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## Russian Federation: The Risk of Speaking Out

### Attacks on Human Rights Defenders in the context of the armed conflict in Chechnya

Summary

AI Index: EUR 46/059/2004

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Throughout the ongoing armed conflict in the Chechen Republic, the Russian Federation authorities have attempted to restrict the gathering and dissemination of information about the human rights situation in the North Caucasus. Human rights defenders and activists speaking out about the situation in region, those investigating such abuses and those who have sought redress with the European Court of Human Rights have themselves increasingly become victims of serious human rights violations. Amidst a climate of impunity and the lack of the rule of law, human rights defenders have been threatened by members of the security forces and some of them have been killed for daring to speak out. Relatives of people who have been “disappeared” who lodged a complaint with the European Court of Human Rights have later themselves been “disappeared” or were killed. Lawyers and journalists, who have taken up cases of human rights violations, have been harassed and attacked. The armed conflict is spilling over into other republics, including North Ossetia and Ingushetia, where peaceful demonstrators have been beaten up for protesting against “disappearances” and other violations.

In its report Amnesty International reminds the government of the Russian Federation about its obligation to respect and protect individuals who seek to monitor, investigate or seek redress for human rights abuses and calls on the European Union and its Member States to take action to support and defend those, who defend the victims of human rights abuses in the Chechen Republic and the North Caucasus.

This report summarizes a 28-page document: 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) issued by Amnesty International on 9 November 2004. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: [http://www.amnesty.org/email/email\\_updates.htm](http://www.amnesty.org/email/email_updates.htm)

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<b>INTRODUCTION</b>	

Throughout the ongoing conflict in the Chechen Republic, the Russian Federation authorities have attempted to restrict the gathering and dissemination of information about the human rights situation in Chechnya. Human rights organizations, activists, lawyers, independent journalists, and individuals have played and continue to play a crucial role in documenting human rights abuses and assisting victims of the ongoing conflict in Chechnya. However, Amnesty International’s research in and on the North Caucasus has found that human rights defenders and activists speaking out about the situation in the region, as well as those investigating such abuses and those who have sought redress with the European Court of Human Rights have themselves increasingly become victims of serious human rights violations. As this report highlights, some have been killed or “disappeared”. Others have been subjected to

torture, including rape. Many more have been subjected to ill-treatment, harassment and intimidation.

In many of these cases Amnesty International has received information which indicates that groups and individuals have been targeted by agents of the state with a view to silencing them and muting public reporting about the ongoing human rights crisis in the North Caucasus.

The ongoing armed conflict in the Chechen Republic of the Russian Federation has been characterized by serious, widespread and systematic violations of international humanitarian and human rights law. Thousands of people have been subjected to “disappearance”, extrajudicial execution, torture, and ill-treatment by members of Russian and Chechen security forces. Indiscriminate killings of civilians by Russian federal forces as well as by Chechen armed opposition groups have been frequent. The absence of the rule of law and the persistent failure to promptly investigate such abuses and bring those responsible to justice has created a climate in which perpetrators believe that they can commit such crimes with impunity. Moreover, as a result, it is often difficult to establish the identity of perpetrators of abuses. Bodies and mechanisms of the United Nations and the Council of Europe as well as non-governmental organizations have long raised concerns about the lack of accountability for violations of human rights and humanitarian law in Chechnya. Most recently, in October 2004, the Parliamentary Assembly of the Council of Europe (PACE) concluded that “there is thus very little progress in the prosecution of perpetrators of human rights violations by the national law enforcement bodies”.<sup>1</sup>

Far from claims of Russian and Chechen officials that the situation in Chechnya has “normalized”, people in Chechnya regularly continue to be exposed to the above-mentioned abuses, although large-scale operations have ceased. Moreover, the conflict has spilled over into neighbouring republics of the Russian Federation. The PACE in October 2004 concluded that, “[t]he conflict in the North Caucasus appears to be spreading like an epidemic; threatening the rule of law throughout the Russian Federation.” Since 2003 the Republic of Ingushetia, which had been previously regarded as a relatively safe haven for Chechens who fled the conflict and were living there as internally displaced persons (IDPs), has become a venue where Chechens and Ingush people have been subjected to “disappearance”, extrajudicial execution, torture and ill-treatment. In June 2004 police stations and the republican administration were targets of armed attacks by Chechen opposition groups, which reportedly resulted in the deaths of nearly 100 people.<sup>2</sup>

Chechen armed opposition groups, some under the command of Shamil Basaev, have claimed responsibility for a number of attacks on civilians in Chechnya, Ingushetia and other parts of the Russian Federation. On 24 August 2004 two

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<sup>1</sup> PACE resolution 1403 (2004), The human rights situation in the Chechen Republic.

<sup>2</sup> See *Russian Federation: Coordinated Attacks in Ingushetia – life far from normal*, AI Index: EUR 46/037/2004.

passenger airplanes exploded in midair, in central Russia, killing about 90 people. In September a group of armed men and women took more than 1000 people hostage, including several hundred children, in a school in Beslan, North Ossetia. On 3 September, nearly 350 people died after explosions in the school and a shoot-out. Amnesty International strongly condemned the hostage-taking for which Shamil Basaev later took responsibility.<sup>3</sup>

Since the beginning of the second phase of the armed conflict, Chechens outside of the North Caucasus have been subjected to human rights abuses, including arbitrary detention, ill-treatment and restrictions of the right to freedom of movement, elsewhere in the Russian Federation. Recently, for example, on 9 September 2004 police officers reportedly assaulted Magomed Talboev, a cosmonaut and politician from the Republic of Dagestan, who received a medal as a hero of the Russian Federation, after they stopped him at a metro station in Moscow. According to reports they asked him to show his passport and when they saw that he had a Caucasian name, they allegedly assaulted him and shouted, "Clear off, darkie, and tell your fellow tribesmen we will get rid of you anyway". Following the events in Beslan, there have also been reports of increased attacks on Chechens and other North Caucasians by "skinheads" and members of other extremist groups. There have been repeated attacks by "skinheads" of Caucasian-looking people on the Moscow metro. Caucasian shops have been burned down in Moscow and Yekaterinburg; one of the shop's owners was killed. A woman wearing a veil was attacked in Vladivostok by someone shouting, "this is for Beslan". Amnesty International remains concerned that Chechens and Caucasian-looking people outside of the North Caucasus continue to be at risk of being subjected to human rights abuses.

This report highlights reprisals taken against people who have dared to monitor, promote and defend human rights, and /or investigate and seek international redress for human rights abuses committed within the context of the Chechen conflict.

Attacks against human rights defenders and others who seek accountability for human rights abuses are, in and of themselves, grave violations of human rights and must not be tolerated. They violate the rights to life, liberty and security of the person, dignity, freedom from torture and other ill-treatment, freedom of association and expression and the right to seek redress for human rights abuses. They reflect hostility towards civil society; and undermine the rule of law, international mechanisms of redress and the whole fabric of human rights.

The authorities in the Russian Federation have a responsibility and duty - including under international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)

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<sup>3</sup> See *Russian Federation: Civilians targeted and killed in recent spate of violent attacks*; 1 September 2004, AI Index: EUR 46/048/2004;. and *Joint Statement on the Beslan Hostage Tragedy*; 8 September 2004, AI Index: EUR 46/050/2004.

- to protect and respect the human rights of everyone within the territory and subject to its jurisdiction.

The failure of the authorities to respect and protect individuals who seek to monitor, report, investigate or seek redress for human rights abuses related to the Chechen conflict is abhorrent. It contravenes Article 1 of the UN Declaration on Human Rights Defenders<sup>4</sup> which proclaims: "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Article 12(2) of the Declaration requires states "to take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."

The failure of the authorities to ensure that those responsible for violations of the rights of such persons and impeding their work are brought to justice violates the Russian Federation's obligations under Article 2 (1) and (3) of the ICCPR and Article 13 of the European Convention on Human Rights, which guarantees the right to an effective remedy.<sup>5</sup>

The failure of the government to ensure respect of the rights of persons to seek redress before the European Court of Human Rights violates Article 34 of the European Convention on Human Rights, which requires states not to hinder in any way the right to apply to the Court.<sup>6</sup>

This report is based on interviews with victims of human rights abuses and/or their relatives, local and international human rights defenders including staff from Memorial, the International Helsinki Federation for Human Rights<sup>7</sup>, Human Rights Watch, the Society for Russian-Chechen Friendship, the Committee of Chechen Salvation and the Chechnya Justice Initiative, lawyers, journalists and applicants to the European Court of Human Rights. Many interviews were carried out by Amnesty International's representatives during visits to the North Caucasus in March, April,

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<sup>4</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly, 9 December 1998.

<sup>5</sup> Article 13, ECHR: "Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

<sup>6</sup> Article 34, ECHR: "The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right."

<sup>7</sup> See IHF report: *The Silencing of Human Rights Defenders in Chechnya and Ingusheti*, 15 September 2004.

and June 2004. Amnesty International has also sought and received information about some of the cases highlighted from relevant authorities. The report contains descriptions of cases which illustrate the violations to which human rights defenders, those investigating human rights abuses, and those who have applied to the European Court of Human Rights seeking redress, have been subjected. It must be noted that, fearing further reprisals, some people with whom Amnesty International has spoken have requested that their names and/or other identifying characteristics be withheld. Others, about whom Amnesty International received preliminary information, have been too afraid to speak out at all. The report concludes with recommendations to the Russian authorities and, in view of the upcoming European Union (EU)-Russia summit, to the EU and its member states.

## **ATTACKS ON HUMAN RIGHTS DEFENDERS IN CHECHNYA**

"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels," (Art. 1 of the Declaration on Human Rights Defenders). All those who are peacefully struggling for the realization of human rights are therefore human rights defenders. Some work in human rights organizations, student and youth groups, religious, women's or development associations; others are lawyers, journalists, academics, teachers, students.

### **The Society for Russian-Chechen Friendship**

One of the human rights organizations whose members have faced serious human rights violations is the Society for Russian-Chechen Friendship.

The Society was founded in the first months of the second armed conflict in Chechnya by Russian and Chechen citizens who were concerned about growing hostile attitudes between the two ethnic groups. Initially the group met informally, organized meetings and wrote appeals calling for an end to hostilities. In 2000 the society was officially registered. The organization has its main office in Nizhny Novgorod, from where it regularly distributes information on the human rights situation in Chechnya, which has been provided by its members. The organization has a network of volunteers and some staff members who inform victims of alleged human rights violations or their relatives about their rights and join them when they need to address the authorities.

### ***Imran Ezhiev***

Imran Ezhiev is the head of the Society for Russian-Chechen Friendship's Information Centre in the Northern Caucasus, regional coordinator of the Moscow Helsinki Group and a member of a working group on human rights in Chechnya

organized by the Presidential Human Rights Commission. Although he has been detained more than a dozen times in the course of the last five years, he has not stopped his human rights work. On 17 September 2000 he was detained and during a week in detention in the Regional Department of Internal Affairs (ROVD) of Achkoi-Martan he was reportedly beaten repeatedly on his spine and, in ridiculing his complaints about an aching tooth, his teeth were filed off<sup>8</sup>. On 29 January 2004 he was detained together with two of his colleagues after he had accompanied the head of the Presidential Human Rights Commission, Ella Pamfilova, on a visit to camps for internally displaced Chechens in Ingushetia. According to Imran Ezhiev, shortly after he and Ella Pamfilova parted in one of the camps ("Satsita"), several police officers approached him and asked to see his documents. They accused him of "trying to organize an unsanctioned demonstration" in the camp. When he explained that he was accompanying Ella Pamfilova, they let him go.

Some 40 minutes later, a group of armed men in military uniforms stopped Imran Ezhiev's car, as he was travelling to rejoin Ella Pamfilova, and took him and two other members of the Society, Khamzat Kuchiev and Adlan Ibragimov, forcibly to Sunzhenskoe ROVD, in the village of Sleptsovskaja. There, several officers allegedly repeatedly hit Imran Ezhiev on the back and beat his head against the wall, while threatening to hand the men over to the Russian federal forces, where they would "disappear" without a trace. Imran Ezhiev claimed that the police officers read the medical documents he carried with him and were aware that he had a spinal injury when they hit his back. One of the police officers allegedly offered to release the three if they confessed to several unsolved thefts. The next morning, when Ella Pamfilova was informed that the men had been detained, she went to the ROVD and insisted on their release. The police released the three men later that day.

On 5 February Imran Ezhiev visited the Ministry of Internal Affairs of the Republic of Ingushetia to file a complaint about his arbitrary detention. The Deputy Minister of Internal Affairs, Zaiyaludin Kutiev, allegedly told him that the police had acted within the law and that no one who is not a government official, including human rights monitors and journalists, has the right to visit the IDP camps. In a letter to Amnesty International dated 7 April 2004 the Procuracy of Ingushetia stated that Imran Ezhiev had been detained because he had violated administrative law. The procuracy also stated that the law enforcement officers had not used violence against him.

The apparent campaign of intimidation of members of the organization continued and reportedly intensified during June and July 2004. More than 40 police officers raided the Society's office in the Ingush town of Karabulak on 12 July, at around 6.30pm. Most were wearing masks and camouflage uniforms, and carrying machineguns.

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<sup>8</sup> When Amnesty International reported in 2000 about this form of torture, the Russian authorities replied that this could not have happened because Russian soldiers were incapable of committing such a crime.



They reportedly searched the office without identifying themselves or showing a warrant. They apparently confiscated six videotapes, four computer disks and files containing testimonies of victims of human rights violations by Russian federal forces in Chechnya, the names of the alleged perpetrators, and details of vehicles used to abduct civilians.

Imran Ezhev arrived during the search and told the police that their activities were illegal without a warrant. One officer apparently shouted at him: "It is illegal that you were born. It is illegal that you are a Chechen. Don't worry, we will make sure to find something criminal about you."

Shortly after that, the police claimed to have found two small plastic bags full of powder in one of the rooms, and reportedly claimed they had found explosives. Khamzat Kuchiev was detained on suspicion of involvement in terrorism, and was taken to the City Department of Internal Affairs (GOVD) in Karabulak. Imran Ezhev called the head of the Presidential Human Rights Commission, Ella Pamfilova, and asked her for help. She reportedly called the President of Ingushetia, and asked him to intervene. As a result of this, Khamzat Kuchiev was released a few hours later, and the police apparently apologized to him, but asked that the NGO not publicize the incident further. The Society for Russian-Chechen Friendship has filed a complaint with the Office of the Procurator of Ingushetia. However, the authorities have not opened any official investigation into the search of the organization's office, the arbitrary detention of Khamzat Kuchiev and the alleged fabrication of evidence against the organization.

### **Zura Bitieva**

Zura Bitieva was known to Amnesty International since the beginning of the current armed conflict in Chechnya. She had – on a number of occasions – provided Amnesty International's representatives with valuable information about crimes against civilians in Chechnya committed by the Russian federal forces. She spoke out against the armed conflict, and organized peace marches, rallies and demonstrations of Chechen women for peace. She was a member of the Society for Russian-Chechen Friendship, as well as a member of the Committee of Soldiers Mothers, helping many Russian mothers look for their sons in Chechnya.

On 25 January 2000, Zura Bitieva and her son, Idris Iduev, were forcibly taken from their home in Kalinovskaia settlement reportedly by 20 Russian masked soldiers. They were taken to Naurski District police department and after a few hours were transferred to Chernokozovo "filtration camp".<sup>9</sup> Zura Bitieva was detained for about a

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<sup>9</sup> At that time, the Russian military operated a number of secret detention facilities on the territory of the Chechen Republic, the so-called "filtration camps". One such unofficial detention facility was Chernokozovo. Amnesty International has collected many testimonies from individuals, who stated that

month in Chernokozovo, while her son was detained there for more than two months. Zura Bitieva's daughter later told Amnesty International that her mother had been beaten while being questioned about her work, who paid her for her work, why she travelled to Moscow and with whom she had met. She was not charged and was not informed about the reasons for her arrest<sup>10</sup>. Reportedly, Zura Bitieva's health seriously deteriorated during detention and after 24 days, having lost consciousness, she was transferred to a hospital, where she spent another month in intensive care under guard. After Zura Bitieva and her son were released, she continued her work. Eventually, in May 2000, she lodged a complaint with the European Court of Human Rights regarding her detention.

During an early morning raid on a number of houses in the Kalinovskaia settlement on 21 May 2003, a group of about 15 armed men in camouflage uniforms – most of whom did not wear masks and were later described as “clearly not Chechen” entered the house of Zura Bitieva and her husband Ramzan Iduev. The men, who were believed to be Russian special federal forces, stationed in the military base in Khankala<sup>11</sup>, killed their son, Idris Iduev, and Zura Bitieva's brother, Abubakar Bitiev. Only a one-year-old child, the grandson of Zura Bitieva and Ramzan Iduev, survived the attack. Reportedly, the four bodies were found with their hands and feet bound with adhesive tape as well as their mouths sealed with adhesive tape. All four were reportedly shot three times in the back of the head. Neighbours reported that some of the armed men had entered another house earlier and threatened to kill the occupants. However, after checking the documents of the occupants, one of the group's leaders announced that it was not “the right house”, and they proceeded to Zura Bitieva's house. The armed men also entered the house of Zura Bitieva's son, Eldar Iduev, but he managed to hide and survived.

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detainees in “filtration camps” - - men, women and children - - have been routinely and systematically tortured. (See Russian Federation: *Chechnya: Only an international investigation will ensure justice for the victims*, AI Index: EUR 46/23/00, 29 March 2000)

After an international outcry by Amnesty International and other human rights groups, followed by inquiries by the PACE, the CPT and the UN High Commissioner on Human Rights, the Russian authorities recognized Chernokozovo as an official pre-trial detention centre (SIZO) under the authority of the Russian Ministry of Justice.

<sup>10</sup> Zura Bitieva received a document, stating that she had undergone “filtration”.

<sup>11</sup> Throughout the current Chechen conflict, Amnesty International and other human rights NGOs have established through first-hand accounts from victims and witnesses that torture and ill-treatment have been widespread and systematic at the Russian military base in Khankala. During a research mission to the region in June 2004, Amnesty International's delegates received statements from victims, who had been detained in Khankala military base, that they had been subjected to severe forms of torture, including rape. All of the people Amnesty International spoke to had been warned that if they spoke out about their treatment, they and their families would face further reprisals.

After Zura Bitieva's death her daughter, Luisa Bisieva, continued her mother's appeal to the European Court of Human Rights; she also added her mother's killing to the application. Luisa Bisieva told Amnesty International's representatives that her mother had been aware of the risks in doing her work as a human rights and peace activist and by lodging a complaint with the European Court of Human Rights. Despite being pregnant Luisa Bisieva left her husband because his family did not want her to pursue the complaint. For some months she and her first child lived with relatives but had to leave after members of the Federal Security Service (FSB) came to question her and her relatives about her application. They questioned her about her contacts with human rights organization, who had helped her to lodge a complaint and why she had taken this action. She said that on one occasion she was threatened that she would be charged with illegal possession of weapons and helping Chechen armed opposition groups by delivering weapons.

### ***Aslan Davletukaev***

On 16 January 2004 the mutilated body of human rights activist Aslan Davletukaev, aged 29, was found near the town of Gudermes in Chechnya. He had been working with the Society for Russian-Chechen Friendship, and had reportedly been detained by Russian federal forces on 9 January 2004. On that day about five military vehicles stopped at the house of the Davletukaevs at about 10.15pm. A group of 25 or 30 armed, masked men told the family they needed to check the passports and conducted a search of the house. They forced Aslan Davletukaev out in the courtyard and threatened to kill him and his wife in front of their children if he would not come with them. When Aslan Davletukaev's father asked the men if his son had committed a crime he was told "he is guilty of being Chechen". When Aslan Davletukaev's eight-year-old son tried to cling to his father, he was kicked away by one of the men. After about an hour the men left the house and took Aslan Davletukaev with them. Reportedly they drove in the direction of a military post in Shali. The family went to the military post, the local procuracy and administration but did not get any information regarding the reasons for Aslan Davletukaev's detention nor about his whereabouts. When his body was found seven days later outside a deserted cafe, relatives who spoke with Amnesty International's representatives said they could scarcely identify him as he had lost all his teeth and his face was covered in bruises. Criminal investigations into this incident have been inconclusive and to date no one has been identified as responsible, let alone prosecuted. An investigation into his killing had been opened in January 2004 but was closed reportedly owing to failure to identify the perpetrator(s). Aslan Davletukaev's family has left Avtury and is living in hiding out of fear of reprisals.

### ***Artur Akhmatkhanov***

Artur Akhmatkhanov, a 22-year-old student of the Oil Institute in Grozny, had just married a niece of Imran Ezhev and started to work for the Society for Russian-

Chechen Friendship when he was detained on 2 April 2003 near his house by men who appeared to be members of the Russian federal forces. Eyewitnesses later told his mother, Bilat Akhmatkhanova, that four armoured personnel carriers (APCs) transporting as many as 60 uniformed men in camouflage uniforms had been parked near a local stadium. The eyewitnesses, who were not allowed to get close to the APCs and were kept at a distance by the soldiers, reported that they saw two men being dragged into one of the vehicles or APCs and heard shots being fired.

It was only the next day that the police and FSB reportedly came to the scene of the incident and gathered empty cartridges. They also took a piece of cloth that was smeared with blood, possibly belonging to one of the detainees. These samples were allegedly analyzed, but Artur Akhmatkhanov's family has not been informed of any results. Bilat Akhmatkhanova told Amnesty International's representatives that she had been asked by the procuracy to give more information about the men involved in the "disappearance" of her son. However, she said that the eyewitnesses had told her that the number plates on the cars were smeared with mud and that they were unable to identify the unit to which the men belonged<sup>12</sup>.

More than a year has passed since the "disappearance" of Artur Akhmatkhanov, and his family is still waiting for news of his fate and whereabouts. The official reaction of the Russian military is typical of answers given to people with missing relatives. In a letter to the Chechen authorities dated 11 March 2004, military procurator N.S. Popenko wrote that at the time of Artur Akhmatkhanov's detention "no special operations for detaining citizens on the territory of the Chechen Republic were conducted, no citizens were detained and no-one was handed over to the law enforcement agencies". In other words, the official position of the Russian military is that it had nothing to do with the "disappearance" of Artur Akhmatkhanov.

### **Luisa (Tumisha) Betergiraeva**

On 13 December 2001, Luisa (Tumisha) Khasanovna Betergiraeva<sup>13</sup>, a volunteer working with the Society for Russian-Chechen Friendship, was shot and killed at a Russian military roadblock near the city of Argun. Imran Ezhiev told Amnesty International in June 2004:

*"Luisa was the second one [from the organization to be killed]. She was bringing us a lot of information from [the military base in] Khankala [where she used to work as a plasterer]. I warned her so many times to be careful... she had six children... was very proactive and engaged in every*

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<sup>12</sup> Regulations for Russian law enforcement bodies, especially Order No. 80 and Decree No.46 set out rules for the conduct of document checks and for the detention of suspects. According to these rules military vehicles have to have recognizable number plates.

<sup>13</sup> According to tradition, Chechens often have two first names, the official one and one which is used in private, in this case Luisa – Tumisha.

*meeting. She was saying: 'I will do everything possible to bring peace closer. You won't stop me until I die. I am not working against Putin; I am actually helping him to create peace here'. And in December 2001 I sent her to Chechnya... and in Argun she was shot at the [military] check-point. My cousin Akhmed [Ezhiev] had given a speech at Luisa's funeral; he was urging people to unite and look for the criminals who shot Luisa... that we should write to the procuracy to investigate and at 4am next morning [18 December 2001] he was shot dead."*<sup>14</sup>

In June 2004, Amnesty International delegates interviewed the husband of Luisa Betergiraeva, Khizir Betergiraev, aged 70 and disabled. He told Amnesty International that on 13 December 2001, Luisa Betergiraeva was coming home from work when the bus she was travelling on broke down and she got a lift with two men from her village, who were driving in a private car. In the town of Argun they got stuck because the whole town was under a Russian military blockade. They were apparently stopped at one of the main military check-points and the Russian soldiers did not allow them to go through. Luisa and the two men reportedly decided to turn around and take a different road, avoiding the blockaded town. Apparently, only a short distance away from the check-point, the soldiers suddenly opened fire on the car. Luisa Betergiraeva was heavily wounded by numerous bullets, while the other passenger, sitting next to her, was barely scratched. The driver of the car also survived the attack with minor injuries.

According to witness reports, Luisa Betergiraeva was still alive after the shooting, although seriously wounded, but the Russian soldiers reportedly refused to allow the emergency services to be called for about half an hour. During this time Luisa Betergiraeva's condition deteriorated and when the ambulance was finally called, the doctors were unable to save her life. She died shortly after she was brought to the Argun City Hospital.

On 20 December 2001 Luisa Betergiraeva's husband filed a complaint with the Office of the Procurator in the town of Argun. However, he was summoned for questioning only a year later by the Office of the Procurator of Shalinskiy District (the district where the family lives in the village of Serzhen-Yurt) and reportedly his statement was forwarded to the Office of the Procurator in Argun. More than two years later, Khizir Betergiraev was summoned a second time for questioning, on 3 April 2004, by the Office of the Procurator in Argun. This time he was reportedly told that the procuracy had sent a request to Moscow in order to establish which Russian military officers were on duty at the Argun check-point on the day of Luisa Betergiraeva's death in 2001. Apparently witnesses were not called for questioning right after the incident on 13 December 2001; thus, effectively, no investigation took place.

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<sup>14</sup> According to Imran Ezhiev, a group of masked men broke into the house of Akhmed Ezhiev in Serzhen Yurt, they asked for Akhmed Ezhiev and when he came up to the men, they shot him. A brother of Akhmed Ezhiev, Makhmud Ezhiev, was shot in the leg.

In July 2004 Amnesty International learned that the family had been subjected to further violations. In early July in a raid on their house by Russian federal forces, one of Luisa's sons, Zelimkhan Betergiraev, 28, was detained and has since "disappeared". On 20 July 2004, about 14-15 men, in masks and camouflage uniforms arrived shortly after midnight in military armoured vehicles at the home of the Betergiraevs and reportedly started beating Khizir Betergiraev. This time, the Russian federal forces asked about the second son, Zaur Betergiraev, while allegedly continuing to beat the father. When his daughter, Zulykhan Betergiraeva, 26, and daughter-in-law, Milana Khalieva, 23, came to the rescue of their father, the two young women were also allegedly beaten by the soldiers. When the women asked why they were subjected to such treatment they were told: "So that you complain less! All of Europe already knows about you!"

### **Malika Umazheva**

On 29 November 2002 Malika Umazheva, the former head of the local administration of the village of Alkhan-Kala in Chechnya, was killed reportedly by masked men in uniforms who entered her house around midnight claiming to be looking for "Islamic extremists" and told her to accompany them to a shed where she was shot. Malika Umazheva was an outspoken and courageous critic of raids that Russian forces conducted in her village and had had several confrontations with Russian federal officers during the months prior to her death. She had also reportedly been threatened by Russian forces. While the Chechen procuracy in a letter to Amnesty International claimed that members of Chechen armed groups had committed the crime,<sup>15</sup> relatives reported that those responsible spoke Russian without an accent<sup>16</sup> and left the scene in military vehicles. Unofficial sources alleged that she was killed by Russian soldiers in retaliation for her activities.

Malika Umazheva had worked closely with human rights organization in the region, including the Society for Russian-Chechen Friendship, and had provided information to independent journalists about abuses of human rights in her village.

### **Alleged torture and rape of a woman, working for a humanitarian organization**

Amnesty International's representatives spoke on two occasions with Khava (not her real name), a Chechen woman, who had worked for a humanitarian organization in the North Caucasus. Khava told Amnesty International's delegates how she had

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<sup>15</sup> In a letter dated 18 March 2004 the Chechen procuracy wrote that the investigations regarding the killing of Malika Umazheva identified six people, members of an armed group, as the perpetrators. Four of them had been killed, two others had not been found yet.

<sup>16</sup> During raids on Chechen settlements and villages the perpetrators often wear masks and drive around in cars with number plates covered in mud. It is therefore very difficult for witnesses to identify the perpetrators. The language used and possibly the accent can sometimes help to clarify if the men are of Russian or Chechen origin.

been detained by Russian and Chechen law enforcement officials in 2003 and had been taken to a detention centre. For about a month she was held there and questioned about her work for the humanitarian organization. Police and FSB officers accused her of telling lies about the situation in Chechnya to her foreign contacts working for enemies of Russia, and claimed she had contacts with Chechen field commander Basaev and was recruiting women to become suicide bombers. Khava said that during the interrogation she was tortured, including raped, beaten on the kidneys and head, pushed against the wall of the interrogation room. Khava alleged that her hands were tied behind her back and she was blindfolded for several days. When she fell to the ground she was told "Wake up, you still need to tell us more, we do need you!" During the first days of her detention she was told she should cooperate with the security services and inform them about the activities of the humanitarian organization. At one point an officer told her "you are not going to die easily, we get good money for you from your employers". When she was finally released she left her house and went into hiding. She told Amnesty International that even several months after her release, her hands, eyes and kidneys caused her regular pain. Because she had been told she would be killed if she spoke out about being tortured, she did not dare to seek medical care.

## **SILENCING OF THOSE WHO SPEAK OUT IN INGUSHETIA**

### **Protests about "disappearances" lead to further violations in Ingushetia**

The human rights situation in Ingushetia deteriorated in 2004 with violations that have long been the hallmark of the Chechen conflict increasingly being perpetrated over the border. Raids by Russian and Chechen security forces have resulted in a number of "disappearances" and killings. Chechen fighters are also suspected of being responsible for coordinated attacks and bomb blasts in the region which have in some cases caused indiscriminate harm to civilians. While some officials in the Ingush administration have spoken openly about the worsening human rights situation in Ingushetia, there have been attempts by others to suppress information on human rights violations.

In March 2004 three young men were injured of whom two later died when a helicopter opened fire on them while they were sitting in a car near the settlement of Sleptovskaia<sup>17</sup>. Two days later, on 29 March, about 200 people, mainly students gathered in front of the government buildings in Magas, Ingushetia, to protest against the killing of their colleagues and the increasing number of "disappearances" in the republic. Some of the students informed Amnesty International's representatives that even before the meeting could begin, plain clothes officers started beating the demonstrators. The demonstrators were rounded up and a few dozen were detained. According to the students interviewed by Amnesty International, these people were

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<sup>17</sup> See *Russian Federation: Chechen Republic: Normalization in whose eyes?* AI Index: EUR 46/027/2004.

detained for several hours, ill-treated and threatened with expulsion from university. The students said they were afraid even among themselves to talk about these events as they feared that there may be informers among them.

Amnesty International's delegates heard of another group of students who had faced harassment in June 2004 when they tried to distribute copies of the Russian newspaper *Novaya Gazeta* in which there were reports about the "disappearance" of several young men from Ingushetia. Reportedly, the newspaper, which can be bought generally all over the Russian Federation, was not available in Ingushetia. The articles which the authorities in Ingushetia did not want to see published described, among others, the following two cases.

### **The "disappearance" of Rashid Ozdoev**

Rashid Ozdoev, aged 27, a deputy procurator of the Republic of Ingushetia, 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. Rashid Ozdoev had apparently dismissed warnings that he was putting his life in danger by writing about unlawful actions by the FSB, telling his father and other relatives that it was his duty to report them.

Rashid Ozdoev wrote to the Procurator General and the FSB of the Russian Federation for the first time in late 2003. The second time he addressed his report to the FSB and to a parliamentary deputy in late February or early March, while in Moscow. He returned to Ingushetia on 7 or 8 March. On 11 March 2004 Rashid Ozdoev went with colleagues to Nalchik in the neighbouring Republic of Kabardino-Balkaria. The delegation returned in the evening to the Ingush capital, Magas, where Rashid Ozdoev left his colleagues to drive in his own car, a dark green Zhiguli VAZ 21099, to his home in the town of Malgobek.

According to witnesses, he was stopped near a petrol station in Verkhnye Achaluki by three cars later that evening. One of them, a white Niva, identified as an FSB car, apparently rammed Rashid Ozdoev's car, which was later seen in a parking space of the FSB in Magas. It is believed that Rashid Ozdoev may have been taken from Magas to Vladikavkaz in the Republic of North Ossetia, from there to Khankala, in the Chechen Republic, and later to Moscow.

On 15 March a criminal case was opened under article 126 of the Russian Criminal Code (abduction of a person). Rashid Ozdoev's father, Boris Ozdoev, a former judge, conducted his own investigation and found a suspect, an Ingush member of the FSB, who admitted in front of a council of elders of his and the Ozdoev family, that he



participated in the “disappearance” of Rashid Ozdov. A tape with his statement was given to the General Procuracy of the Russian Federation.

Reportedly another officer, Igor N. Onishchenko, from the Stavropol FSB branch, wrote a letter to the Procurator General of the Russian Federation claiming that he had been involved in the torture of 50 people and the killing of 35. Igor Onishchenko did not disclose a name, but admitted that he had detained a local procurator who had made a complaint against the head of the Ingush FSB, and that he broke this man's hands and feet.<sup>18</sup>

In May 2004 Amnesty International received a letter from the Ingush procuracy, from the investigator for very important cases, stating that several versions of events were under investigation, including one which linked the “disappearance” of Rashid Ozdov to his professional activities. However, the Deputy Procurator General of the Russian Federation, Sergei Fridinskii, in an article in *Novaya Gazeta* on 2 August 2004 denied the fact that these two men were staff members of the FSB<sup>19</sup>.

### **The “disappearance” of Timur Yandiev**

Timur Yandiev, a 25-year-old computer specialist, “disappeared” on 16 March 2004 in Nazran, Ingushetia. When Amnesty International's representatives spoke to his parents they said they had no explanation as to why their son “disappeared”. They knew that their son had had contact with Rashid Ozdov, the deputy procurator of Ingushetia who “disappeared” on 11 March 2004, and they considered the possibility that Timur Yandiev had been targeted because of helping Rashid Ozdov to collect and distribute information via the internet regarding alleged unlawful activities by members of the FSB in Ingushetia.

On 16 March 2004 Timur Yandiev, who is from the town of Karabulak in Ingushetia, had been visiting friends and former colleagues at the office of Ingushenergo in Nazran, where he used to work. He left the building at about 4.30pm. According to one of the guards in the building, two cars stopped next to Timur Yandiev and about five or six men in camouflage and masks got out of the cars and dragged Timur Yandiev into one of the white cars, which did not have number plates.

The guard at Ingushenergo thought that the cars were heading in the direction of Chechnya and informed the traffic police of this. The mother of Timur Yandiev told Amnesty International's representatives that the traffic police reportedly stopped the cars at the checkpoint Kavkaz 20. However, the drivers showed valid documentation and a special permit, which allows members of the federal forces to drive freely across the borders of the subjects of the Russian Federation. The police noted down

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<sup>18</sup> See *Russian Federation: Chechen Republic: Normalization in whose eyes?* AI Index: EUR 46/027/2004

<sup>19</sup> <http://2004.novayagazeta.ru/nomer/2004/55n/n55n-s19.shtml>

the registration numbers for the cars, which were later identified by the authorities as belonging to the federal forces stationed in Chechnya. When the family of Timur Yandiev was informed about his “disappearance” they tried to call him on his mobile phone. For several days the phone rang, but nobody picked it up.

Timur Yandiev’s parents turned to the local and federal procuracy, to the President of Ingushetia and to human rights organizations in order to find out what had happened to their son. At the end of April 2004 they received a letter from the Ingushetian Ministry of Justice, informing them that the procurator of Chechnya had been given the registration numbers of the two cars. However, they have not been provided with any information regarding the identity of the people in the cars, and therefore into whose custody he might have been taken. In fact, they have not received any official information regarding his whereabouts.

### **The case of 14 female doctors working for a US humanitarian organization, the International Medical Corp in Ingushetia**

In June 2004 Amnesty International spoke to a group of women working for the humanitarian organization, International Medical Corps (IMC) in Ingushetia in the Russian Federation. Fourteen of them, all doctors and all but one of Ingush origin, had found their pictures earlier that year on posters, put up in police stations in Moscow, in Moscow’s airport Sheremetevo and in other Russian cities, claiming that the women were suspected of “planning terrorist acts”. The pictures on the posters, which had been issued by the Ministry of Interior (MVD), had been given by the women to the IMC when they started working for the organization a couple of years ago. The posters first appeared shortly after a bomb attack on a Moscow metro on 6 February 2004. When IMC contacted the Ministry of Interior and the FSB, the organization was told that the pictures had been found in a hide-out of Chechen armed opposition groups. The FSB informed the IMC in May 2004 that they did not have any evidence confirming the women’s involvement with Chechen armed opposition groups. When Amnesty International in mid-June checked a website of a town in Moscow region, the pictures were still there. One woman told Amnesty International that in March 2004 she had been stopped in Moscow and detained for several hours by Moscow transport police under suspicion of terrorism. When she was released she was told that there had been a mix-up. Other women told Amnesty International that they were afraid to travel outside of Ingushetia and had cancelled their participation in training seminars or other trips they had previously planned. Reportedly, the head of the MVD of the city of Moscow later apologized to the women and informed them that the FSB and the MVD would withdraw the pictures from the website and would not distribute the pictures any further.

However, in early September 2004, shortly after the hostage crisis in Beslan, North Ossetia, which led to the death of nearly 340 civilians, the pictures and names appeared again on several websites, on television in Volgograd and in a newspaper in North Ossetia. Following allegations that Ingush people had been involved in the

hostage-taking in Beslan, concerns have been raised that some people from North Ossetia may want to attack Ingush people to revenge the deaths of more than 200 children<sup>20</sup>. Ingush President Murat Ziazikov has offered his support for the women and international governmental and non-governmental organizations have expressed their concern about the allegations brought against these humanitarian workers while the FSB maintained they had initially a strong indication that the women were planning acts of terrorism.

## **REPRISALS AGAINST APPLICANTS TO THE EUROPEAN COURT OF HUMAN RIGHTS**

A variety of legal mechanisms exist in the Russian Federation to prosecute members of the armed forces for human rights violations. However, criminal investigations into such violations remain woefully inadequate, are frequently closed without a conclusion and the cases rarely ever get as far as a courtroom. Consequently, an increasing number of Chechens, having realized that the possibilities of redress within the framework of the Russian justice system exist primarily on paper, have decided to take their cases to the European Court of Human Rights.

In January 2003 the European Court declared the first six cases from Chechnya admissible, thereby recognizing that the complainants had no access to effective remedies at the national level. The six applicants had lodged complaints with the European Court in 2000, regarding violations of their rights in 1999 and early 2000. Since then different human rights organizations, like the Chechnya Justice Initiative and the European Human Rights Advocacy Centre, have undertaken the task to assist victims of human rights violations in Chechnya on the national and European level. In a number of cases applicants have faced reprisals after turning to the court in Strasbourg. Such reprisals have ranged from harassment and threats, and in a couple of cases applicants or their close relatives have been killed. Amnesty International is concerned that Chechen victims of human rights violations not only have extremely limited access to justice in the Russian Federation, but also that they are subjected to further human rights violations when they attempt to seek justice through international mechanisms.

### ***Lipkhan Bazaeva***

Lipkhan Bazaeva is well known as a human rights defender, working for the office of the human rights organization "Memorial" in Nazran, Ingushetia, since 2000. Before the start of the armed conflict she lived in Grozny from where she had to flee with her family in October 1999. While travelling on a road which had been declared a safe

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<sup>20</sup> Especially in connection with ongoing tensions since an armed territorial conflict between the two republics in 1992

humanitarian corridor for civilians leaving the heavily bombed capital, the refugees were bombed by Russian military aircraft. An unknown number of civilians died and many people, including Lipkhan Bazaeva, lost all their possessions when their cars were hit by rockets. When the criminal investigations into the bombing were closed without any results, Lipkhan Bazaeva turned to the European Court of Human Rights. Her application was among the first six which were declared admissible in January 2003.

In October 2003 while in Ingushetia, she learned that on the 19 October early in the morning a large group of men in masks and camouflage uniforms had surrounded her house in Grozny, They arrived in military cars and shouted at neighbours, who came to see what was happening, to return to their own houses or they would be shot. The people living in her house at the time, who are not related to Lipkhan Bazaeva, were allegedly beaten, made to lie on the floor and asked for their documents. The soldiers asked one of the women in the house if she was Lipkhan Bazaeva. When she denied this and told them that Lipkhan Bazaeva did not live there, the soldiers wanted to know where she and her sons were. They searched the house but when they could not find Lipkhan Bazaeva they left, saying it was a mistake. A month later, a group of soldiers came again to the street in Grozny, where Lipkhan Bazaeva used to live, and asked neighbours if she ever stayed in that house overnight. The family living in Lipkhan Bazaeva's house at the time of the raid were told by acquaintances in the security forces that they should leave because it was likely that other units from the FSB may come looking for Lipkhan Bazaeva and there was no guarantee that this family would be saved. When Lipkhan Bazaeva turned to the Ministry of Interior of the Chechen Republic and to the procuracy for information, she was informed that a document check had been conducted on that day in her street, but she was not informed which security forces had ordered the check.

In the night of 23 July 2004 armed men came to the apartment house in Nazran, Ingushetia, where Lipkhan Bazaeva had been living since she fled Grozny. Lipkhan Bazaeva told Amnesty International that one of her neighbours was a high-ranking official and his bodyguards were outside of his flat. These men stopped the intruders, who asked for Lipkhan Bazaeva but did not know in which flat she was living. The official later told Lipkhan Bazaeva that he could protect her while she stayed in her flat but that she should be careful when travelling in Ingushetia.

### ***The Sambiev family***

Sharfudin Sambiev and nine other people from Starye Atagi filed an application in July 2003 with the European Court of Human Rights after 11 individuals from the village had "disappeared" during a military raid in April 2002. One of the "disappeared" is Sharfudin Sambiev's son, Amir Pokaev.

According to Sharfudin Sambiev, Russian troops had come to their house several times during 2003–4 looking for Anzor Pokaev, his other son. The soldiers had asked Rukiyat Pokaeva to show them some photographs of Anzor Pokaev, but she said she did not have any. The soldiers then reportedly searched the house and told her that Anzor Pokaev and his father would be arrested.

According to information received from the human rights organization *Chechnya Justice Initiative*, 24-year-old Anzor Pokaev was at home with his mother, Rukiyat Pokaeva, on 10 April 2004. At around 9pm they noticed that some 50 members of the federal troops had entered the courtyard by their home; Rukiyat Pokaeva told her son to go and hide in the garden. Rukiyat Pokaeva went up to the men to ask them what they wanted. She reported that she was verbally abused and forced out into the street. There were many more soldiers in the street and several military vehicles blocked the view to her house. Rukiyat Pokaeva reported that shortly after she was forced out on the street she heard shots from the courtyard.

Neighbours who had looked through the fence into her courtyard at the time told her later that they had seen the soldiers shoot at someone in the courtyard and take him away. After the soldiers had left, Rukiyat Pokaeva returned home to find that her house had been searched and that many of her husband's documents were missing. There was no sign of her son, Anzor Pokaev.

The next morning villagers found the body of Anzor Pokaev on a roadside near the village of Prigorodnye, about 10 kilometres from Starye Atagi. His body bore multiple gunshot wounds.

### ***Yakub Magomadov***

Aiubkhan Adamovich Magomadov from Kurchaloy in the Chechen Republic "disappeared" on 2 October 2000, after having been detained by members of the Russian federal forces. About three months later his family was told that he had been released on 3 October 2000. However, as he did not return home, the family continued to look for him in federal and Chechen places of detention and appealed to the European Court of Human Rights in 2001.

On 29 March 2004 his brother, Yakub Magomadov, met with Amnesty International's delegates in Nazran, Ingushetia. He informed Amnesty International about the "disappearance" of his brother Aiubkhan Magomadov. Yakub Magomadov spoke about the attempts of the family to find Aiubkhan Magomadov and the persecution he and his family had been subjected to since he appealed to the European Court of Human Rights. During that meeting he told Amnesty International that he was not

afraid to continue his search for his brother and that he felt relatively safe as he usually lived in Moscow.

Reportedly, Yakub Magomadov and his family had been threatened on a number of occasions that they would “disappear” if they did not stop looking for their brother. In autumn 2003 Yakub Magomadov had gone to Taganrog in the region of Rostov-on-Don after hearing that his brother Aiubkhan Magomadov was being kept there. Reportedly, the prison authorities told him that he would regret it if he ever returned. After he left the prison, he was pushed into a car by men in uniforms, who took his money and allegedly beat him up, threatening him again that he would “disappear” if he continued to look for his brother.

During a visit to the North Caucasus in June 2004 Amnesty International learned that Yakub Magomadov had left Chechnya for Moscow on 2 April 2004. On 28 April 2004 a group of armed men in masks entered the house of the Magomadov family in Kurchaloy and – allegedly beating a 16-year-old nephew of Yakub Magomadov, who was the only person at home at that time, with the butts of their machineguns – asked him about his uncle. The men threatened to take the boy with them but one of them stopped this attempt, saying that he was too young.

On 16 May 2004 Yakub Magomadov’s family in Chechnya learned that he had “disappeared”. On that day the family was visited by acquaintances, who worked in the headquarters of the Russian federal forces in the North Caucasus in Khankala. The men reportedly informed the family that Yakub Magomadov was held in Khankala and that he had been subjected to torture. The acquaintances gave the family a note, written by Yakub Magomadov, stating that he was in Chechnya. According to his relatives, Yakub Magomadov’s wife, who lived separately from him, had been visited by two policemen around the time of the “disappearance” of Yakub Magomadov and had been questioned as well. The family is still waiting to hear about the whereabouts of Yakub Magomadov.

### ***Said-Khusein and Said-Magomed Imakaev***

On 14 December 2000 Said-Khusein Imakaev from the Chechen village of Novye Atagi was stopped while he was driving home by a group of masked men from the Russian federal forces, and subsequently “disappeared”. Investigations into his “disappearance” have been opened and suspended several times. Only two witnesses, one of whom was Marzet Imakaeva, Said-Khusein’s mother, were questioned by the procuracy and four letters were sent by the procuracy to different units of the security forces in Chechnya to inquire into the whereabouts of Said-Khusein Imakaev. When Marzet Imakaeva tried to bring more witnesses to the procuracy, she was told by one of the civil procurators that he could not do anything further as he had no access to the military. In February 2002 Said-Khusein’s father, Said-Magomed Imakaev, lodged a complaint with the European Court of Human

Rights. On 2 June 2002 he was detained along with four other villagers by members of the Russian federal forces and has subsequently been “disappeared”.

Investigations into the “disappearance” of Said-Magomed Imakaev appeared to be superficial and incomplete. An investigator visited Marzet Imakaeva in late June/early July 2002, but Marzet Imakaeva stated that he did not undertake the investigatory steps suggested by her, such as arranging for her to create a composite sketch of the leader of the group that detained her husband; following up on the documentation she had concerning the search; asking her to identify suspects in a line-up; or questioning neighbours or other witnesses. Marzet Imakaeva has written numerous letters to Russian federal and Chechen authorities in order to ascertain the whereabouts of her son and husband.

In a meeting in September 2003 with officials from the Russian Ministry of Foreign Affairs, Amnesty International was informed that the court in Strasbourg had notified the Russian government about the case and that the relevant authorities would reply in due course. In May 2004 the Deputy Procurator General of the Russian Federation alleged that the “disappeared”(sic) Marzet Imakaeva had been granted political asylum in the USA<sup>21</sup>. No further information has been given as to the whereabouts and well-being of Said-Khusein and Said-Magomed Imakaev.

### ***Utsaev family***

On 4 July 2004, and again on July 30 2004, a large group of armed military personnel entered the home of Aslambek Salmanovich Utsaev (born 1946) and allegedly severely beat him. Aslambek Utsaev is one of the applicants in the case *Tovmirzaeva and others v Russia* (no. 29133/03) currently pending before the European Court of Human Rights. The case concerns the illegal detention and enforced “disappearance” by federal forces of four residents of Novye Atagi on 2 June 2002, including Aslambek Utsaev’s son, Islam Alsanbekovich Utsaev. Satsita Musaevna Utsaeva, mother of Islam Alsanbekovich Utsaev and wife of Aslambek Salmanovich Utsaev, is also an applicant in the case.

At approximately 4am on 4 July 2004, 36 armed men arrived at the Utsaevs’ home in eight armored personnel carriers and four other military vehicles. The servicemen drove two of the APCs through the fence surrounding the Utsaevs’ courtyard. Without providing any identification or explanation for their presence, the military servicemen conducted an unsanctioned search of the Utsaevs’ home, and allegedly confiscated money, clothing, gold jewellery, a video camera, food, as well as numerous other household items of little or no value.

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<sup>21</sup>See report to the Parliamentary Assembly of the Council of Europe by the Committee on Legal Affairs and Human Rights; The human rights situation in the Chechen Republic. Doc. 10283

While in the house, the men held Satsita Utsaeva and allegedly threatened to shoot her, her daughter-in-law, and her granddaughter. They allegedly beat Aslambek Utsaev severely on the head and torso. Aslambek Utsaev is a pensioner and is disabled; he is blind in one eye. While in the house, one of the men struck Aslambek Utsaev in the ear with the butt of an automatic rifle, causing blood to flow from his ear. The blow knocked Aslambek Utsaev unconscious. The men then dragged him into the courtyard and dropped him face down in the garden. They kicked him numerous times in the back and torso before leaving. Satsita Utsaeva witnessed this from the window of the house and begged the servicemen to stop, but they responded by saying, "Shut up, or we'll shoot you."

On the morning of 30 July 2004, armed men in masks, not providing any identification or explanation for their presence, again entered the home of the Utsaevs and, without saying anything, again allegedly beat Aslambek Utsaev on the head, face and torso. Aslambek Utsaev was severely physically and emotionally traumatized after the incident, but has been afraid to seek medical attention. Witnesses confirmed that Aslambek Utsaev was walking with a limp and had wounds and bruises on his head and back.

In addition to these recent incidents and the enforced "disappearance" of Islam Alsanbekovich Utsaev in 2002, the Utsaevs' youngest son, Beslan Utsaev, had been detained in the Shalinskii military commander's office, where officials interrogated and allegedly tortured him for nine days before releasing him in the winter of 2001. Beslan Utsaev is married and has a two-year-old daughter; his wife is five months pregnant. The family also lives with the other members of the Utsaev family, yet, out of fear for his safety, Beslan Utsaev does not sleep at home. He is the only son remaining in the family after a third son was killed during the first conflict in Chechnya.

## **LAWYERS AND JOURNALISTS**

The role of lawyers and independent journalists is crucial in contributing to the defence of human rights within the context of the Chechen conflict.

### ***The case of human rights lawyer Stanislav Markelov***

The human rights lawyer Stanislav Markelov has been acting on behalf of the family of Zelimkhan Murdalov in the trial of Sergei Lapin, a policeman from Nizhevartovsk, who had served in Chechnya in 2001 and is charged with exceeding his office and fraud in office<sup>22</sup> in connection with the "disappearance" of Zelimkhan Murdalov in January 2001.<sup>23</sup> The trial started in October 2003 but was postponed after a week

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<sup>22</sup> Article 286, 2 and 3 and article 292 of the Russian Criminal Code.

<sup>23</sup> See Russian Federation: *Denial of Justice*, AI Index: EUR 46/027/2002 and World Wide Appeal case Zelimkhan Murdalov, AI Index: EUR 46/057/2004



because the suspect refused to appear in court and instead asked for a transfer of the hearing to his home town Nizhevartovsk, against which Stanislav Markelov appealed. When in September 2004 the trial was supposed to continue in Grozny the lawyer for Sergei Lapin did not appear and the trial had to be postponed again.<sup>24</sup>

On 16 April 2004 Stanislav Markelov was attacked by five men on the Moscow metro who knocked him out and stole various identity documents, his mobile phone and a number of important case documents from his bag. The five men hit Stanislav Markelov on the head and shouted "You got what you have asked for! No more speeches [in court] for you, then!" When Stanislav Markelov went to the police, the officers of the Moscow Department for Internal Affairs, No 8, refused to take up his complaint as robbery but insisted on registering it as a lost property case. They claimed that the medical certificates he had obtained from a hospital right after the attack in the metro were false. Because his lawyer's licence card had been stolen as well he felt it necessary to oblige with the demand of the police, fearing that if he insisted on his case being treated as robbery, he would not easily get a new licence, thus impeding his work.

### **Restrictions on journalists**

Throughout the conflict, the Russian authorities have attempted to control the information publicly available about the human rights situation in Chechnya. The work of independent journalists has been severely curtailed. While the Russian constitution guarantees freedom of expression and freedom of movement and the government of the Russian Federation has not declared a state of emergency in the Chechen Republic, journalists are expected to register with the military headquarters of the Russian armed forces in the North Caucasus when travelling in Chechnya and to travel with members of the security forces in Chechnya. Thus, the conflict has been marked by a distinct lack of full, independent and objective reporting of the abuses.

### ***Threats and intimidation of Timur Aliev for his reporting on the human rights situation in Chechnya in his independent newspaper***

The weekly newspaper *Chechen Society* (*Chechenskoe Obshchestvo*) was effectively shut down at the beginning of August 2004, after its editor, Timur Aliev, was "advised" to suspend the publication of the paper, and a printing house was

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<sup>24</sup> For the first time a trial concerning serious violations of human rights of the civilian population in Chechnya is being held inside Chechnya. It is mostly due to the tremendous efforts of Astemir Murdalov, the father of Zelimkhan Murdalov, that a trial was opened. Despite threats and harassment by law enforcement officials in Chechnya he continues to seek justice. His family had to leave the Russian Federation because of serious threats to their lives. However, even abroad the family received letters stating that they "would pay for Lapin".

forced to discontinue printing it.<sup>25</sup> Founded in Nazran a year ago, this newspaper gave regular updates on the dynamics in the human rights crisis in Chechnya and was one of the few print media that provided objective coverage of contemporary developments in the war-torn republic. It had already been targeted by authorities several times for its coverage of the conflict in Chechnya.

According to the editor of the newspaper, Timur Aliev, who has won several prizes for his reporting, he was called into the Nazran office of the Interior Ministry's Organized Crime Directorate on the morning of 28 July. He was questioned about the newspaper's recent reporting on human rights abuses committed by Chechen forces, as well as by Russian military and security forces operating in Chechnya. He was told that the officials were not satisfied with the content of the articles, that they regarded his newspaper as "anti-government", and he was advised to suspend the publication of the paper at least for some time. The newspaper is still available electronically, though.

### ***Continued persecution of journalist Anna Politkovskaya***

Russian journalist and human rights defender Anna Politkovskaya has reported about the human rights situation in Chechnya since 1999. She has been detained and threatened with serious reprisals for her reporting on several occasions. The latest attempt to silence her reportedly occurred in September 2004 when she tried to fly to North Ossetia during the hostage crisis there. According to her and her newspaper's (*Novaya Gazeta*) information, on 1 September 2004 she could not get on a flight directly to Vladikavkaz in North Ossetia. She was offered a flight to Rostov-on-Don from where she would be able to drive to North Ossetia. She stated that she ordered a cup of tea on the flight and shortly after drinking it she lost consciousness. Upon arrival in Rostov-on-Don she was taken into intensive care in the regional hospital where – when she woke up again – she was told that she may have been poisoned but that the initial medical tests had to be destroyed, following orders given to the medical staff. Due to her poor health Anna Politkovskaya was then unable to continue her trip to Beslan and had to return to Moscow.

Earlier this year, in June 2004, she went to Chechnya to investigate the situation following the assassination of Chechen president Akhmad Kadyrov on 9 May 2004. She reported that she was invited to the house of Akhmad Kadyrov's son, Ramzan Kadyrov, in the village of Tsenteroi, where she was then kept for several hours, verbally abused and threatened.

## ***RECOMMENDATIONS***

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<sup>25</sup> Amnesty International representatives interviewed Timur Aliev in Ingushetia in June 2004. See also, press statement of 5 August 2004 by the International Helsinki Federation for Human Rights.

Amnesty International calls on the government of the Russian Federation to:

- Take immediate steps to end ongoing grave and systematic human rights violations in the Chechen Republic, including extrajudicial executions, arbitrary detention, “disappearances” and torture, including rape, and ill-treatment in Chechnya;
- Take immediate steps to end human rights violations in the Republic of Ingushetia;
- Ensure that all past and current allegations of abuses of international human rights and international humanitarian law are promptly, independently, impartially and thoroughly investigated and that perpetrators are brought to justice in independent, impartial courts established by law, in proceedings which meet international standards of fair trial;
- Commit itself explicitly and publicly to promoting respect for human rights and protecting human rights defenders, and acknowledge the legitimacy for the work of human rights defenders;
- Ensure that thorough and impartial investigations are carried out into the killings, as well as torture and ill-treatment of human rights defenders and activists and that any findings of such investigations are made public;
- Ensure that the principles contained in the UN Declaration on Human Rights Defenders are fully incorporated into national law and mechanisms for the protection of human rights, and are fully implemented in practice;
- Take effective action and measures to ensure that state officials at every level of the state apparatus, including law enforcement officials, respect the legitimacy of the work of human rights defenders and allow them to carry out this work without hindrance or harassment;
- Take effective action to ensuring all law enforcement officials and government representatives abstain from making unsubstantiated allegations against human rights defenders or other statements denouncing their legitimate activities. Statements of this nature must be publicly countered and appropriate measures applied to sanction those responsible.
- Take effective measures in order to prevent any further 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 found responsible for such crimes are brought to justice.
- Ensure that everyone who alleges that their rights or freedoms have been violated, has the right to complain to an independent, impartial and competent body and to obtain redress, including compensation if there has been a violation, without undue delay;

- Grant unrestricted access to Chechnya to independent media and human rights monitors, including from international organizations, and ensure that human rights defenders and humanitarian workers working in the region are able to carry out their legitimate activities in safety and without fear of harassment or intimidation.

Amnesty International welcomes the EU's Guidelines on Human Rights Defenders<sup>26</sup>, thereby aiming to support the UN Special Representative on Human Rights Defenders and other UN mechanisms and strengthening the EU policy on human rights. Amnesty International calls on the EU and its Member States 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;
- 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;
- 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 provide visible recognition of their work;
- When appropriate, take immediate measures to protect individual human rights defenders at risk of human rights violations;

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<sup>26</sup> Adopted on 15 June 2004 by the EU Foreign Ministers.

- Urge the government of the Russian Federation to issue open invitations to all UN treaty body mechanisms and to arrange without further delay dates for visits of those mechanisms, which have already been invited.