
amnesty international

Russian Federation

What justice for Chechnya's disappeared?

Executive Summary

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"They show only the building works, the rebuilding works, that's it. They don't show all the weeping mothers, those who are searching for their children"

Mother searching for her son, a victim of enforced disappearance, June 2006

The Chechen Republic, in Russia's North Caucasus region, is officially "back to normal". Officials insist the conflict is over and the republic is the scene of a massive rebuilding project. Funds are being poured into the region to rebuild buildings and infrastructure wrecked during military campaigns launched by the Russian federal forces in 1994 and 1999.

The recently appointed President of Chechnya, Ramzan Kadyrov, has stated that Chechnya is the "quietest region in Russia" and the safest.¹ Human rights groups, including Amnesty International, dispute that claim. While large-scale military operations have been reduced, the conflict continues and both sides are still committing human rights abuses. While the reported number of enforced disappearances and abductions has decreased over the past years, such incidents continue to take place in Chechnya today.

Buildings and airports can be rebuilt, but lives destroyed by the conflict cannot. There are no definitive numbers for civilian casualties of the conflict. Estimates put the number of people killed since 1999 at up to 25,000. Many are buried in unmarked graves: there are reported to be 52 registered sites of mass graves in Chechnya.

Other people have survived but their lives have been devastated by violations such as torture, including rape, arbitrary detention and looting of their homes. Many thousands have fled, and live as internally displaced people outside Chechnya.

Impunity for human rights abuses has prevailed. The authorities have failed in virtually all cases to investigate and prosecute the serious human rights violations and violations of humanitarian law that have taken place over the course of the conflict. They have also failed to provide redress to the victims.

¹ *Interfax* 20 February 2007

This is an executive summary of a 22-page document, *Russian Federation: What justice for Chechnya's 'disappeared'?* (AI Index: EUR 46/015/2007) issued by Amnesty International in May 2007.

Enforced disappearances and abductions

"I've got all the official replies – from the prosecutor's office, from Putin's office – but there's no point to them. What am I going to do with these bits of paper? It's not bits of paper I need."

A mother searching for her son who disappeared in 2002

Bulat Chilaev and Aslan Israilov were bundled into a car by armed masked men in uniform at a main crossroads in Chechnya on 9 April 2006. Their whereabouts since that time are unknown. A military identity tag was later found near the crossroads and was identified as belonging to a member of the Zapad (West) battalion, a Russian federal military intelligence unit under the Ministry of Defence. The owner of the tag claimed he had lost it and denied involvement in the arbitrary detention, and has allegedly since been killed. No one has yet been identified as a suspect in the investigation into the two men's enforced disappearance. Bulat Chilaev had been working as a driver for the NGO Grazhdanskoe Sodeistvie (Citizens' Assistance), whose work includes providing medical support to people affected by the armed conflict.

Enforced disappearances by state agents and abductions by armed groups have been among the most shocking of human rights violations during the Chechen conflict; shocking both because of the scale of enforced disappearances, and because of the particular cruelty of this form of abuse.

Khamzat Tushaev was last seen entering a compound of official buildings in the Staropromyslovskii district of Grozny, the capital city, on 8 June 2006. The day before, his wife had received a telephone call from a man who said he was from the prosecutor's office, asking Khamzat Tushaev to go to their offices. He and his wife arrived at the compound where at 10am, his name was recorded at the main entrance, and he was let into the compound, while his wife waited for him outside. At 5.30pm, his wife, worried that her husband had not yet returned, asked the guard to phone the prosecutor's office; reportedly, staff there told the guard that Khamzat Tushaev had not arrived at their offices for questioning. His wife has been unable to ascertain what happened to her husband.

Enforced disappearances and abductions cause a particular agony for relatives of the victims. They are unable to determine whether the victim is dead or alive, unable to go through bereavement and unable to resolve legal and practical matters. For them the enforced disappearance continues without end, and for this reason it is considered a "continuing" violation by human rights courts.

During the early years of the second conflict, Russian soldiers from the federal army rounded up and took away civilians, either at road blocks or during "zachistki" (military raids). Large-scale raids on villages and towns by Russian federal forces subsequently gave way to more targeted operations. These are generally carried out at night, usually by armed men, in camouflage and often masked. They arrive in a large number of military vehicles, with

identity plates covered, and take people away to an undisclosed destination. Increasingly over the course of the conflict, Chechen security forces have been implicated in enforced disappearances.

Thousands missing

“Every day you think – where is he? Maybe he’ll come back today, maybe - tomorrow.”

Mother searching for her son, a victim of enforced disappearance, June 2006

In a small republic of around 15,000 km², with a population of less than one million people, it seems that everyone knows someone who has been forcibly disappeared or abducted, and many families have had more than one member go missing. Some individuals are subsequently released. In other cases, their bodies are found, bearing signs of a violent death. However, in the vast majority of cases the whereabouts of the individuals remain unknown and no one is prosecuted for the crime.

In June 2000, Russian federal forces rounded up Nura Said-Aliyevna Luluyeva, a 40-year-old mother of four, together with several other people including two of her cousins, at a marketplace in Grozny, and took them away. Their whereabouts were unknown until their bodies were found several months later in February 2001 in a mass grave near Khankala, the main Russian federal military base in Chechnya. Most of the 51 bodies there were in civilian clothing, some were blindfolded, and many had their hands or feet bound. Several of the people whose bodies were discovered were last seen alive in the custody of Russian federal forces.

The Russian non-governmental organization (NGO) Memorial has logged over 2,000 individual cases of disappearances from state custody and abductions by armed groups in Chechnya. Its research is conducted in only one-third of the territory of the Chechen Republic, and therefore does not reflect the full extent of abuses. Memorial has estimated that in fact, between 3,000 and 5,000 men, women and children have gone missing in the Chechen Republic since 1999. In the majority of those cases, state agents were allegedly responsible. Others estimate the number of enforced disappearances as even higher.

The pervading atmosphere of fear in the region has led to people being increasingly reluctant to come forward, with many families preferring to use unofficial channels to secure the return of their relatives. As a result, enforced disappearances and abductions are under-reported.

Russian and Chechen officials have to some extent recognized the scale and gravity of the problem. As of 1 March 2007, up to 2,800 persons were listed as abducted, disappeared and missing in Chechnya, according to the Ombudsperson for Human Rights of the Chechen Republic, Nurdi Nukhazhiev. As of April 2005, the prosecutor’s office in Chechnya had opened 1,814 criminal cases into the enforced disappearance or abduction of 2,540 people in Chechnya.

A Commission for the search for abducted and missing persons has been established by the Chechen Parliament and the Chechen Ombudsperson has raised the issue, calling for a

Federal Commission to be established by Presidential decree to tackle the failures in investigations.²

Impunity

Although the public prosecutor's office has opened investigations in thousands of cases of enforced disappearances, Amnesty International is aware of only a tiny handful of cases in which a state official has actually been prosecuted – and in no case has a state official been prosecuted for the enforced disappearance itself.

Khadzhi-Murat Yandiev was detained by Russian federal forces near Grozny in February 2000. A Russian general searched him, interrogated him, and then gave an order to "finish him off". Nobody has seen or heard from Khadzhi-Murat Yandiev since. His mother, Fatima Bazorkina, learned about her son's detention from the television news, thanks to a *CNN* reporter who was at the time embedded with the military forces and filmed the encounter between Khadzhi-Murat Yandiev and the general.

The investigation was, according to the European Court of Human Rights plagued by inexplicable delays. For example, the Russian general who interrogated Khadzhi-Murat Yandiev was only questioned four years and four months later. Other servicemen involved were not identified or questioned at all.

The Court ruled that Fatima Bazorkina had suffered, and continues to suffer, distress and anguish as a result of the enforced disappearance of her son and of her inability to find out what happened to him. The Court stated that the manner in which her complaints had been dealt with by the authorities must be considered to constitute inhuman treatment.

Meanwhile relatives continue their search, in many cases facing intimidation and threats of reprisals from officials. They seek countless meetings at the offices of the public prosecutors to find out if there is any news; meet with international visitors who come to the region, in the hope that they might be able to have some influence on the local authorities; organize demonstrations in front of official buildings to protest against what they see as official indifference to the issue; and visit places rumoured to be the sites of mass graves, in case their relatives are buried there.

Early one morning in March 2006, several military servicemen dressed in camouflage uniforms and wearing masks seized the son of Fatima Magomedova (not her real name) in the backyard of their house in a suburb of Grozny. He returned one and a half hour's later, bruised and marked, complaining of a terrible headache. He suffered permanent damage to one of his eyes.

He said that he had been beaten by the military servicemen who had demanded that his mother withdraw her complaints about the enforced disappearance of her husband. Fatima Magomedova's husband was detained by Russian federal forces in 2000 and subsequently disappeared. Fatima Magomedova has searched for him since then, calling on law enforcement bodies to investigate, and has submitted an application to the European Court of Human Rights.

² Spetsialnii doklad, 2006, www.chechenombudsman.ru/index.php?option=content&task=view&id=98

Scores of people, despairing of finding justice in Russia, have turned to the European Court of Human Rights, only to face additional intimidation, threats and danger.

The European Court of Human Rights has now issued rulings in several cases concerning enforced disappearances in Chechnya since 1999. In each case, the European Court has ruled that the Russian Federation has violated fundamental rights, including the right to life and the right to an effective remedy.

Recommendations

Amnesty International is calling on the Russian federal and Chechen authorities to put a stop to the continuing enforced disappearances and to address impunity for the violations.

In particular the authorities should:

- Ensure that all allegations of enforced disappearances are promptly, thoroughly, independently and impartially investigated and that, where there is sufficient evidence, anyone suspected of responsibility for such crimes is prosecuted in proceedings which meet international fair trial standards;
- Ensure that all mass grave sites in Chechnya are immediately investigated by forensic experts in line with UN guidelines on the disinterment and analysis of skeletal remains and that adequate resources are made available, including establishing an autopsy service at the forensic laboratory in Grozny; and 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.
- Create a comprehensive database logging details of all individuals who have gone missing in Chechnya since 1999, drawing on information from law enforcement structures and non-governmental sources, and a database logging details of all unidentified bodies found in Chechnya; and make both databases public.
- Protect relatives of those forcibly disappeared and witnesses to enforced disappearances from intimidation and reprisals.