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Russian Federation: Four Russian servicemen convicted of murdering Chechen civilians

Four members of a special unit of the Russian Military Intelligence (GRU) were convicted on 14 June for the killing of six unarmed Chechen civilians near the village of Dai, Chechen Republic in January 2002. However, the verdict is one of only a handful of convictions for serious human rights violations, including war crimes and crimes against humanity, committed during the second Chechen conflict. The authorities in the Russian Federation must vigorously and effectively investigate and bring prosecutions in the thousands of other cases of violations such as extra-judicial executions, torture including rape, enforced disappearances and indiscriminate killings of civilians.

According to the prosecution, the six civilians died on 11 January 2002 in Chechnya when members of the GRU unit opened fire on the car in which they were travelling, without giving adequate warning. One passenger, Said Alaskhanov, director of a village school, was killed immediately by the gunfire, and two of the five passengers were wounded. Captain Eduard Ulman, who had headed the GRU unit, and his subordinates Aleksander Kalaganskii and Vladimir Voevodin took the five civilians, Abdul-Wakhab Satabaev, deputy director of the local school, Shakhban Bakhaev, a forester, Khamzat Tuburov, the driver of the vehicle, Zainap Dzhavatkhanova, a pregnant mother of seven and Dzhamlail Musaev, to a nearby abandoned farm building, where they detained them and administered first aid to the wounded. However, Major Aleksei Perelevskii radioed Captain Eduard Ulman an order to eliminate the detainees; Eduard Ulman then ordered Aleksander Kalaganskii and Vladimir Voevodin to shoot and kill the detainees. Eduard Ulman also ordered that their bodies be loaded into the car and set on fire.

Captain Eduard Ulman, Aleksander Kalaganskii, Vladimir Voevodin and Major Aleksei Perelevskii were convicted of murder and of "exceeding official authority" by the North Caucasus district military court in Rostov-on-Don and sentenced to imprisonment in strict regime prison colonies for terms of 9 to 14 years. Eduard Ulman, Vladimir Voevodin and Aleksei Perelevskii were also convicted of premeditated destruction of property. The court ordered that compensation be paid to the victims' families.

The four men had twice been found not responsible in law for killing the six civilians in previous court hearings at the same court, despite having admitted to killing the civilians. The defence argument of all four servicemen, that they had been following orders, had been accepted by two separate juries. The families of the victims appealed against the acquittals on both occasions, which were then overturned by the Military Collegiate of the Supreme Court of the Russian Federation, on the basis of procedural violations. This latest third trial was heard by a court made up of three professional judges rather than a jury, following a ruling by the Constitutional Court in April 2006. The Constitutional Court had ruled that, given that jury trials have yet to be introduced in Chechnya, the case should be heard without a jury.

While Major Aleksei Perelevskii was taken into custody in the court room, the other three men were tried *in absentia*, having failed to appear in court from April 2007 onwards. They are currently wanted by police.

Amnesty International has closely followed this case and campaigned for those responsible for the killings of the six civilians to be brought to justice. This verdict is one of only a handful of prosecutions and convictions of Russian military service personnel for serious human rights violations committed during the second Chechen conflict. The authorities have failed in virtually all cases to effectively investigate and prosecute the perpetrators of serious human rights violations, including war crimes and crimes against humanity, that have taken place over the course of the conflict. They have also failed to provide reparations to the victims.

Even in cases where the evidence clearly indicates that Russian federal forces or Chechen security forces have been responsible for a serious human rights violation, the prosecutor's office often fails to identify suspects and bring prosecutions against them. For example, a general of the Russian federal army captured on film giving the order to "finish off" Khadzhi-Murat Yandiev, detained by Russian federal forces near Grozny in February 2000, has yet to face prosecution. Khadzhi-Murat Yandiev's subsequent fate remains unknown. In the case of *Bazorkina v Russia* the European Court ruled that the Russian Government should be held liable for the fact that Khadzhi-Murat Yandiev must be presumed dead following unacknowledged detention. The Court held that the Russian Federation had violated the right to life, the prohibition of inhuman treatment and the right to liberty and security as well as the right to an effective remedy (Articles 2, 3, 5 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms).