by the [relevant] department of internal affairs of the city of Moscow or by the Moscow departments of internal affairs responsible for railway, air or water transport, in accordance with an instruction validated by the head of the [relevant] territorial district department of internal affairs (OVD) or by the Linear OVD responsible for transport if applicable. A notice of the detention of any person to be relocated shall be sent to the [relevant] interdistrict procurator (or transport procurator).
- 2.2. The relocation of any such people as specified in this Temporary Procedure, shall be carried out at the expense of the person or failing that - due to lack of funds - at the expense of the GUV D of the city of Moscow, using the funds raised through the collection of registration fees from citizens [subject to registration], pursuant to Article 7 of Law No. 33 of the City of Moscow of 09.07.99 "On the Terms of Stay in Moscow of Foreign Citizens Entitled to Enter Russia Without a Visa".

Travel documents (a railway ticket) for a person to be relocated, shall be obtained through the [relevant] reception - distribution centres of the Moscow GUV D (or district departments of the Ministry of Internal Affairs) upon presenting completed documentation in respect of such relocation.

- 2.3. Any people to be relocated shall be detained - until their dispatch to the place of their permanent residence - at the [relevant] district department of the Ministry of Internal Affairs in accordance with the enacted laws of the Russian Federation.

Persons to be relocated from the city of Moscow, shall be transported by railway transport of the Moscow Railway Department of the Ministry of Internal Affairs, or by automobile transport supplied by the [relevant] Prefecture upon submitting an application by the head of the [relevant] District Department of the Ministry of Internal Affairs.

Heads of District Departments of the Ministry of Internal Affairs are charged with organizing work of squads of police officers who accompany relocated persons.

ORDER No. 1057-\_\_

28 September 1999

ON TEMPORARY MEASURES TO REGULATE THE PROCEDURE  
FOR DEALING WITH REFUGEES AND INTERNALLY DISPLACED PERSONS  
WHO ARRIVE IN MOSCOW, AS WELL AS WITH  
PERSONS WHO ARE SEEKING TO OBTAIN SUCH STATUS

In connection with the sudden and very substantial aggravation of the situation in Moscow as a result of a series of terrorist acts that have inflicted numerous civilian casualties, and pursuant to Articles 52 and 91 of the Statute of the City of Moscow, [I hereby order]:

1. the Moscow Migration Service to:
  - 1.1. register internally displaced people who have been granted a [refugee/IDP] status on the territory of another subject of the Russian Federation (by a territorial department of the Russian Federal Migration Service (FMS)), only if such people are registered at a place of their residence in the city of Moscow;
  - 1.2. accept for consideration applications for the granting of an IDP/refugee status, only in the event that the applicants are registered at the place of residence of their direct relatives with whom they stay, for a period of no less than six months. In this case, the applicants must specify that the purpose of their temporary stay in the city of Moscow, as declared to the [relevant] department of the Ministry of Internal Affairs, is to obtain the said status.
2. [Mr] V.P. Shantsev to control the execution of the above order.

Luzhkov