

## TABLE OF CONTENTS

Introduction.....	1
Current concerns relating to the armed conflict in Chechnya.....	3
“Disappearances” and abductions.....	3
The nature and scale of “disappearances” and abductions .....	3
Recent official statements relating to statistics of “disappearances”, abductions and missing persons .....	5
New cases of “disappearances” .....	6
Arbitrary detentions, “disappearances” and abductions of relatives of persons claimed to be members of armed opposition groups .....	9
Impunity.....	13
Lack of effective investigations into “disappearances” and killings .....	14
Lack of effective prosecutions relating to serious human rights violations.....	15
Reprisals against applicants to the European Court of Human Rights .....	18
Threats to Human Rights Defenders.....	19
Recommendations to the government of the Russian Federation:.....	23
Recommendations to Chechen armed opposition groups:.....	24
Recommendations to second governments:.....	24
Recommendations to the Council of Europe: .....	25
To the Secretary General: .....	25
To the Committee of Ministers: .....	25
To the Parliamentary Assembly:.....	26
To the Commissioner for Human Rights:.....	26
Recommendations to the European Union: .....	27



# **Russian Federation**

## **Violations continue, no justice in sight. A briefing paper on human rights violations in the context of the armed conflict in the Chechen Republic**

### **Introduction**

The second armed conflict in the Chechen Republic since the break-up of the Soviet Union has continued for nearly six years. In spite of repeated claims from Russian and Chechen officials that the situation is 'normalizing', there seems to be no end in sight either to the conflict itself or to the accompanying human rights abuses. Clashes between Russian and Chechen security forces and armed opposition groups continue. Such clashes are most frequent in the southern regions of the republic, but also periodically take place in other areas, including the capital, Grozny. The regular aerial and artillery attacks by federal forces which took place in earlier phases of the conflict are now mostly confined to the southern regions of the republic. However, Russian and Chechen security forces are conducting targeted raids in towns and villages across Chechnya, during which serious human rights violations, in particular, "disappearances" are common. Extrajudicial killings, and torture, including rape, and ill-treatment are also reported to take place on a regular basis. Such violations are in breach of the obligations of the Russian Federation under international human rights and humanitarian law to protect the right to life, dignity and security of the person and not to be subjected to torture or other forms of ill-treatment.

In addition, Chechen armed opposition groups are also reported to have violated international humanitarian law over the course of the conflict. Members of Chechen armed opposition groups operating in and around populated areas have reportedly failed to take measures to protect civilians. According to reports, they have targeted civilian members of the Chechen administration in attacks that have resulted in dozens of fatalities and serious injuries. They have also kidnapped civilians, and held them hostage. Chechen armed opposition groups have claimed to have executed captured members of the Russian armed forces.

Human rights abuses which in earlier stages of the conflict occurred almost exclusively in Chechnya have spread into neighbouring republics. Raids conducted in Ingushetia by Russian and Chechen security forces have resulted in a number of "disappearances" and killings. Chechen armed opposition groups are suspected of responsibility for coordinated attacks in Ingushetia, which have in some cases caused indiscriminate harm to civilians. Chechen armed opposition groups took over 1000 civilians hostage in Beslan, North Ossetia in September 2004, in violation of international law.

Such violations and abuses, many of which constitute war crimes, are overwhelmingly committed with impunity, as very few perpetrators are ever identified and brought to justice. There have been almost no effective investigations into the widespread human rights abuses in the context of the armed conflict in Chechnya, including extrajudicial killings, “disappearances”, torture, including rape, and indiscriminate killings of civilians by armed opposition groups. The prosecution of the handful of cases that come to court is flawed. Independent verification of violations has frequently been gravely hampered by the security situation in the region, and by obstacles to access imposed by the Russian authorities on international human rights monitors, as well as domestic and foreign journalists, seeking to operate in Chechnya.

A large number of people remain internally displaced in neighbouring regions of the north Caucasus. According to statistics from the Danish Refugee Council, at the end of June there were over 31,000 internally displaced persons living in Ingushetia, of whom over 11,500 were in camps and over 19,500 were in private accommodation.<sup>1</sup> In Dagestan at the end of May 2005 there were reported to be nearly 5,000 internally displaced persons.<sup>2</sup>

This report is based on ongoing research conducted from Amnesty International’s International Secretariat in London, including contact with relatives of victims of human rights abuses, lawyers and representatives of local and international organizations working in the region, including the Memorial Human Rights Centre (Memorial), the Russian-Chechen Friendship Society, the Danish Refugee Council, and the Stichting Russia Justice Initiative, and is an update to previous Amnesty International reports.<sup>3</sup>

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<sup>1</sup> According to information received from the Danish Refugee Council, by email, 30 June 2005

<sup>2</sup> According to information received from the Danish Refugee Council, by email, 31 May 2005

<sup>3</sup> See Amnesty International, *Russian Federation: Chechen Republic “Normalization” in whose eyes?* (AI Index: EUR 46/027/2004) and *Russian Federation: The Risk of Speaking Out. Attacks on Human Rights Defenders in the context of the armed conflict in Chechnya* (AI Index: EUR 46/059/2004)

## **Current concerns relating to the armed conflict in Chechnya**

### **“Disappearances” and abductions**

#### **The nature and scale of “disappearances” and abductions**

Thousands of Chechens are believed to have been "disappeared"<sup>4</sup> since the outbreak of the second conflict in the autumn of 1999. Many were taken away from their homes during so-called "zachistki" (military raids), allegedly conducted to check the identity documents of people in a village or district, during which whole villages were surrounded for days at a time and Russian troops, sometimes accompanied by Chechen security forces, went from house to house, conducting searches and checking identity documents.

The Russian non-governmental organization (NGO) Memorial has estimated that between 3,000 and 5,000 people have gone missing in the Chechen Republic following what they term as abductions, arbitrary arrests and detentions since 1999 when the second Chechen conflict began. Memorial recorded 396 abductions in 2004.<sup>5</sup> It was reported that of those, 189 people were released, 24 were found dead and the whereabouts of 173 people were still unknown in February 2005. Memorial emphasizes that their statistics are based on research conducted in about one-third of the territory of the Chechen Republic, and therefore may not represent the full extent of the violations. Moreover the pervading atmosphere of fear in the region, leading to many people being reluctant to come forward, the preference in many cases of relatives to attempt to secure the safe return of their relatives through unofficial channels and the extremely dangerous conditions for independent monitors such as journalists and human rights defenders attempting to research the situation, means that there is an underreporting of cases of “disappearance”.

There continue to be regular reports about targeted operations in Chechnya, which mostly take place at night, usually by armed men, in camouflage and often masked, who often arrive in a large number of military vehicles whose identification plates are covered, and in which one or more people are taken away in an unknown direction. In some cases the individuals are released within a few days, in other cases they remain missing, and in some cases their bodies are found bearing signs of a violent death.

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<sup>4</sup> Amnesty International uses the term “disappearance” when there are reasonable grounds to believe that a person has been taken into custody by state agents, yet the authorities deny the victim is held, thus concealing the victim’s whereabouts and fate and placing the victim outside the protection of the law. The word is placed in inverted commas by Amnesty International to indicate that it does not accept official explanations that these people have simply vanished. Amnesty International only uses the term “disappearance” for cases which fit this definition and involve state agents. When people have been taken away by armed groups not affiliated with the government, or when it is unclear whether state agents were the perpetrators, Amnesty International terms this an abduction.

<sup>5</sup> Memorial, *Чечня, 2004 год. Похищения и исчезновения людей*, 7 February 2005, at <http://www.memo.ru/hotpoints/caucas1index.htm>

It can be difficult to attribute responsibility for these abductions. The language that the armed men speak – Russian, Chechen, Ingush – the type of vehicles used, and if unmasked, their appearance, are often the few indications of their identity. The procuracy open criminal investigations under Article 126 of the Criminal Code (“abduction”) but almost always the investigations fail to identify those individuals responsible.

Nevertheless in very many cases, circumstances indicate that Russian federal forces or Chechen security forces were responsible for the “disappearance”, and there have been a number of statements attributed to officials that confirm this.

In an interview with the Russian newspaper *Izvestia* on 28 March 2003 an unnamed officer, working for the department of military intelligence of the Ministry of Defence, admitted that the Russian federal forces had turned to such methods in order to avoid control by the procuracy. While claiming that these raids in the night are necessary tools in the armed conflict which Russia describes as “war against terror”, he admitted: “sometimes innocent people end up in this.... And when we find out the truth, it turns out it is too late to correct something, the person is already gone.”<sup>6</sup> Russian federal forces include the Vostok (East) and Zapad (“West”) battalions, which are part of the Russian federal Ministry of Defence’s 42<sup>nd</sup> Motorized Infantry Division, and are permanently deployed in Chechnya. Their members, who are ethnic Chechens, are alleged to be responsible for serious human rights violations, including “disappearances”.

On 6 May 2005, the Chechen President, Alu Alkhanov, was reported to have stated that in some cases, people that had been reported as missing had in fact been held as suspects in criminal inquiries by a certain subunit of the security forces, although he did not clarify who had carried out the detentions in these cases. He reportedly presented this as an explanation for confusion over whether someone was missing or not. Alu Alkhanov is said to have stated that “the percentage of people who are detained by federal forces for committing terrorist acts or other grave crimes and who later go missing, has also decreased today several times... the number of such incidents among missing people in general is about 5 to 10 per cent”.<sup>7</sup>

Increasingly Chechen security forces have also been implicated in “disappearances”. Some of the “disappearances” by Chechen security forces are alleged to have been carried out by the so-called *Kadyrovtsy*, who are effectively under the command of Ramzan Kadyrov, the First Deputy Prime Minister of Chechnya. Amnesty International is aware of allegations that many of the men working in the security forces under the control of Ramzan Kadyrov were previously members of armed opposition groups, and that many were allegedly forced to join or face criminal charges. Amnesty International is also aware of allegations that members of security forces under the control of Ramzan Kadyrov have been drawn from criminal groups. The so-called “oil regiment”, a Chechen security force, formerly part of the Security Service

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<sup>6</sup> <http://www.izvestia.ru/politic/article31814>, also quoted in Amnesty International, *Russian Federation: Chechen Republic “Normalization” in whose eyes?* (AI Index: EUR 46/027/2004)

<sup>7</sup> Reuters, *Russian troops carry out 10 pct of Chechen kidnaps*, 6 May 2005 and Interfax, *Twenty-three missing in Chechnya since start of year – president*, 6 May 2005

of the President of the Chechen Republic, and headed by Adam Delimkhanov, has also reportedly been implicated in “disappearances”.

Presidential Advisor Aslanbek Aslakhonov is reported to have stated on *Ekho Moskvy* radio in April 2005 that he did not rule out the involvement of the *Kadyrovtsy* or of the federal forces in “disappearances”.<sup>8</sup> The head of the Russian forces' general staff in the North Caucasus, General Arkady Edelev, is reported to have admitted in February 2005 official involvement in “disappearances”. *AFP* quoted him as stating “members of the Russian forces and of the (pro-Russian Chechen) law enforcement agencies (to which Kadyrov's militia belongs) have unfortunately taken part” in “disappearances” of civilians.<sup>9</sup>

### **Recent official statements relating to statistics of “disappearances”, abductions and missing persons**

Official statistics and statements relating to “disappearances” and abductions vary but indicate an awareness of the scale of the violations.

On 16 April 2005, the head of the press centre for the Ministry of Internal Affairs for Chechnya, Ruslan Atsaev, reportedly stated that since the beginning of the year there had been 40 new cases of “abductions”, and during that time only five abducted individuals had been found. He reportedly stated that eight criminal cases had been opened into the actions of members of Ministry of Interior agencies and a further eight individuals had been dismissed following checks.<sup>10</sup> On 6 May 2005, the Chechen President, Alu Alkhanov, was reported to have stated at a press conference that 23 people were confirmed as having gone missing in 2005.<sup>11</sup> Another Chechen official has reportedly stated that there are 52 registered sites of mass graves in Chechnya.<sup>12</sup>

The Office of the Procurator General reportedly stated in December 2004 that since 1999, 2,437 persons had been “abducted”, and of those, 347 had been released by the law enforcement agents.<sup>13</sup> Aslambek Aslakhonov, Presidential Adviser, reportedly stated on 4 April 2005 that according to information provided by the Procurator's office of Chechnya, from 1999 to 2004, 1,814 criminal cases had been opened into “the fact of disappearance” of 2,540 people. According to the Ministry of Interior of Chechnya, 404 people were abducted in 2003, and 168 people were abducted in 2004.<sup>14</sup>

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<sup>8</sup> Ekho Moskvy, *К похищениям людей в Чечне могут быть причастны не только боевики...*, 4 April 2005, <http://www.echo.msk.ru/news/240917.html>

<sup>9</sup> AFP, *Family accuses Russia of backing kidnap of Chechen rebel leader's siblings*, 7 February 2005

<sup>10</sup> Newsru.com, *В Чечне с начала 2005 года похищены 40 человек - данные МВД республике*, <http://www.newsru.com/arch/russia/16apr2005/40.html>

<sup>11</sup> Reuters, *Russian troops carry out 10 pct of Chechen kidnaps*, 6 May 2005 and Interfax, *Twenty-three missing in Chechnya since start of year – president*, 6 May 2005

<sup>12</sup> Interfax, *Fifty-two mass graves registered in Chechnya*, 15 June 2005

<sup>13</sup> Human Rights Watch report citing an Itar-Tass article from 27 December 2004

<sup>14</sup> Newsru.com, *Советник президента России: точное число похищенных в Чечне не знает никто*

## **New cases of “disappearances”**

Memorial has reported at least 20 cases of “disappearances” or abductions that took place in Chechnya and Ingushetia in May 2005. In most of the cases, witnesses to the abduction stated that unknown and unidentified armed men wearing camouflage uniforms were responsible. In many of the cases there were strong indications that Russian or Chechen security forces carried out the detention. In a handful of cases, relatives received some kind of official acknowledgement that their relative had in fact been detained by official security forces.

## **The “disappearance” of Akhdan Askhabov<sup>15</sup>**

Officials from an unidentified security service reportedly detained Akhdan Dzhamayevich Askhabov (born 1954) at 3am on 8 May 2005 at his home in Urus-Martan, Chechnya. According to witnesses, the men, who were speaking Russian, arrived in three vehicles. Without presenting identification, an explanation or a warrant, they reportedly searched the house and then took Akhdan Askhabov away with them.

On 9 May in the morning, relatives reportedly contacted the Urus-Martan district police department and the procuracy, but were unable to find out information as to Akhdan Askhabov’s whereabouts. On 16 May, however, an official at the Urus-Martan district police station reportedly told relatives that Akhdan Askhabov would be released 10 days after the initial date of detention, but the official did not specify who had carried out the detention. At the time of writing this report in June 2005, Memorial had received no further news on this case.

## **The “disappearance” and death of Adam Gorchkhanov<sup>16</sup>**

Adam Alambekovich Gorchkhanov, born 1968, reportedly “disappeared” from his home in the Republic of Ingushetia on 23 May. He died in hospital on 30 May 2005 in the neighbouring Russian republic of North Ossetia from serious head injuries.

According to reports, at about 6am, over 40 members of an unknown security service, some masked, arrived in several vehicles, including UAZ cars, a white *Gazel* minibus and an armoured personnel carrier (known in Russian by its initials BTR) at the home of the Gorchkhanov family in the village of Plievo, Nazran district. Some were speaking in both Russian and Ingush, but the majority were reportedly speaking in Russian only. Some of the men went into Adam Gorchkhanov’s bedroom and started to beat him, demanding that he

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<http://www.newsru.com/arch/russia/04apr2005/chehc.html>

<sup>15</sup> Memorial, Хроника насилия в Чечне, May 2005

<sup>16</sup> Based on material received from Memorial, including Хроника насилия в Чечне, May 2005, and Novaia Gazeta, *Выброшен из окна по собственному желанию: Ингушетию накрыла новая волна тяжчайших преступлений, совершаемых сотрудниками ФСБ*, 6 June 2005,

<http://2005.novayagazeta.ru/nomer/2005/40n/n40n-s13.shtml>



hand over weapons. At the same time other men entered the bedroom of his younger brother, Bashir Gorchkhanov, born in 1970, and beat him. The men searched the house without a court order, and took a video-recording of all the events. The men stated that they found two pistols during the search, but no independent witnesses were present during the search. According to Memorial, when the search was complete, the unknown men took Adam Gorchkhanov away with them without telling the relatives where he was being taken.

Later that same day, the reports continue, relatives submitted statements to the authorities relating to the reported “disappearance”. They addressed the office of the district procurator, the office of the Republic of Ingushetia Procurator, the Ingush department of the Federal Security Service (FSB), the Procurator General of the Russian Federation, the head of the FSB and a State Duma (parliament) member from Ingushetia.

On 26 May 2005, a lawyer for the family reportedly found out that Adam Gorchkhanov had been being detained in a pre-trial detention centre in Vladikavkaz, the capital of the republic of North Ossetia, and then subsequently transferred to the Regional Department for the Fight against Organized Crime (RUBOP) under the Ministry of the Interior for the North Caucasus, also in Vladikavkaz.

On 28 May, relatives reportedly learned that Adam Gorchkhanov was at the Central Republic hospital of North Ossetia in Vladikavkaz. According to initial reports, police officers allegedly stated that Adam Gorchkhanov had jumped from the fourth floor of the RUBOP building. Svetlana Gannushkina, head of Memorial’s “Migration and Rights” network, spoke by telephone to a doctor on duty at the hospital, who reportedly told her that Adam Gorchkhanov had been admitted with a serious head injury. He died on 30 May from his injuries.

### **The “disappearance” of 11 men from the village of Borozdinovskaia<sup>17</sup>**

On 4 June 2005, security forces carried out a ‘special operation’ in Borozdinovskaia, Chechnya, during which 11 men were reportedly “disappeared”. The raid prompted a mass exodus over the border to neighbouring Dagestan of around 1,000 villagers, who refused to return until the fate of the 11 men was made known.

The security forces, estimated to have numbered around 100, arrived in Borozdinovskaia at around 3pm. They came in two armoured personnel carriers, over 10 UAZ-469 jeeps and several VAZ-2109 vehicles, and were dressed in grey military and camouflage uniforms. They are alleged to have belonged to the Vostok (East) battalion of the Russian federal Ministry of Defence’s 42<sup>nd</sup> Motorized Infantry Division.

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<sup>17</sup> See, *inter alia*, Memorial, *События в станице Бороздиновская. “Зачистка” или месть за убитого родственника?* 22 June 2005, NTV, *Prosecutor says federal troops suspected of abducting Chechen villagers*, 22 June 2005, reported by BBC monitoring on 22 June 2005, *Moscow Times*, *Chechen villagers refuse to go home*, 27 June 2005, and RFE/RL Newline (Prague), *Chechen commander denies responsibility for Borozdinovskaya sweep*, 24 June 2005.

According to reports, during the raid the security forces detained around 200 men, including those who were elderly, teenagers or disabled, and took them to the local school. There the forces reportedly made the men lie on the ground outside the school, with their shirts pulled over their heads, and beat and kicked them. The security services called out by name 11 men, 10 ethnic Avars and one ethnic Russian, whom they took away to an unknown destination. Those detained have not been seen since and no enforcement agency operating in Chechnya has admitted holding the men.

The “disappeared” men have been named as: Abakar Abdurakhmanovich Aliev, born 1982, resident of Borozdinovskaia; Magomed Tubalovich Isaev, born 1986, resident of Borozdinovskaia; Akhmed Ramazanovich Kurbanaliev, born 1978 and Magomed Ramazanovich Kurbanaliev, born 1982, both residents of Chatli, Tsuntinskii district, Dagestan; Akhmed Peizulaevich Magomedov, born 1977, resident of Malaia Areshevka stanitsa, Kizliar district of Dagestan; Martukh Asludinovich Umarov, born 1987, resident of Borozdinovskaia; Eduard Viacheslavovich Lachkov, born 1986, resident of Kizliar, Dagestan; Akhmed Abdurakhmanovich Magomedov, born 1979, resident of Borozdinovskaia; Kamil Magomedov, born 1955, resident of Borozdinovskaia; and Said Nazirbekovich Magomedov, born 1960, resident of Borozdinovskaia.

According to reports, the other detained men were kept on the ground until around 10pm, when the security forces took them into the school sports hall, beat them again, and finally released them. The security forces burned down four houses during the raid and at least one man, 77-year old Magomaz Magomazov, was reportedly killed. It is alleged that the security services shot Magomaz Magomazov while he was in one of the four houses, and then deliberately set fire to the house; what are thought to be his remains were found in the charred remains of the house. Cars belonging to villagers reportedly went missing during the raid.

On 14 June villagers found charred human remains in another of the burned houses. At this, the majority of villagers decided to leave the village.

Over 230 families – around 1,000 individuals - set up a makeshift camp near Kizliar in Dagestan, just over the border from Chechnya. The families initially refused to leave the camp - named Nadezhda (Hope) – and return to their homes until what had happened to the 11 “disappeared” men had been discovered. Local police in Dagestan reportedly attempted on 20 June to forcibly move the families off Dagestan territory, but the attempt failed.<sup>18</sup> Since then, on 26 June the Chechen President, Alu Alkhanov, and the First Deputy Prime Minister, Ramzan Kadyrov, reportedly encouraged the villagers to return to Borozdinovskaia, underlining that they were residents of Chechnya, and that their problems could not be solved by staying in Dagestan. Reportedly, Ramzan Kadyrov stated that no one would be returned against their will. Alu Alkhanov reportedly stated on 26 June that stability and safety would be ensured, should the people return to Borozdinovskaia, and signed a decree the following day making Ramzan Kadyrov the Chair of a commission for the socio-economic development of Borozdinovskaia and the safety of its residents. Most villagers returned to Borozdinovskaia

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<sup>18</sup> *Izvestiia, Беженцев силой возвращают из Дагестана в Чечню*, 22 June 2005

by the end of June, despite no clear outcome from the investigation into the events.<sup>19</sup> However, many villagers reportedly subsequently left the village again in July.

According to villagers who witnessed the operation, the security forces responsible were ethnic Chechen, and were members of the Vostok battalion. Sulim Yamadaev, commander of the battalion, has denied that the Vostok battalion was responsible for the 4 June raid. However, other officials have stated that unspecified federal forces were responsible for violations during the course of the operation. Khusein Nutaev, head of the Shalkovskii district in Chechnya, reportedly told *NTV* television on 16 June that “special services and federal structures had not worked properly and permitted the law to be violated”.

On 22 June it was reported that a commission, headed by the Head of the Office of the General Procurator’s main directorate in the south of Russia, Nikolai Khazikov, had been set up to investigate the events. Dmitrii Kozak, the Presidential Representative for the Southern Federal District was said to be supervising the progress of the investigation. On 22 June, Dmitrii Kozak reportedly ordered the investigators to name the perpetrators of the raid within 10 days. One of the investigating officials from the military procuracy, Vladimir Kalita, is reported as stating that weapons had been confiscated from members of the Vostok regiment as part of the investigation.

The village of Borozdinovskaia is predominantly ethnic Avar, the main ethnic group in Dagestan. There were reports that the raid on 4 June was carried out by Chechens in revenge for the earlier murder of the father of a member of the Vostok battalion, and an attempt on the life of the local administration head. Other reports alleged that the raid was intended to further worsen relations between the different ethnic groups in the North Caucasus, in particular in Dagestan and Chechnya.

### **Arbitrary detentions, “disappearances” and abductions of relatives of persons claimed to be members of armed opposition groups**

There appears to be a growing trend in the number of arbitrary detentions, “disappearances” and abductions of family members of persons who the authorities suspect or claim are members of an armed opposition group. The purported motivation for these crimes is to force the alleged members of the armed opposition group to give themselves up to the authorities in Chechnya. Following the tragedy in Beslan, in a speech on 29 October 2004 in the Russian Duma, the Procurator General of the Russian Federation, suggested that, in response to future incidents of hostage-taking by armed opposition groups, the authorities should detain relatives of alleged members of such groups as hostages. This speech is viewed by analysts as giving a green light for such conduct.

AI wrote to President Vladimir Putin in November 2004 expressing grave concern that a leading figure of the Russian state, whose role it is to ensure the rule of law, should

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<sup>19</sup> *Gazeta.ru*, *Бороздиновская поверила на слово*, 30 June 2005, at [http://www.gazeta.ru/2005/06/30/oa\\_162415.shtml](http://www.gazeta.ru/2005/06/30/oa_162415.shtml), retrieved on 30 June 2005

make a statement such as this, which casts serious doubts on their commitment to, and risks undermining, the rule of law in the Russian Federation. Accordingly, AI urged President Putin to declare publicly that the government of the Russian Federation would not tolerate the taking of hostages by any person within the Russian Federation under any circumstances or at any time.

### **The “disappearance” of Zaudi Saidulaev and Musa Saidulaev**

According to information received from Memorial, on 28 March 2005 Zaudi Saidulaev, aged 65 and his son, Musa Saidulaev, were taken away by members of the security forces under the command of Ramzan Kadyrov from the village of Mairtup in Kurchaloevskii district, Chechnya. There are claims that another son of Zaudi Saidulaev is a member of an armed opposition group. Also on 28 March Usam Kadaev, aged 60, was reportedly detained by Russian armed forces in the village of Kataiama, Staropromyslovskii district. An alleged reason for the detention is claims that his 22-year-old son, Ismail Kadaev, is hiding from the authorities. Allegedly, members of the security services had visited Usam Kadaev several times before, demanding to know where his son was and beating him.<sup>20</sup>

### **“Disappeared” relatives of Aslan Maskhadov return home**

Seven relatives of the Chechen separatist leader Aslan Maskhadov reportedly returned home on 31 May 2005, having “disappeared” five months earlier.<sup>21</sup> On their arrival home law enforcement officials visited them and took statements. A criminal case had been opened on 27 January 2005 by the Procurator of Chechnya into the cases, under Article 126 of the Criminal Code (“abduction”).

The following relatives of Aslan Maskhadov had reportedly been detained on 3 December 2004: his sister, Buchu Alieвна Abdulkadirova (aged 67), his brothers Lecha Alievich Maskhadov (68) and Lema Alievich Maskhadov (55), his nephew Ikhvan Vakhaevich Magomedov (35), and a distant male relative, Adam Abdul-Karimovich Rashiev (54). His niece, Khadizhat Vakhaevna Satueva (40) and her husband Usman Ramzanovich Satuev (47) had reportedly been detained on 28 December 2004.

Witnesses to the detentions claimed that the so-called *Kadyrovtsy* were responsible for the detentions and that during the detentions of Buchu Abdulkadirova and Ikhvan Magomedov, the armed men reportedly stated that they were acting on the personal orders of Ramzan Kadyrov. The detentions reportedly took place in the evenings of 3 and 28 December 2004, with armed men travelling in large convoys of cars (up to 12 vehicles in some cases).

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<sup>20</sup> Memorial, *Chronicle of Violence*, May 2005

<sup>21</sup> See Amnesty International, *Russian Federation: Concerns over reports of “disappearances” of relatives of Aslan Maskhadov*, (AI Index: EUR 46/004/2005), 26 January 2005

Memorial reported that the detainees were held in an unfurnished concrete cell, measuring three metres by three metres, with one small barred window. They had not been accused of anything during their detention, they were not interrogated, and they were satisfactorily fed. They were only taken outside of the cell to go to the toilet. According to Memorial, the individuals noted that the place where they were detained was fenced off and rather large. They also stated that a large number of armed men there spoke mostly in Chechen.<sup>22</sup>

An eighth relative, Movladi Aguev, 35, has reportedly been charged in connection with participation in an armed group. He was detained on 28 December 2004. Human rights sources reported on 8 February 2005 that according to relatives, Movladi Aguev was at that time being held in a temporary holding cell at the Nozhai-Yurt district police station (known in Russian by its initials ROVD) in Chechnya. Officials in Chechnya have denied that they were responsible for the detention of the other seven individuals. Reportedly, the head of the Russian forces' general staff in the North Caucasus, General Arkady Edelev, stated that Russian soldiers were the subject of criminal investigations linked to the detention of Aslan Maskhadov's relatives.<sup>23</sup>

### **The abduction of relatives of Dokka Umarov**

On 6 May 2005 Memorial reported that unknown security forces abducted the father of Dokka Umarov, field commander of an armed opposition group, from the Argunskii state farm ('Goskhoz'), Chechnya.<sup>24</sup> Dokka Umarov allegedly stated in an interview in May that his 70-year-old father, his wife and six-month-old son had all been taken hostage, allegedly by the "oil regiment", a security force, formerly part of the Security Service of the President of the Chechen Republic, reportedly headed by Adam Delimkhanov.<sup>25</sup> The *Kavkazskii uzel* website reported on 10 May that the Ministry of Interior of Chechnya had no information concerning the abduction of Dokka Umarov's relatives, and had not opened a criminal investigation as they had not received a report from relatives about the abduction.<sup>26</sup> Dokka Umarov's wife and child were said to have been released later in May but the whereabouts of his father remain unknown.

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<sup>22</sup> Memorial, press release of 2 June 2005

<sup>23</sup> AFP, *Family accuses Russia of backing kidnap of Chechen rebel leader's siblings*, 7 February 2005

<sup>24</sup> Memorial, *Chronicle of Violence*, May 2005

<sup>25</sup> Kavkaz Center, *We're beginning the war on the territory of Russia*, 9 May 2005,

<http://www.kavkazcenter.com/eng/content/2005/05/09/3778.shtml>

<sup>26</sup> Kavkazskii uzel, *В МВД Чечни не знают о похищении родственников Доку Умарова*, 10 May 2005, <http://www.kavkaz-uzel.ru/newstext/news/id/800961.html>

### **The alleged “disappearance” of the Chersiev brothers<sup>27</sup>**

Early in the morning of 5 May 2005, members of security forces of the Chechen Republic reportedly detained three brothers, Adam Sherimbekovich Chersiev (born 1952), Kureish Sherimbekovich Chersiev (born 1954) and Movla Sherimbekovich Chersiev (born 1958), at Oktiabrskoe settlement in the Grozny (rural) district, Chechnya. Allegedly, relatives of the brothers managed to follow the cars in which the brothers were taken away, and reported that they travelled to base of the so-called “oil regiment” at Yuzhnii street in Leninskii district of Grozny.

After demonstrating outside of the base of the “oil regiment”, the relatives reportedly succeeded in getting confirmation from the command of the armed group that the brothers had been taken as ‘hostages’, due to claims that one of their relatives is a member of an armed opposition group. The relatives were allegedly informed that in order for the three brothers to be released, this other relative would have to give himself up. On 30 May 2005, relatives picketed outside the buildings of the Chechen administration in Grozny, and blocked roads, demanding the release of the three men. An official, introducing himself as “Musa, head of the Chechen Presidential Security Service”, reportedly warned the group to disperse or he would give the order for firearms to be used (to disperse the demonstration). He and another official had reportedly denied that the Chersiev brothers were being held by law enforcement officials.

### **The alleged “disappearance” of Kharon Saidulaev and Apti Saidulaev<sup>28</sup>**

In the early hours of 11 May 2005, unknown armed men, three wearing masks, reportedly entered the Saidulaev’s house in the Oktiabrskii district of Grozny. They took away Kharon Saidulaev (born 1951) and his son, Apti Saidulaev, offering no explanation. On 12 May, relatives managed to get information which indicated that Kharon Saidulaev and Apti Saidulaev were being held by security services under the control of Ramzan Kadyrov in the town of Argun. The reason given for the detention was reportedly Kharon Saidulaev’s alleged links with armed opposition groups in Chechnya, and Apti Saidulaev had been taken together with his father allegedly in order to exert psychological pressure on the father to provide information.

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<sup>27</sup> Case summary based on information from the Chechen Committee for National Salvation, press release of 12 May 2005 and from Memorial, *Chronicle of Violence*, May 2005, and press release of 30 May 2005

<sup>28</sup> Memorial, *Chronicle of Violence*, May 2005

## **The alleged arbitrary detention of Maret Khutsaeva and Lipa Tsaeva<sup>29</sup>**

Members of security services reportedly detained 70-year-old Maret Usmanova Khutsaeva and her granddaughter Lipa Rashidovna Tsaeva, aged 16 or 17, on 10 May 2005 from their home in the village of Gekhi, Urus-Martan district. Armed men in camouflage, not wearing masks and speaking in Chechen, reportedly arrived in two VAZ cars at around 3pm at their home. They are reported to have asked Maret Khutsaeva where her son, Arbi Khutsaev, was. When they discovered that he was not at home, reportedly they took away with them Maret Khutsaeva, and also Lipa Tsaeva. Neighbours and relatives reportedly felt powerless to intervene. The two women were reportedly taken to Grozny and detained in an unknown facility. It is reported that on 11 May the two women returned home, having been released on the condition that Arbi Khutsaev give himself up to the authorities, and threatened that otherwise the men would return and detain Maret Khutsaeva again. Allegedly, Arbi Khutsaev had previously worked in the security services under the control of Ramzan Kadyrov, but had recently left for unknown reasons.

## **Impunity**

Throughout the armed conflict in the Chechen Republic, Amnesty International has been concerned about the prevailing climate of impunity and has called on the Russian authorities to bring to justice perpetrators of human rights violations. However, very few effective measures have been taken. Only very few cases of "disappearance", torture and ill-treatment or extrajudicial execution have reached the courts. Many Chechen civilians have decided to turn to the European Court of Human Rights as the Russian judicial system has failed to show real commitment to investigate cases thoroughly and to bring to justice those who have committed human rights violations and violations of international humanitarian law in the North Caucasus. However, applicants to the European Court of Human Rights have faced serious reprisals in relation to their applications, including intimidation, threats, killing and "disappearance".

Russian President Vladimir Putin stated on 5 May 2005 in an interview with German television that in the context of the conflict in Chechnya hundreds of criminal cases had been opened into alleged crimes by Russian servicemen, and that over 50 people had been convicted and given various terms of imprisonment. However, President Putin did not give details as to the charges in these cases, the lengths of sentence given and whether the sentences were being carried out or the individuals had been amnestied. According to President Putin, only the Procurator and the Court of the Chechen Republic can assess how many convictions are sufficient.<sup>30</sup>

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<sup>29</sup> Memorial, *Chronicle of Violence*, May 2005

<sup>30</sup> [http://www.kremlin.ru/appears/2005/05/05/2243\\_type63377type63379\\_87570.shtml](http://www.kremlin.ru/appears/2005/05/05/2243_type63377type63379_87570.shtml)

The internet-based news and analysis source *Kavkazskii uzel* (Caucasian knot) reported on 20 May 2005 that the Committee for the Defence of Constitutional Rights, a Chechen governmental body, had announced to demonstrators, demanding to know where their missing relatives were, that a commission to search for missing persons would be established.<sup>31</sup> Subsequently, the Secretary of Chechnya's security council, Rudnik Dudaev, reportedly stated on 24 May 2005 that the authorities were setting up a database of missing persons, and that the Ministry of the Interior and the Procuracy would cooperate with this initiative.<sup>32</sup>

## **Lack of effective investigations into “disappearances” and killings**

### **The “disappearance” of Rashid Ozdoev**

According to information available to Amnesty International, there have been no significant developments in the investigation into the “disappearance” of Rashid Ozdoev, a deputy procurator of the Republic of Ingushetia, who was reportedly detained on 11 March 2004 by men who are believed to work for the FSB of Ingushetia. Rashid Ozdoev had reportedly complained to the Ingush and federal authorities – including the Procurator General and FSB – about “disappearances” and killings allegedly committed by FSB personnel (see AI Index: EUR 46/059/2004).

Information received from the Office of the Procurator General on 7 June 2005, dated 1 March 2005, stated that the investigation was continuing into the “circumstances of the disappearance” of Rashid Ozdoev. Amnesty International spoke to the father of Rashid Ozdoev, Boris Ozdoev, on 10 May 2005, who confirmed that while the investigation into the “disappearance” of Rashid Ozdoev is still officially open, he felt that no real action was being taken to investigate. No one has yet been identified as a suspect in the case.

### **The killing of Aslan Davletukaev**

According to information available to Amnesty International, there has been no significant development in the investigation into the killing of 29-year-old human rights activist Aslan Davletukaev. On 17 January 2004 Aslan Davletukaev's mutilated body was found near the town of Gudermes in Chechnya. He had been working with the Russian-Chechen Friendship Society, and had reportedly been detained by Russian federal forces on 9 January 2004 (see AI Index: EUR 46/059/2004).

Information received from the Office of the Procurator General on 7 June 2005, dated 1 March 2005, stated that the investigation was being carried out by the procurator of

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<sup>31</sup> *Kavkazskii uzel*, *В Чечне родственники пропавших без вести граждан провели пикет - В Чечне создается комиссия по розыску без вести пропавших*, 20 May 2005

<sup>32</sup> *Gazeta.ru*, *Власти Чечни создают банк данных по погибшим и пропавшим без вести*, 24 May 2005, <http://www.gazeta.ru/cgi-bin/newsarc.cgi>



Gudermes district, and that the progress of investigation was being monitored by the Office of the Procurator of the Republic of Chechnya.

### **The “disappearance” of Artur Akhmatkhanov**

Artur Akhmatkhanov also worked for the Russian-Chechen Friendship Society when he was detained on 2 April 2003 near his house by men who appeared to be members of the Russian federal forces and subsequently “disappeared” (see AI Index: EUR 46/059/2004). Amnesty International learnt in June 2005 that a criminal investigation opened into the event by the procuracy had been suspended on 10 July 2004, due to the failure to identify suspects in the case. Allegedly, on 3 June 2005 a procurator from Shali district told a relative of Artur Akhmatkhanov that there was no information on the case, and that they were unable to take any action until the situation in Chechnya stabilized. He reportedly requested the relative to keep him informed of any developments in the case.

### **Investigations into other “disappearances”**

According to information available to Amnesty International, there were also no significant developments in the investigations into the “disappearances” of Shaprudi Israilov, Adlan Dovtaev, Ali Khadaev, Milana Ozdoeva, Aminat Dugaeva and Kurbika Zinabdieva, all cases followed by Amnesty International.<sup>33</sup>

### **Lack of effective prosecutions relating to serious human rights violations**

There are almost no prosecutions of individuals suspected of serious human rights violations relating to the armed conflict in Chechnya and the prosecution of the handful of cases that come to court are flawed.

### **The case of the torture and “disappearance” of Zelimkhan Murdalov<sup>34</sup>**

On 2 January 2001 at approximately 11am, 26-year-old Zelimkhan Murdalov was detained in the Oktiabrskii district of Grozny, Chechnya, by police officers from the Oktiabrskii district police station on suspicion of possession of illegal drugs. His relatives have not seen him

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<sup>33</sup> See Amnesty International, *Russian Federation: Chechen Republic “Normalization” in whose eyes?* (AI Index: EUR 46/027/2004)

<sup>34</sup> See also Amnesty International, *Russian Federation: Denial of Justice* (AI Index: EUR 46/027/2002) and International Helsinki Federation for Human Rights, *Impunity: A Leading Force behind Continued Massive Violations in Chechnya*, 19 May 2005

since. A court has confirmed that Zelimkhan Murdalov was tortured in detention, and that state agents subsequently arranged his “disappearance”.

Oktiabrskii District Court in Grozny found in March 2005 that Sergei Lapin, a member of a special federal riot police unit (OMON) from the Khanty-Mansiisk region in the Russian Federation, had punched, kicked and beaten Zelimkhan Murdalov with a rubber baton over the course of several hours in his office at the Oktiabrskii district police station. Other unidentified police officers were present. Zelimkhan Murdalov suffered life-threatening head injuries which caused him to lose consciousness, suffer convulsions and interrupt his breathing, and also bruising and grazes on different parts of his body. Sergei Lapin then took Zelimkhan Murdalov to the temporary isolation cell at the police station, where he was placed in a cell. A witness who had been detained in the cell at the same time told the court that while in the cell, Zelimkhan Murdalov could hardly stand and lost consciousness several times. He had a broken arm, and a torn ear and foam came out of his mouth. Zelimkhan Murdalov told his cell mates that he had been beaten and subjected to electric shock treatment. The court also found that the following day, on 3 January 2001, unidentified police officers from the Oktiabrskii district police station, acting with the knowledge and agreement of Sergei Lapin, took Zelimkhan Murdalov out of the police station and took him away in a car in an unknown direction. Since then his whereabouts remain unknown.

On 29 March 2005 the Oktiabrskii District Court in Grozny found Sergei Lapin guilty of intentional infliction of serious harm to health under aggravating circumstances (article 111, part 3 of the Russian Criminal Code); exceeding official authority under aggravating circumstances (article 286, part 3) and forgery by an official (article 292). The court sentenced him to 11 years' imprisonment in a strict regime prison colony, and banned him from working for agencies under the Ministry of Internal Affairs for three years following his release. In addition, the court sent a special ruling to the head of the Khanty-Mansiiskii OMON, reportedly criticizing the conduct of the OMON unit serving in Chechnya in broader terms.

This conviction has achieved only partial accountability for the torture and “disappearance” of Zelimkhan Murdalov. Sergei Lapin was not convicted for crimes relating to the “disappearance” of Zelimkhan Murdalov, and the other individuals reasonably suspected of responsibility for the torture and “disappearance” of Zelimkhan Murdalov, including the “unidentified police officers from the Oktiabrskii district police station” mentioned in the verdict, have yet to be identified and prosecuted in a court of law in accordance with international standards.

Zelimkhan Murdalov's family faced harassment and intimidation for seeking justice. As a result, his mother and sister left the country in search of security. Zelimkhan Murdalov's father Astemir Murdalov told Amnesty International that he is still seeking information about his son's fate and whereabouts.

## **The killing of six civilians near Dai, Chechnya<sup>35</sup>**

Said Alaskhanov, Abdul-Wakhab Satabaev, Shakhban Bakhaev, Khamzat Tuburov, Zainap Dzhavatkhanova and Dzhamlail Musaev (sometimes referred to as Magomed Musaev), six unarmed civilians from Chechnya, died on 11 January 2002 after being shot by members of a special unit of the Russian Military Intelligence (GRU).

While checking cars on the road between the villages of Shatoi and Dai, Captain Eduard Ulman ordered Lieutenant Aleksander Kalaganskii and Sergeant Vladimir Voevodin to open fire on a civilian car after the driver ignored a request to stop. One passenger, Said Alaskhanov, director of a village school, was killed immediately from the gunfire, and two of the five passengers were wounded. Reportedly, the men under the command of Captain Eduard Ulman took the five surviving 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. They administered first aid to the wounded, and detained them there while Captain Ulman reported the incident by radio to his superior, Major Alexei Perelevskii, who forwarded the report to the commander of the military unit.

Major Aleksei Perelevskii then passed back to Captain Eduard Ulman a message by radio from the commander of the military unit, ordering him to eliminate the detained civilians. Captain Eduard Ulman passed on this order to his subordinates. Aleksandr Kalaganskii and Vladimir Voevodin carried out the order and shot and killed Abdul-Wakhab Satabaev, Shakhban Bakhaev, Khamzat Tuburov and Zainap Dzhavatkhanova, put their bodies in the civilian car and set it on fire. Dzhamlail Musaev was also shot but managed to escape. However he died later from loss of blood.

In May 2004, a jury in a court in Rostov-on-Don found Captain Eduard Ulman, Lieutenant Aleksander Kalaganskii, Sergeant Vladimir Voevodin and Major Aleksei Perelevskii not guilty of charges of premeditated murder, premeditated destruction of property, and exceeding official authority. Following an order for retrial from the Military Collegiate of the Supreme Court, on 19 May 2005 the men were found not guilty by a jury in a second trial at the same court in Rostov-on-Don.

The jury in both trials found that, while the members of the military intelligence unit had killed the six civilians, they had been acting according to the circumstances and had not exceeded their official authority. The questions of who gave the order to kill the civilians and whether to give and to carry out such an order is lawful were reportedly not examined during the trial. The head of the special operation in the North Caucasus, Colonel Plotnikov, when questioned during the trial, reportedly denied having given such orders or any order which may have led to the incident in which the civilians were killed.

As described in the trial documents it is clear that the actions of Captain Eduard Ulman, Lieutenant Aleksander Kalaganskii, Sergeant Vladimir Voevodin and the deputy

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<sup>35</sup> See also International Helsinki Federation for Human Rights, *Impunity: A Leading Force behind Continued Massive Violations in Chechnya*, 19 May 2005

commander of the unit, Major Alexei Perelevskii, on 11 January 2002 are serious violations of international human rights and humanitarian law. The Geneva Conventions, including Protocol II, clearly prohibit the wilful killing of civilians and the order that there should be no survivors. The explanation that the members of the military intelligence unit received an order to kill the detained civilians – who the court found were unarmed and offered no resistance when detained – would not exempt the four officers from their responsibility for the killing. Chechen President Alu Alkhanov expressed great dismay about the jury's decision. In the Chechen Republic, in Grozny, people rallied in protest against the acquittal. The families of the victims will appeal the decision of the North Caucasus regional court.

## **Reprisals against applicants to the European Court of Human Rights**

Amnesty International has received reports of recent incidents of serious reprisals against applicants to the European Court of Human Rights. The reprisals include intimidation, killing and “disappearance”. Amnesty International has previously documented a pattern of reprisals against applicants to the European Court of Human Rights.<sup>36</sup> Due to fears for the security of the individuals concerned, it is not possible to make public the names or other details that would identify those individuals. Amnesty International has addressed the Russian authorities directly with its concerns in relation to reports of serious pressure, including death threats, being put on the relative of a person who “disappeared” in June 2004 in Ingushetia, in order that they withdraw their application to the European Court of Human Rights. In another case, two relatives of an individual who was arrested in March 2004 in Chechnya and whose body was found in April 2004 have themselves recently also become the victims of serious human rights violations. The other members of the family are reportedly now so afraid that their lawyers have told Amnesty International that they are currently unwilling for any steps to be taken in response to the reprisals, including publicizing the details.

Even applicants who have left the country are often afraid to detail the nature of the threats against them and their families, fearing for their families' safety. One applicant who is now living in a western European country told Amnesty International in June 2005 that representatives from the procurator's office handling the investigation into the killing of her relatives, which was the subject of the application to the European Court of Human Rights, were continuing to visit her relatives' homes looking for her. Prior to her leaving Russia, the procurator and an investigator from the procurator's office had reportedly tried to persuade the individual to withdraw her application to the European Court of Human Rights, telling her that it would be better for her not to pursue the application. Reportedly, the investigator told her that a criminal case of illegal possession of weapons had been prepared against her. The individual had become so afraid of contact with the authorities that she went into hiding,

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<sup>36</sup> Amnesty International, *Russian Federation: The Risk of Speaking Out. Attacks on Human Rights Defenders in the context of the armed conflict in Chechnya*, November 2004, AI Index: EUR 46/059/2004.

living with friends and relatives and moving from place to place whenever she felt the authorities knew of her whereabouts, until she finally left the country.

## Threats to Human Rights Defenders

Amnesty International has reported on a worrying trend of Russian authorities targeting human rights defenders, activists and independent journalists working on Chechnya, and in some cases subjecting them to extreme levels of harassment and “disappearance”. Amnesty International published a detailed report on this issue in November 2004, entitled *The Risk of Speaking Out – attacks on human rights defenders in the context of the armed conflict in Chechnya*, AI Index: EUR 46/059/2004).

Official statements regarding human rights organizations on occasion give rise for concern. On 15 June 2005 the interim Human Rights Ombudsperson for Chechnya, Lema Khasuev, reportedly told *Interfax* that he refuses to work with Memorial. In an open letter to Alu Alkhanov, President of Chechnya, on 17 June, Memorial expressed their view that such an attitude was surprising coming from the official whose role was the defence of human rights, and expressed their belief that the opinion was not shared by the President, who has reportedly more than once spoken positively of the organization, and has met with their representatives.

## Russian-Chechen Friendship Society

The Russian-Chechen Friendship Society is a human rights organization that monitors human rights violations in Chechnya and other parts of the North Caucasus and produces press releases on “disappearances” and other serious human rights violations. The Russian-Chechen Friendship Society, which has its head office in Nizhnii Novgorod, and another office in the North Caucasus, also produces the *Pravo-zashchita* newspaper (‘Rights Defence’) jointly with the Nizhnii Novgorod Human Rights Society.

Amnesty International is concerned by an apparently unusually high degree of official scrutiny of the Russian-Chechen Friendship Society by the Russian authorities. The scrutiny, which arguably amounts to concerted interference with the legitimate work of the organization, consists of a criminal investigation into the publishing activity of the organization, together with simultaneous checks by the tax authorities and the Ministry of Justice. There has also reportedly been negative media coverage in Nizhnii Novgorod of the organization’s activities. At the same time, one staff member, Oksana Chelysheva, has been the subject of threatening leaflets, which have been distributed in Nizhnii Novgorod.

According to the Russian-Chechen Friendship Society, a criminal investigation was opened on 11 January 2005 by the office of the Nizhegorodskii Regional Procurator (the regional procurator for Nizhnii Novgorod and the surrounding region) under Article 280 part 2 of the Russian Criminal Code (“public calls to carry out extremist activity... with the use of mass media”), which carries a possible punishment of five years’ imprisonment. The

investigation relates to materials published in *Pravo-zashchita*, including, in the April-May 2004 edition, an appeal to the European Parliament by the late Chechen separatist leader Aslan Maskhadov calling for support in finding a peaceful settlement to the Chechen conflict, and in the March 2004 edition, an appeal by Aslan Maskhadov's London-based envoy Akhmed Zakaev to the Russian people not to re-elect President Putin.

Charges have not been formally brought against any staff member of the Russian-Chechen Friendship Society, and the organization only found out about the investigation on 20 January 2005, when FSB officers raided the organization's Nizhnii Novgorod office and seized documents and computers.<sup>37</sup> Since then, Stanislav Dmitrievskii, editor Oksana Chelysheva and other colleagues in both Nizhnii Novgorod and in the North Caucasus have been called in for questioning by FSB officials in Nizhegorodskii region and in Shali district, Chechnya.

According to information received on 25 April 2005, the criminal case was referred back to the prosecutor's office by the FSB. According to the Russian-Chechen Friendship Society, experts employed by the investigation bodies to analyse the published materials in the case found no evidence of commission of the crime specified in Article 280. Reportedly, the case was then reclassified under Article 282 of the Criminal Code ("Exciting hatred or enmity, as well as diminishing human dignity") and then reclassified again under Article 129 ("criminal libel").

On 14 March 2005, threatening leaflets were distributed in the neighbourhood where the Russian-Chechen Friendship Society's editor Oksana Chelysheva lives. The leaflets were signed by the 'Young Patriotic Front' (A.P. Ivanov). The leaflets in an insulting and threatening manner label Oksana Chelysheva as a traitor, a supporter and a helper of "terrorist activities carried out by Chechen rebels", and claim that she is financed by them. The leaflet gives her home address and ends "She deserves shame and contempt! We are ready to fight her." The office of the Nizhegorodskii Regional Procurator opened a criminal investigation on 30 March relating to the leaflets under Articles 129 (libel) and 130 (insult), following the submission of a complaint to the procurator by the Russian-Chechen Friendship Society.

Amnesty International has documented the harassment of and in two cases (in 2003 and 2004) the "disappearances" of Russian-Chechen Friendship Society activists, one of whom, Aslan Davletukaev, was subsequently found dead with signs of a violent death (see above).

## **The Chechen Committee for National Salvation**

The Chechen Committee for National Salvation is another NGO under pressure by the Russian authorities in response to its work on the human rights situation in the North Caucasus. The Chechen Committee for National Salvation is based in Ingushetia, and, like the

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<sup>37</sup> see Amnesty International, *Russian Federation: Human rights group threatened by security forces*, 20 January 2005, AI Index: EUR 46/001/2005

Russian-Chechen Friendship Society, monitors and reports on the situation in the North Caucasus. It issues press releases and reports on “disappearances”, operations by Russian and Chechen security services, and the conditions of internally displaced people from Chechnya living in temporary accommodation in Ingushetia. It also organizes training programmes for human rights lawyers and round table discussions with the local authorities.

The Chechen Committee for National Salvation is facing closure based on accusations of distributing “extremist materials” as defined by provisions in the 2002 federal law “On Combating Extremist Activity”. The Office of the Procurator of the Republic of Ingushetia considers that several of the organization’s press releases, which reported “disappearances” and torture of Chechen civilians by Russian security forces, were extremist in character as they were designed to incite hatred between ethnic Chechens and people of other nationalities, including those working in the law enforcement agencies and other government agencies. The procurator has made a submission for the materials to be recognized as of an “extremist” character, under the terms of the law “On Combating Extremist Activity”. Such a finding by the court would be grounds for the automatic closure of the organization. While the Nazran District Court found in favour of the organization on 25 October 2004, the Supreme Court of the Republic of Ingushetia overturned this decision on 10 February 2005, ordering the Nazran District Court to re-examine the case. At the time of writing, the court hearings had begun, and the next court hearing was scheduled for August. Separately, in January 2005, a lawyer working for the Chechen Committee for National Salvation was detained by unnamed armed men in Grozny and “disappeared”; he returned home three weeks later. Amnesty International is concerned that his detention was connected with his human rights work.

The Russian federal law “On Combating Extremist Activity” was signed into law on 25 July 2002. Human rights groups have strongly criticized the law, stating that its overly broad and subjective terms of what constitutes “extremism” could be used to restrict, intimidate and punish the legitimate activities of human rights and other public organizations. The UN Human Rights Committee also concluded, in November 2003, that the law “is too vague to protect individuals and associations against arbitrariness in its application”.<sup>38</sup> The law included amendments to Article 280 of the Russian Criminal Code. Previously, Article 280 dealt with “public calls for the violent overthrow of the constitutional order”. This has been replaced with “public calls to carry out extremist activity”.

### **The case of 14 doctors working for the International Medical Corps**

Fourteen women doctors in the Russian Republic of Ingushetia have repeatedly had their pictures and names disseminated by the Russian authorities on posters, in the media and on the Internet. The women, all of whom reside in Ingushetia, and work for the International

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<sup>38</sup> *Concluding observations of the Human Rights Committee: Russian Federation*. 06/11/2003. UN doc. CCPR/CO/79/RUS. (Concluding Observations/Comments), 6 November 2003, paragraph 20

Medical Corps, were declared to be “wanted on suspicion of their involvement in terrorist activities”.

The pictures were circulated on numerous occasions throughout 2004 and 2005, initially following the 6 February 2004 bomb attacks on the Moscow metro as well as after the September 2004 hostage-taking at a school in Beslan, North Ossetia. Such exposure continued despite assurances from the Ministry of the Interior (MVD) of the Russian Federation in May 2004 to both the International Medical Corps and to the doctors that the pictures would be withdrawn and not distributed any further.

The Nazran District Court of Ingushetia in December 2004 declared the actions of the MVD and the Main Department of Internal Affairs (GUVD) of Moscow to be illegal and demanded that all posters of the doctors should be removed and destroyed.

Despite this, according to the International Medical Corps, the poster was seen again, at least on one occasion, in a public place in Moscow on 14 February 2005, among photographs of other wanted persons. Representatives from the International Medical Corps managed to take photographs of the poster and complained to the Ingush administration which led to a meeting with the President of Ingushetia. Subsequently, a meeting was arranged between the doctors and high level officials in Moscow, which took place on 4 March 2005 at the Duma. Present at the meeting were the Deputy Chair of the Federation Council, the Deputy Minister of the Interior, a representative of the FSB, a Federation Council Member, representatives from the Duma Committee on Human Rights and journalists. At the meeting, while acknowledging that the allegations against the doctors were unfounded, reportedly neither the MVD nor the FSB were prepared to take responsibility for dissemination of the names and pictures. However, both agreed to the demands of the Deputy Chair of the Federation Council that all the posters should be removed, including those from websites. Additionally, the MVD have since issued the doctors with picture ID cards stating that they have no criminal or “terrorist” associations.

The MVD appealed to the Supreme Court of Ingushetia against the decision of the Nazran District Court of Ingushetia of December 2004. On 10 March 2005, a judicial collegiate for civil cases of the Supreme Court of Ingushetia upheld the initial decision by the Nazran District Court. It seems unlikely that the MVD will make a further appeal. Separately, the doctors are seeking compensation for the moral harm suffered.



## **Recommendations to the government of the Russian Federation:**

- Condemn ongoing grave and systematic human rights violations by law enforcement officials in the context of the Chechen conflict, and take immediate steps to end such violations, which include extrajudicial executions, arbitrary detention, “disappearances” and torture, including rape and ill-treatment;
- Ensure that all past and current allegations of abuses of international human rights and international humanitarian law are promptly, independently and impartially investigated and anyone reasonably suspected of responsibility for such abuses is brought to justice in independent, impartial courts established by law and in proceedings which meet international standards of fair trial;
- Carry out a full and impartial investigation into all sites of mass graves in Chechnya; ensure that the exhumation and analysis of mass graves and the remains found in them is carried out by forensic experts in line with UN guidelines on the disinterment and analysis of skeletal remains, to make available adequate resources for the purpose, and to seek and accept offers of assistance and cooperation from international experts, both in carrying out the work itself, and in training local personnel engaged in the work;
- Ensure that internally displaced people in other regions of the North Caucasus, in particular in Ingushetia and Dagestan, are not forcibly returned to the Chechen Republic, and provide adequate protection and humanitarian assistance to them in accordance with relevant international standards;
- Protect all of those who have petitioned the European Court of Human Rights and initiate independent and thorough investigations, without delay, into all allegations of reprisals taken against any person in relation to applications filed with the European Court of Human Rights; make public the findings of any criminal investigations into such reprisals including the killing, torture and ill-treatment of applicants and their families; ensure that those responsible for any such reprisals are brought to justice in fair proceedings;
- Fully implement all recommendations made by the UN-treaty bodies and special mechanisms, including the Human Rights Committee, the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on the Rights of the Child, the Representative of the Secretary General on Internally Displaced Persons, as well as those from the different bodies of the Council of Europe, including the Parliamentary Assembly, the Commissioner for Human Rights, the Committee for the Prevention of Torture (CPT), the Venice Commission and European Commission against Racism and Intolerance (ECRI);
- Authorize without delay the publication of all reports of visits to the region by experts of the Council of Europe’s Committee for the Prevention of Torture (CPT); publish a plan to implement the recommendations of the CPT and ensure periodic publication of measures taken to implement such recommendations;

- Ensure that human rights defenders, independent media and human rights monitors working in the area can carry out their legitimate activity in safety and without fear of harassment or intimidation. Make public the findings of any criminal investigations into killings, as well as torture and ill-treatment of human rights defenders and activists.
- Facilitate the long-standing requests for visits to the Russian Federation, including Chechnya, by the UN Special Procedures, in particular the UN Special Rapporteur on torture, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and the UN Working Group on Enforced or Involuntary Disappearances by setting dates for them to undertake missions in the near future.

### **Recommendations to Chechen armed opposition groups:**

- Stop all attacks on civilians, whether direct and targeted, or as a result of indiscriminate and disproportionate actions;
- Ensure full compliance with and respect for international humanitarian law.

### **Recommendations to second governments:**

- Ensure that people who have fled the conflict are not returned to Chechnya or other parts of the Russian Federation unless and until their safe and durable return with dignity is assured;
- Use all avenues of political dialogue with the government of the Russian Federation, including through the use of public statements, to reiterate the need for decisive action against perpetrators of human rights abuses;
- Remind the government of the Russian Federation of the need to respect international human rights and humanitarian law;
- Ensure that the issue of human rights in Chechnya is raised in all relevant inter-governmental meetings and bodies, and that appropriate action is taken to facilitate the end to abuses of international human rights and humanitarian law and impunity therefore;
- Support the establishment of an independent international inquiry into “disappearances” in the North Caucasus which have occurred in the context of the two armed conflicts in Chechnya;
- Welcome the fact that the government of the Russian Federation facilitated the visit of the Representative of the UN Secretary General on internally displaced persons in 2003 and the UN Special Rapporteur on violence against women in December 2004 and call on the Russian government to implement their recommendations as well as the

recommendations of all other UN Special Procedures and Treaty Bodies relating to the situation in and around Chechnya;

- Call on the government of the Russian Federation to set dates and facilitate the visits of the UN Special Rapporteur on torture, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and the UN Working Group on Enforced or Involuntary Disappearances;
- Call on the government of the Russian Federation to ensure that human rights defenders can carry out their legitimate activity in the North Caucasus in safety and without fear of harassment and intimidation ;
- Urge the government of the Russian Federation to enhance its cooperation with international and regional organizations, including international and regional human rights bodies. Among other things, call on the government of the Russian Federation to resume, without delay its negotiations with the OSCE about re-establishing a presence in the region whose mandate includes the monitoring of and facilitating respect for human rights and humanitarian law.

## **Recommendations to the Council of Europe:**

### **To the Secretary General:**

- Ensure in particular that monitoring of the situation in and around Chechnya continues under the auspices of the Secretary General, and that such monitoring is published, and regularly discussed by the Committee of Ministers;
- Ensure implementation and expand the remit of the Cooperation Agreement to include the establishment of a permanent presence of Council of Europe human rights experts in the region who are enabled to operate without hindrance and with full respect for their security.

### **To the Committee of Ministers:**

- Ensure, in particular, that monitoring of the situation in and around Chechnya continues, *inter alia*, under the auspices of the Secretary General, and that such monitoring is published;
- Ensure that the discussion of the human rights crisis in and around Chechnya remains a regular item on the agenda of the Committee of Ministers and Ministers' Deputies; ensure that such discussion includes the Secretary General's monitoring reports and follow-up to recommendations made to the authorities by all bodies and mechanisms of the Council of Europe;
- Bring appropriate pressure to bear upon the Russian authorities to implement the recommendations made to them by all bodies and mechanisms of the Council of Europe including the Parliamentary Assembly, the Commissioner for Human Rights,

the Committee for the Prevention of Torture (CPT), the Venice Commission and European Commission against Racism and Intolerance (ECRI);

- Continue to bring appropriate pressure to bear upon the Russian authorities to implement the individual and general measures in relation to all European Court of Human Rights judgments, in particular those relating to violations committed in the course of the armed conflict in Chechnya;
- Insist that the Russian authorities put an end to reprisals against any person in relation to the filing of an application to the European Court of Human Rights and ensure that all allegations of such reprisals are investigated promptly, thoroughly and independently and that all persons responsible are brought to justice;
- Take measures to ensure the initiation of an independent, impartial, international commission of inquiry into the thousands of “disappearances” which have taken place in the context of the conflicts in Chechnya;
- Ensure implementation and expand the remit of the Cooperation Agreement to include the establishment of a permanent presence of Council of Europe human rights experts in the region who are enabled to operate without hindrance and with full respect for their security.

#### **To the Parliamentary Assembly:**

- Ensure that monitoring and public reporting on the human rights situation in and around the Chechen Republic continues. Whenever appropriate, condemn and take steps to facilitate the ending of gross violations of international human rights and humanitarian law;
- Continue to monitor the implementation by the Russian government to ensure consistent implementation of the recommendations of the Council of Europe including of the Parliamentary Assembly, the Commissioner for Human Rights, the CPT, the Venice Commission and ECRI.

#### **To the Commissioner for Human Rights:**

- Continue to monitor the human rights situation in Chechnya and Ingushetia;
- Promote and take action to facilitate the establishment of effective and independent human rights mechanisms in Chechnya;
- Continue to insist that the Russian authorities put an end to reprisals against any person in relation to the filing of an application to the European Court of Human Rights and ensure that all allegations of such reprisals are investigated promptly, thoroughly and independently and that all persons responsible are brought to justice.

## Recommendations to the European Union:

Amnesty International calls on the EU and its Member States to use all avenues of political dialogue with the government of the Russian Federation, including at the forthcoming second round of EU-Russia human rights consultations in September 2005, to:

- Condemn the ongoing grave and systematic human rights violations in the Chechen Republic as well as the human rights violations in the Republic of Ingushetia;
- Reiterate, including through the use of public statements, the need for decisive action against perpetrators of human rights abuses;
- Call for the initiation without delay of independent and thorough investigations into all allegations of reprisals against any person in relation to applications filed with the European Court of Human Rights and for the scope, methods and findings of such investigations to be made public and perpetrators to be brought to justice;
- Insist on thorough, independent and impartial investigations into the killings, “disappearances”, torture and ill-treatment of human rights defenders and activists, and for the scope, methods and findings of these investigations to be made public;
- Bring appropriate pressure to bear upon the Russian authorities to implement the recommendations made to them by all bodies and mechanisms of the Council of Europe, including the Parliamentary Assembly, the Commissioner for Human Rights, the Committee for the Prevention of Torture (CPT), the Venice Commission and European Commission against Racism and Intolerance (ECRI);
- Urge the government of the Russian Federation to facilitate the long-standing requests for visits to the Russian Federation, including Chechnya, by the UN Special Procedures, in particular the UN Special Rapporteur on torture, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and the UN Working Group on Enforced or Involuntary Disappearances by setting dates for them to undertake missions in the near future.

In view of the EU’s commitment to protect human rights defenders, as expressed in the EU Guidelines on Human Rights Defenders adopted by the Council in June 2004, the EU and its Member States should:

- Acknowledge the important role and valuable work of individuals, groups and associations in contributing to monitoring, reporting, preventing and ending violations of human rights and fundamental freedoms and take measures to support the legitimate work of human rights defenders and activists in the North Caucasus as suggested in the EU guidelines;
- In dialogues with the Russian Federation express support for human rights defenders, raise concern about attacks on human rights defenders and highlight individual cases of human rights defenders at risk;

- Maintain contact with Russian and Chechen human rights defenders and activists, sharing information with them, visiting them and providing visible recognition of their work;
- When appropriate, take immediate measures to protect individual human rights defenders at risk of human rights violations.