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Russian Federation: Chechen Republic - "Normalization" in whose eyes? Summary

The second armed conflict in the Chechen Republic since the break-up of the Soviet Union has continued for nearly five years. In spite of repeated claims from Russian and pro-Moscow Chechen officials that the situation is 'normalizing', Amnesty International states that the conflict and the accompanying human rights abuses which continue are far from "normal".

Amnesty International's report *Russian Federation: Chechen Republic - "Normalization" in whose eyes?* (AI Index: EUR 46/027/2004 <http://web.amnesty.org/library/index/engneur460272004>) exposes human rights violations carried out by Russian and Chechen security forces.

Instead of the rule of law, "disappearances", arbitrary detentions and extrajudicial executions and attacks by armed opposition groups continue. Such abuses, many of which constitute war crimes, are overwhelmingly committed with impunity, the majority of investigations which are undertaken are at best inconclusive and very few perpetrators are ever identified and brought to justice.

The report is based on the findings of an Amnesty International delegation which travelled to Ingushetia in March/April 2004 and ongoing research from the International Secretariat in London.

THE HUMAN RIGHTS CRISIS IN THE CHECHEN REPUBLIC

The adoption of a new constitution in March 2003 and the presidential elections in early October of the same year have not normalized the situation in the Chechen Republic - extrajudicial killings, "disappearances" and torture, including rape and unlawful killings occur systematically.

Russian and Chechen news services report daily about shootings and explosions in Chechnya. Many of these incidents result in the killing of civilians. Members of the Chechen administration and police are regularly targeted by members of armed Chechen opposition groups.

Extrajudicial Killings

On 9 April 2004 local residents found the bodies of nine men in a ravine near Serzhen-Yurt in the Shali region of Chechnya. The bodies reportedly bore gunshot wounds as well as marks of torture. Eight of the men had been detained in the early hours of 27 March 2004, reportedly by Russian federal forces, in the village of Duba-Yurt, approximately 25 kilometres from Serzhen-Yurt and their whereabouts were unknown at the time.

The mutilated body of Chechen human rights activist, Aslan Davletuakaev, aged 29, was found near the town of Gudermes in Chechnya on 16 January 2004. He was reportedly detained by Russian

federal forces on 9 January 2004. Criminal investigations into the incident have been inconclusive and to date no one has been identified as responsible for the killing.

"Disappearances"

"Disappearances", a grave human rights violation which has characterized the conflict in Chechnya, continue.

On 2 April 2003, Artur Akhmatkhanov, a 22-year-old student of the Oil Institute in Grozny, was detained near his house by men who appeared to be members of the Russian federal forces. More than a year after his "disappearance", his family is still waiting for news of his fate and whereabouts.

On 30 December 2002, an armoured personnel carrier (APC) in the Urus Martan region tried to stop and reportedly opened fire on two cars, killing one passenger and dragging the remaining eight into the APC. The eight were taken to the headquarters of the Russian Armed Forces in the North Caucasus in Khankala. During the following two days, six of the men were released, after having been reportedly subjected to torture and ill-treatment while being questioned about their alleged contacts with Chechen fighters. Adlan Dovtaev and Shaprudi Israilov were not released and have since "disappeared".

On 4 January 2003 men in camouflage uniforms and masks in Urus-Martan took away Ali Saindinovich Khadaev, commonly known as Timur, allegedly to check his papers. His fate or whereabouts are still unknown.

The targeting of women in the armed conflict

During the first period of the current armed conflict Amnesty International has documented several cases of Chechen women who had been subjected to torture, including rape, and ill-treatment, or "disappearances" by members of the armed forces. A significant number of Chechen women were among the hostage-takers during the hostage-taking incident in a theatre in Moscow in October 2002 and since then, several Chechen women have reportedly been involved in suicide bombings against targets in the North Caucasus as well as in Moscow. This appears to have resulted in an increase in the targeting of women in the Chechen Republic by Russian and Chechen security forces.

On 15 January 2004 Eliza Gaitamirova from the Urus-Martan region was stopped near her house by several men wearing camouflage uniforms and masks, who arrived in unmarked cars. The men, reportedly Russian soldiers, took her away, and she has not been seen since. Eliza Gaitamirova's husband had reportedly "disappeared" in 2001.

Milana Ozdoeva, a widow from the Achkhoy-Martan region, was questioned on 5 and 9 January 2004 by a member of the Russian federal forces about allegations that she wanted to become a suicide bomber. According to her neighbours, on 19 January 2004 several men entered her house and forced her to go with them. She has not been seen since. Her husband is reported to have been a fighter who died in a recent clash with Russian forces.

On 16 May 2003, Aminat Dugaeva, 15, and her relative, Kurbika Zinabdieva, 34, were taken from the latter's home in the mountainous region of Shatoi by armed, masked men in dark blue uniforms. A spokesperson for the Russian federal forces in the North Caucasus reportedly announced on local TV that two women had been detained under suspicion of terrorism. Their mothers have filed cases with the European Court of Human Rights as they considered that the authorities' response following the "disappearance" of their daughters has been inadequate.

In March 2000, 18-year-old Kheda Kungaeva was taken from her home by Russian forces and subsequently raped and killed. In July 2003 Colonel Yuri Budanov was sentenced to 10 years' imprisonment for her killing. No one, however, was ever charged with raping her, although forensic evidence indicated that she had been raped prior to her death. (For further information on the case see: *Denial of Justice*, AI Index: EUR 46/027/2002 <http://web.amnesty.org/library/index/engneur460272002>)

Torture and ill-treatment in unofficial places of detention

Chechens detained during raids continue to be held and often tortured in unofficial places of detention. In

2002 and in May 2003, the European Committee for Prevention of Torture (CPT) visited ORB-2, a then unofficial place of detention located in Grozny and run by the Operative and Search Bureau under the Russian Ministry of Interior. The CPT considered it to be an establishment which "stands out in terms of the frequency and gravity of the alleged ill-treatment".

It is alleged that a growing number of unofficial places of detention run by members of armed units under the control of Ramzan Kadyrov, the son of the late Chechen President Akhmad Kadyrov, who was appointed deputy prime minister of Chechnya in May 2004.

Reprisals against applicants to the European Court of Human Rights

Criminal investigations into human rights violations in the Russian Federation remain inadequate, are frequently closed without a conclusion and the cases rarely ever get as far as a courtroom. Consequently, an increasing number of Chechens have decided to take their cases to the European Court of Human Rights; in doing so they have opened themselves and their families up to reprisals including harassment, threats and even death.

Sharfudin Sambiev, the father of Amir Pokaev, and nine other people from Starye Atagi filed an application in July 2003 with the European Court of Human Rights after 11 individuals from the village had "disappeared" during a military raid in April 2002. On 10 April 2004 some 50 members of the federal troops reportedly entered the Pokaevs' home, searched the house and shot dead Amir Pokaev's brother Anzor, who was hiding in the garden.

INGUSHETIA

IDPs under pressure in Ingushetia

During the first months of 2004, the Russian government continued to pressure thousands of internally displaced persons (IDPs) living in tent camps in Ingushetia into returning to Chechnya, ignoring their well-founded fears about the security situation there. The government has, for the most part, failed to fulfil previous promises to provide IDPs who wish to stay in Ingushetia with alternative accommodation there. The conditions in government-run temporary accommodation centres in the Chechen capital Grozny reportedly do not correspond with promises made by the authorities.

IDPs from closed down camps in Ingushetia told Amnesty International that Russian and Chechen officials had used a combination of threats and incentives to encourage them to return to Chechnya. They said officials promised them compensation for lost property should they return, and threatened they would lose their right to humanitarian aid if they did not. They also said law enforcement officials had threatened to plant bullets or narcotics on them if they did not go back to Chechnya.

The deteriorating human rights situation in Ingushetia

The human rights violations that have long been the hallmark of the Chechnya conflict are spilling over into Ingushetia. During 2003, there were reports of an increasing number of raids across the border, where Chechen settlements as well as Ingush villages were targeted by what appeared to be federal and Chechen security forces. During the first few months of 2004, dozens of people have reportedly "disappeared" and human rights groups have documented a number of summary executions and attacks against civilians resulting in deaths and serious injuries.

IMPUNITY

The Russian and Chechen authorities have failed, and continue to fail, to carry out thorough, independent and impartial investigations into allegations of human rights abuses and to bring suspected perpetrators of such abuses to justice. Charges against and sentences handed down to the few police and military personnel that have been prosecuted for serious human rights violations committed against civilians in Chechnya fail to address the gravity of the acts as well as the scale of human rights violations reported in Chechnya.

On 29 April 2004 a court in Rostov-on-Don found Captain Eduard Ulman and three other officers of a special unit of the military intelligence not guilty of the murder of six civilians during a special operation

in Chechnya. The court found that their actions were not punishable as they had followed orders.

Alaudin Sadykov, a teacher from Grozny, was detained and tortured in spring 2000 by members of a special riot police (OMON) in a police station in the Oktiabrskii district in Grozny. The office of the Special Representative for the President of the Russian Federation on Human Rights and Civil Rights and Freedoms in the Chechen Republic stated in 2001 that investigations into alleged unlawful actions committed by a unit from the Ministry of Interior had been opened, but since then no one has been brought to justice.

The trial of Sergei Lapin, a member of the OMON from the Khanty-Mansiisk region, started on 14 October 2003 at the Oktiabrskii court in Grozny. Sergei Lapin has been accused of involvement in the "disappearance" of 26-year-old Zelimkhan Murdalov from Grozny. However, it has been reported that his trial was postponed on the grounds that he was suffering from post-traumatic stress disorder and other psychological problems which prevented him from attending the trial in Grozny. It has since been reported that in early 2004 Sergei Lapin returned to work as an armed policeman.

THE CHECHEN CONFLICT AND THE INTERNATIONAL COMMUNITY

As a signatory to a number of international human rights treaties, the Russian Federation is obliged to respect and protect the human rights of all people within its territory and subject to its jurisdiction without discrimination. Its failure to do so during the conflict in Chechnya has more often than not produced inadequate responses from governments and from some inter-governmental bodies. It has been noted that prior to the attacks in the United States on 11 September 2001, foreign governments and international bodies were more inclined to take the Russian Federation to task for its appalling human rights record in the Chechen Republic, but since then, much criticism of the violations of international humanitarian law and human rights has been muted:

Since the outbreak of this conflict in 1999, the United Nations' Security Council, of which Russia is a permanent member, has not once adopted a specific resolution about the conduct of the Russian forces during the armed conflict in Chechnya.

On 15 April 2004 the UN Commission on Human Rights, for the third year running, rejected an EU-sponsored draft resolution on the situation in the Chechen Republic.

A number of international bodies and human rights mechanisms, such as the UN Human Rights Committee, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, continue to monitor and criticize the conduct of Russian security forces and the Chechen fighters.

RECOMMENDATIONS

Amnesty International's report *Russian Federation: Chechen Republic - "Normalization" in whose eyes?* makes recommendations to the government of the Russian Federation, the administration of the Chechen Republic, Chechen armed opposition groups, governments of other countries and the Council of Europe. In its recommendations Amnesty International stresses the need for measures to stop the human rights abuses in the context of the conflict in Chechnya, to bring the perpetrators to justice and to ensure redress for the victims.

Public Document

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