

# **The Ethnic War**

## **Persecution of Chechens in the Russian Federation**

**Report III/ 2002**

**The Norwegian Helsinki Committee**

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## I Background

The Norwegian Helsinki Committee (NHC) has monitored and reported on the human rights situation in the Chechnya since 1995, when the first Chechen war was taking place in the Russian Federation. In 1996, NHC gave its human rights prize, the Sakharov Freedom Award, to Sergey Kovalyov, the Russian human rights defender who was instrumental in documenting the abuses and crimes perpetrated on Chechen territory in the first war. In 1997, the NHC took part in the Organization for Security and Cooperation in Europe (OSCE) election observation mission to the Presidential and Parliamentary Elections of the Republic of Chechnya, which sprang from the Khasav-Yurt peace agreement between the Russian Federation and representatives of the Republic of Chechnya of September 1996.

Since the start of the second Chechen war, the so-called “anti-terrorist operation”, in the fall of 1999, the NHC has stepped up its activities in regard to Chechnya. The NHC has concentrated on 1) informing Norwegian authorities and the public about human rights abuses in Chechnya, 2) cooperating with Russian and international human rights NGOs in international bodies like the United Nations, the Council of Europe and OSCE in order to raise awareness of human rights abuses in Chechnya and the need for accountability, and 3) assisting Chechen refugees in Norway and Western Europe. In 2002, during its 25th anniversary, the NHC gave the Sakharov Freedom Award to Eliza Moussaeva of Memorial, a human rights organization active in large parts of the CIS. Ms. Moussaeva heads the Nazran office of Memorial and is a central human rights monitor in the region affected by the war in Chechnya.

In continuation of the NHC’s focus on the human rights situation in Chechnya, a fact-finding mission, which included a representative of The Norwegian Organisation for Asylum Seekers (NOAS), was dispatched to Moscow and the Republic of Ingushetiya in the period from 2 to 10 November 2002. The three-member mission spent five days in Moscow and three days in Ingushetiya, where it was accompanied by a member of the Moscow Helsinki Group. The NHC would like to thank Memorial and the Russo-Chechen Friendship Society (a Russian non-governmental human rights organization) for hospitality and generous assistance in Ingushetiya, and the Norwegian Ministry of Foreign Affairs for funding the mission.

A similar mission was dispatched in the fall of 2001 with the aims of assessing the human rights situation in Chechnya and the humanitarian situation in Ingushetiya after the events of 11 September 2001 in the United States. This report is a follow up to the report *Forgotten Terror: Chechnya October 2001* (available on [www.nhc.no](http://www.nhc.no)), and has a slightly different focus. The mission of November 2002 aimed to assess the human rights situation for 1) Chechens living outside Chechnya/Ingushetiya, especially in Moscow, 2) the internally displaced persons (IDPs) in Ingushetiya and 3) the residents of Chechnya. The mission arrived in Russia shortly after the tragic hostage-taking in Moscow from 23 to 26 October. This report focusses partly on the short term effects of the attack in Moscow, and partly on whether measures taken by the federal authorities (such as Order no. 46 from the General Prosecutor of the Russian Federation of July 2001 and Order no. 80 of the Commander of the United Federal Forces in Chechnya of March 2002) have resulted in a decrease of human rights abuses.

The report is based on meetings with international organizations, Chechens residing in Moscow, refugees from Chechnya residing in Norway, international and Russian non-governmental organizations (NGOs) and other relevant individuals. The mission visited a total

of ten camps for internally displaced persons (IDPs) in Ingushetiya in the areas of Nazran, Karabulak, Malgobek, Aki Yurt and Sleptsovsk. During visits to both “organized” and “spontaneous” camps for IDPs, as well as to private apartments, the NHC was in touch with a large number of IDPs from Chechnya and interviewed around 20 of them. The names of the IDPs have been left out due to security concerns. The report does not concentrate on a geographical area or specific type of abuse, nor does it attempt to uncover all the details of a specific crime or incident, however, given that a substantial number of people were approached by us and interviewed separately, the information we received could be cross-checked with regard to the general outline of the events. The NHC thus believes that this report gives a reliable general picture of the current situation in Chechnya and Ingushetiya, as well as an overview of the situation for Chechens in other parts of the Russian Federation.

Due to the security situation, the mission was unable to visit Chechnya. However, as many of the IDPs travel back and forth between the camps in Ingushetiya and their native villages and towns, and as new IDPs from Chechnya were arriving in Ingushetiya in the period when the NHC visited the camps, getting updated information on the situation in Chechnya proved to be relatively easy. The IDPs were primarily from the southern part of Chechnya (including Grozny), while information about some of the northern regions of Chechnya was provided by the OSCE Assistance Group to Chechnya, which is based in Znamenskoe.

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- 4 December 2002

Bjørn Engesland  
Secretary General

## **II Findings**

### ***Moscow***

Persecution of people with a Caucasian background is not a new phenomenon in Moscow. In the fall of 1999, following the explosions of several large apartment blocks in Moscow, Buinaksk and Volgodonsk, people of Caucasian origin, and Chechens in particular, became targets of concerted administrative attention, especially from the police, which resulted in a number of abuses against individuals: beatings, unlawful detentions, extortion, evictions. A consequence of the administrative measures and police attention was an increase in the pressure on Chechens with temporary or no registration in Moscow to leave the city. However, persecution of Chechens is not only a Moscow phenomenon. In 2001, based on research across the Russian Federation, the Civic Assistance Committee and Memorial, both well-known Russian NGOs, stated that,

ethnic Chechens that have left Russia can be defined as refugees according to Article 1 of the United Nations Convention of 1951. Unfortunately there is no place in Russia where Chechens can be guaranteed safety.

The attack on the Dubrovka-theatre in late October 2002 led to renewed pressure on the Chechen population in Moscow (estimated at between 50 000 and 100 000 by the Civic Assistance Committee). For some of the Chechen IDPs in Moscow, the combination of administrative pressure and the fear of xenophobic attacks resulted in their departure from the city. The NHC met some Chechen IDPs who left Moscow after the attack, and returned to the spontaneous settlements in Ingushetiya. They cited police persecution, problems with registration and fear of xenophobic attacks as the reasons for leaving.

### **Persecution of Chechens and People with Caucasian Background**

The Civic Assistance Committee reported that they had received a number of complaints from Chechens after the hostage-taking in the Dubrovka-theatre. In many instances Chechens had been detained without warrants, after which they had been interrogated, photographed and registered at police precincts. Some had had their documents destroyed by police. Some had been charged with crimes based on forged evidence. There were reports about maltreatment, including beatings at the police stations. ID checks on the streets and house searches had intensified and often resulted in the police demanding bribes from ethnic Chechens. Chechens without registration had been evicted from their homes and their children had in some cases been thrown out of the schools. The police demanded written statements from employers of Chechens, a measure which resulted in several Chechens losing their jobs without explanation in the days following the attack on the theater.

It is important to note that the increase in police actions took place without a legal basis, and that the authorities themselves reported to human rights monitors that there was an informal (and illegal) campaign against ethnic Chechens in the fall of 1999. This campaign has never

fully subsided. Based on research since the fall of 1999 on cases collected from more than forty legal aid offices all over the Russian Federation, the Civic Assistance Committee stated in the report *The Internally Displaced Persons from Chechnya in the Russian Federation*, published in the fall of 2002, that,

There are hundreds of Chechens sentenced to terms in prison on framed-up charges. Those who are serving their terms are being exposed to all cruelties of the Russian penitentiary system. Late in December 2001, Khabibula Minazov, who was 22, died in prison in the Tver region. In 1999 he was a first-year student of the Department of Economics of the Friendship of Peoples University in Moscow. Equally afraid of the militants and the federal troops, his mother had sent him away to study in Moscow. He was arrested and sentenced to three years in prison on framed-up charges of possession of drugs and arms. He entered prison as a 20-year-old healthy young man. In two years he died of tuberculosis.

Moreover, when police persecution and administrative measures collude with anti-Chechen sentiment, which resulted from both the 1999 building explosions and the hostage-taking in the Dubrovka theater, there is often an increase in xenophobic violence. The Civic Assistance Committee report describes the collusion of administrative persecution and xenophobic violence in a case from Bryansk:

N. Belokhoroeva with two small sons fled to Bryansk when her husband was killed in a “mopping-up” operation [zachistka/sweep operation] in Chechnya. She was denied the status [= registration] and was pestered by the local nationalists. Her small house was plundered, children were regularly beaten up. The perpetrators were brought to court and acquitted.

The report does not state which year these events took place, only that it was after the commencement of the second war.

The report details the problems specifically faced by the ethnic Chechen IDPs who are refused registration as forced migrants. The refusal to grant the applicants forced migrant status is probably unconstitutional – as the Russian Constitution guarantees freedom of movement and residence -- and certainly against the international guidelines concerning the rights of IDPs, as formulated by the UNSC Special Representative Francis M. Deng in 1998. Without registration, IDPs are legally barred from employment, housing, and education. They also experience problems with medical services, and are prohibited from receiving pensions, child support and identification documents. Moreover, registration is denied on purely ethnic grounds. Among other examples, the report cites the case of the Gichibaevs, an IDP family with an ethnic Russian mother and ethnic Chechen father. In their internal passports, the daughters were registered as being of Russian nationality, and the sons as being of Chechen nationality. When they applied for forced migrant status the female members of the family received the status, while the male members were denied registration. This practice is obviously discriminatory and points to the racial/national aspect of the “anti-terrorist” operation in Chechnya. In practice the operation, which is not restricted to Chechnya, entails the persecution of an ethnic group as such.

Persecution of Chechens takes place as a consequence or bi-product of the war, but intensifies after traumatic events like the hostage-taking in Moscow. Vakha, an ethnic Chechen in her fifties, told the NHC the following story about the police persecution of her daughter:

My daughter was born in 1970. We have permanent registration in Moscow. My daughter works in a department store. She has been working there for a long time. On 30 October, at four PM, she was arrested by the police. There was no warrant or official reason for the arrest. 15 officers just stormed the

shop and took her away. I started calling the police stations, but no one knew where she was. In the end we contacted a lawyer [Abdullah Khamzayev, a prominent Moscow lawyer and ethnic Chechen] and after he started making phone calls, she was released at 11 PM. She had been verbally abused and threatened and now she is sick. Her boss fired her and now it will be hard to find employment.

The lack of information concerning detained Chechens cited by Vakha -- and corroborated by statements of other Chechens who had been detained following the hostage-taking -- is troubling and reminiscent of the many cases of disappearances in Chechnya. However, there were no reports of disappearances, extra-judicial executions or deaths in custody of Chechens in Moscow, with the possible exception of the hostage-takers in the Dubrovka-theatre some of whom may have been executed while unconscious. However, Chechens were not the only targets of the police campaign following the hostage-taking. In general, all people with a Caucasian background were vulnerable to police- and other forms of persecution based on ethnic grounds. According to the *Moscow Times*, a person of Azeri background died in detention at the end of October in Moscow.

### **Persecution of Chechens Repatriated/Deported from Europe**

Establishing facts about Chechens that have been returned to the Russian Federation from other European countries, was difficult as there has not been an independent body or organization monitoring this group. According to the Civic Assistance Committee and Memorial, who have knowledge of some cases concerning Chechen returnees, the problems they have faced have been in line with the difficulties experienced by the Chechen population in general, except that young male returnees will be interrogated by the police about possible guerrilla affiliations and that any temporary registration of residence of the returnees will be canceled.

Losing registration is a serious problem which may force the returnees to go back to the war zone in Chechnya. The Civic Assistance Committee reported about one case in which a returned woman had spent half a year without proper documents and consequently without a formal entitlement to reside in Moscow. To live without registration means to be without protection from the law. It means to be vulnerable to discrimination and persecution from the police as well as from extremists and ordinary criminals. Police interrogation, even at precincts far from Chechnya, can in some instances also include maltreatment and even torture, as documented by e.g. Amnesty International in their report *Denial of Justice* released in the beginning of November 2002. The Civic Assistance Committee noted that in one case a Chechen returnee had disappeared without a trace upon returning from Germany. However, there was nothing that indicated state involvement in his disappearance.

## ***Ingushetiya***

Since the start of the “anti-terrorist” operation of the federal forces in the fall of 1999, IDPs have crossed the border to Ingushetiya in large numbers. Currently, the Danish Refugee Council estimates that there are about 110 000 IDPs from Chechnya in Ingushetiya. Other humanitarian and human rights organization suggest that the DRC figure is conservative and that the real number is above 150 000. The relevant authorities, however, the Ingush migration service, has registered less than 70 000 people as staying “temporarily” in Ingushetiya. Part of the explanation for the discrepancy of the figures is that the Ingush migration service has refused to register new IDPs since April 2001, a second reason is that the migration service seems to have de-registered a number of IDPs, e.g. residents of the Aki Yurt camp in northern Ingushetiya.

Moreover, the discrepancy of the figures indicate that since the start of the war, when the Ingush authorities unilaterally, i.e. without federal backing, opened the borders to the people fleeing the war in Chechnya, the main conflict in Ingushetiya has been the attempt to force the IDPs back to Chechnya. One of the consequences has been that only a very few people have been granted forced migrant status in the second Chechen war compared to the first, 12 000 (from October 1999 to late 2001) versus about 150 000 in the years from 1991 to 1996. The IDPs have met a number of carrot-and-stick-measures from the federal authorities designed to make them leave Ingushetiya and return to Chechnya.

Since federal support has been minimal, the IDPs have to a large degree sustained themselves with the assistance of the local authorities and international humanitarian aid. The conditions in the “organized” tent camps are difficult, albeit better than in the spontaneous settlements, but few IDPs are willing to risk returning to Chechnya, given the precarious security situation that continues to result in deaths, disappearances and a number of other abuses against the civilian population.

A fairly typical spontaneous settlement was located at an abandoned sovkhos (or “cow factory”) on the outskirts of Nazran. The camp “kommandant”, Lyoma Khaziev, showed the NHC around the dilapidated buildings. The IDPs had made rooms with cardboard and planks inside the large sovkhos barns. It was damp, and a number of IDPs complained of diseases ranging from TB to asthma and frequent colds. Garbage was burning in some ditches outside of the barns. There were problems with the gas pipe system and some of the IDPs had burns. There were also cows, hens and turkeys living in the barns together with the IDPs. The air was not good. Most of the IDPs have had relatives killed, tortured, wounded or abducted. A number of the IDPs have mental problems. Some closed their doors when the NHC walked through the barns in order not to be seen. In one of the buildings a woman of around fifty asked the NHC if we could aid the orphans. She pointed to her three year old grandchild and told us that his mother was killed by masked men in August 2002 while his father had been killed in 2000. She did not know what to do with the child, he kept asking for his mother and did not sleep well.

## **Persecution of Human Rights Defenders**

Among the most troubling developments in the human rights situation in Ingushetiya is the increased persecution of human rights defenders. This is not a new problem. Human rights defenders in Chechnya and Ingushetiya, and their families, have been killed, abducted, tortured and harassed throughout the three-year conflict. However, currently there is reason to believe that there is an on-going campaign to eliminate civic leaders among the IDPs that work against the mass return of IDPs to Chechnya.

Imran Ezhiyev is a well-known human rights defender among the IDPs from Chechnya in Ingushetiya. He is a key figure in the human rights NGO the Russo-Chechen Friendship Society and a leader of a refugee camp near Karabulak. Ezhiyev has been detained and harassed by police a number of times. He was detained and badly tortured in September 2000. On 13 October 2001, after meetings with the NHC, Ezhiyev was detained again and held in custody in Grozny for more than a month without being charged. The MVD officers who abducted Ezhiyev may have suspected that he was supported financially by the NHC. His family received notice that Ezhiyev would be released against a substantial bribe. Ezhiyev was finally released with a formal apology on 13 November, the day before President Putin's state visit to the United States. However, the persecution of his organization and family continues. Ezhiyev's brother was killed by unknown assailants at night in his house in Chechnya on 17 December 2001, while a correspondent of the Russo-Chechen Friendship Society was killed at a checkpoint near Argun on 13 December 2001.

On 2 November 2002 Ezhiyev was attacked at night in his home by masked and armed men who tried to abduct him. He gave the following account of the incident:

On Friday 1 November the leaders of various IDP camps came to a meeting in my flat in Yandariye [an IDP camp near Karabulak]. They were there to collect the last issue of the newspaper which [the Russo-Chechen Friendship Society] prints and distributes to the IDPs, but also to plan a demonstration against the military posts established by the federal forces at IDP camps in Ingushetiya. The last persons left at 03.00 on Saturday morning. I fell asleep on the couch with the lights on. Around 06.00 I was awakened by masked men who aimed their guns at me. There were two of them in the room, and perhaps half a dozen more outside in the corridor. I asked them to identify themselves, but they did not respond. They woke my son and his cousin and forced them down on the floor at gunpoint. My wife started to scream. We alarmed the other IDPs who woke up and went to our building. The masked men became nervous when the people came. They claimed that they had been looking for some illegal material, but actually they had not looked for anything in the flat. The men retreated through the camp, but later some local policemen at a nearby checkpoint stopped one of their cars which was heading for Chechnya on the Rostov-Baku highway. The masked men in the car were forced to identify themselves. It turned out that they were policemen from Grozny. If I had not shouted, and if the gate had not been closed so that they had to park their cars outside the camp, I think they would have taken me away for good. [Head of the administration in Chechnya, Akhmed] Kadyrov wants to get rid of the IDP leaders in order to facilitate the return to Chechnya. A colleague of mine, Adam Akhmedovich Arsamikov, born 1959, who was leader of the "Ingavto" IDP settlement here in Karabulak was abducted on 29 October. Masked and armed men in camouflage uniforms came to his house at 08.30 in the morning. They took away his passport and car keys, but left the car. He did not have time to get dressed. He was placed in a car which disappeared in the direction of Chechnya on the Rostov-Baku highway. I believe these incidents are related and that the terror has arrived in Ingushetiya.

By the end of November, Arsamikov was still missing. The Russo-Chechen Friendship Society cited other cases of prominent IDPs in Ingushetiya who had been abducted by unidentified, armed men since the beginning of October. Among them were four men: two brothers Dzavathanov, Asukhanov, and Midayev. The number of kidnappings is unusually high (even for Ingushetiya), and there is little reason to believe all of these kidnappings have been carried out by ordinary criminals, as the victims are not affluent people. Therefore it seems likely that the motivation, at least behind some of the kidnappings, is not financial, but political. There were many similarities behind the abduction of Arsamikov and the attempted abduction of Ezhiyev. Both are IDP-leaders that have defended the interests of the IDPs and fought against a forced mass return to Chechnya. At least in Ezhiyev's case, there was involvement by the Chechen police of Akhmed Kadyrov. The Kadyrov-administration in Chechnya, including the police in Grozny, is assigned the task of organizing the return of IDPs to Chechnya. Based on the information collected by the NHC, there is reason to believe that there is an on-going campaign to eliminate civic leaders among the IDPs as part of the orchestrated attempt to facilitate the mass return of IDPs.

Another human rights defender in Ingushetiya was abducted on 27 november. Aslan Sultanovich Akhmadov, born 1976, an ethnic Chechen from Chechnya, was a former employee of the US-based NGO, the International Rescue Committee. Akhmadov had just registered his own NGO, the North Caucasian Rescue Committee, and was kidnapped outside his house in Nazran. Three men came to his house at 15.40. After a brief struggle, they placed him in a car with North-Ossetian license plates. The car had been stolen from owners in Valdikavkaz in 1999. Akhmadov's wife and five month old daughter was at home when it happened. There is no information about the perpetrators, and it is unclear if the abduction is linked to the disappearance of Arsamikov. However, the kidnapping of Akhmadov underlines the extremely dangerous circumstances in which human rights defenders of the Northern Caucasus operate.

### **Pressure on IDPs**

While in Ingushetiya, the NHC met representatives of the Chechen Committee for IDPs, an institution of the local Kadyrov-administration in Chechnya which is loyal to the federal authorities, in some of the tent camps, e.g. Aki Yurt and Sputnik. Their task was to facilitate the return of IDPs. They claimed that there was accommodation available for returnees in several districts in Grozny and some other towns in Chechnya, and that the returnees would receive some financial assistance (up to 20 roubles per person a day for six months paid cash in advance – but the offers seemed to vary from camp to camp), free building materials and transport for themselves and their property back to the temporary accommodations in Chechnya. Some IDPs were reportedly promised that they could take their tents with them. Some IDPs had returned, but a large scale return of IDPs to Chechnya is only feasible if there is an improvement in the security situation and if there is adequate accommodation and infrastructure to absorb the returnees. Indeed, some of those who had returned to Chechnya, later fled back to the camps in Ingushetiya, according to Memorial.

The security situation in Chechnya remains unchanged. Serious violations of humanitarian law (including murder, disappearances and torture) and human rights abuses occur on a daily basis in Chechnya. There is no indication that there is a significant decrease in abuses, on the

contrary the increase in military activities following the attack in Moscow in late October seems to have resulted in new crimes against the civilian population. Moreover, according to the OSCE Assistance Group which has monitored the IDP camps and the Temporary Accommodation Centers in Chechnya, the housing and living conditions for IDPs in Chechnya is even more difficult, cramped and precarious than those of the IDPs in Ingushetiya. Consequently, the IDPs interviewed by the NHC all stressed that they would not return to Chechnya. At the same time, new IDPs were arriving in Ingushetiya after fleeing villages or towns where there had been a deterioration of the security situation following the attacks in Moscow.

The attempt to return the IDPs has been accompanied by a number of measures that amount to persecution and infringement of the rights of the people from Chechnya. This is especially the case with the four camps (Alina, Bela, Tsatsita and Sputnik) in the Sleptsovsk area, and the Iman camp in Aki Yurt. The four tent camps in Sleptsovsk are supported by international humanitarian organizations. They are close to the border with Chechnya and among the IDP camps most frequented by foreign visitors. This is perhaps the reason why they are singled out by the authorities. Many of the tents are old and damaged. The UNHCR has promised to replace all old and damaged tents, and are currently working to achieve this goal, going from camp to camp. However, according to Memorial, in some camps the authorities have intervened to prohibit the replacement of the old tents.

On 25 October, federal forces established five posts in the Sleptsovskaya camps. The IDPs estimated that there were between 50 and 100 servicemen stationed at each post. The tents of the federal forces are located alongside the tents of the IDPs, and tension is high among the often traumatized refugees. A 53 year old leader of camp "B" complained about a number of problems relating to the military presence in the camps. According to him, the soldiers would badger the IDPs in search of vodka. When drunk, they would fire their guns at night and also flares, which posed a fire hazard to the tents. The IDPs had therefore organized groups of night watches, in order to avoid fires and unpleasant encounters with drunk servicemen. The soldiers use the IDP baths, reportedly after threatening to blow them up if the IDPs refused to share their facilities with them. Some of the IDPs told of an incident on 4 November where the soldiers tried to detain two of the male IDPs. Other IDPs, mostly women, surrounded the military vehicle in which the men were placed and after a ten minute stand-off, the two men were released. There was reportedly no explanation for why the two men were detained. The 53 year old leader of camp "B" also complained about the conduct of an officer at one of the military posts. He would jump on the conscript soldiers when they were lying on the ground – in a way similar to descriptions of methods of torture in the federal detention centers provided by Chechen IDPs and refugees. He was reportedly also known to sell the food of his platoon and the IDPs had complained about him to his superiors on behalf of the conscript soldiers. However, most IDPs were less concerned about the well-being of the soldiers living side by side with them. A female IDP from Grozny, who declined to give her age, made the following complaint:

Yesterday the children found trotili [a type of small explosives] on the ground and played with them. It was very dangerous for the children. The federals had just thrown the trotili into the camp. They are careless. They shoot at night and stalk around our tents with torches in order to make us even more nervous. These are soldiers of the 58<sup>th</sup> Army, which is mainly composed of Ossetins and infamous for its cruelty in Chechnya. Let me tell you why I am afraid. After my house was bombed in '99, I had to scoop up the remains of my child with my own hands. I fled the war because I could not stand the sight of a federal uniform, but now the war has arrived here, too.

In the Aki Yurt camp, the conflict between federal authorities and IDPs was even more pointed. The IDPs had lived without support from the Emergency Committee since March 2002. The IDPs had received notice on 10 September 2002 (a date on which the world's attention was directed toward the one-year anniversary of the 11 September attacks) that the supply of electricity and gas would be cut and that the camp itself would be closed by the end of the year. In October some of the tents were removed by the Migration Service and the inhabitants had to find shelter in ad-hoc buildings made of clay-bricks and paper. In early November 2002 the Aki Yurt IDPs discovered that they had been removed from the IDP lists of the Ingush Migration Service. Officially, the more than thousand IDPs in Aki Yurt were no longer present in Ingushetiya.

The IDPs interviewed by the NHC stated that the benefits which were promised to them if they returned to Chechnya would also be given to them if they took shelter in spontaneous settlements in Ingushetiya. The aim of the authorities seemed primarily to be the elimination of the tent camps, and the moving out of their inhabitants -- not necessarily the return of the IDPs to Chechnya. As long as Chechnya itself remains de facto closed to outside eyes, the tent camps in Ingushetiya are the most visible signs of a war which officially does not exist. This is perhaps the reason why federal authorities, through the Ingush Migration Service, seem so bent on closing them down.

According to the Russo-Chechen Friendship Society, officers from the Ingush Migration Service arrived at the Aki Yurt camp accompanied by soldiers on 26 November, and started to cut ropes and destroy some of the tents of the IDPs. The IDPs were warned that this was only a preliminary measure and that worse was to come if they did not heed the request from the Migration Service. Some families reportedly left the camp and were awarded some benefits from the Emergency Committee that had been wanting since March. The pressure on the IDPs, especially those residing in the tent camps, is increasing month by month, contrary to promises made by President Putin that no IDP should be returned involuntarily to Chechnya. After the election of former FSB general Murat Zyazikov as President of Ingushetiya in April 2002, the Ingush Migration Services, and other relevant local agencies, have colluded with Chechen institutions and the federal authorities in attempting to close down the major tent camps, thereby trying to remove the most visible eyesores reminding the public of the on-going war in Chechnya.

## **Military Operations**

During the three years of war in Chechnya, there have been few instances of attacks and fighting on Ingush territory. This is apparently partly because Chechen commanders have sought to maintain friendly relations with the neighboring republic and have refrained from conducting guerrilla operations in Ingushetiya. There have been some cases where federal troops have detained and apparently killed people in Ingushetiya, and the crime rate (including numerous kidnappings) is high, but in general most of the parties involved seem to have had an interest in containing the conflict to Chechnya. In September 2002, however, a large group of Chechen fighters broke up from the Pankisi gorge in Georgia and passed through North-Ossetian and Ingush territory before entering Chechnya in the vicinity of the village Bamut. The group was reportedly lead by the commander Ruslan Gelayev. There were skirmishes

between the fighters and federal troops in southern Ingushetiya (which caused the death of a British journalist who accompanied the fighters), but according to Ingush sources the group escaped relatively unharmed into Chechnya.

The incursion of Chechen fighters may have lead to a tightening of federal military control in southern Ingushetiya and to the commencement of military operations in the republic. There were reports about sweep operations in Ingushetiya this fall. According to a 46 year old woman, an IDP in Aki Yurt, there was a zachistka in her mother's native village of Arshty in southern Ingushetiya around 25 October.

My mother was staying in the house of my relatives together with her sister, i.e. my aunt. They are old women, born in 1930 and 1934. It was just the two of them. The soldiers came and turned everything upside down in the house. They were looking for money. They took a tape recorder and some tapes. According to my mother, there was nothing else to take. I don't know why the federals came or if they took people away. They robbed the other houses as well. The next day Ingush OMON officers arrived in the village and the looting stopped. My aunt and the other people reported their losses to the police, but I do not believe that anyone got their property back.

The sweep operation in Arshty falls into the pattern of an increase in military activities and human rights abuses in Ingushetiya, a process that seems to have accelerated after the change of government in Ingushetiya in the spring of 2002 in which the independent-minded Ruslan Aushev was replaced with Zyazikov, who seeks closer cooperation with the federal authorities. There seems to be a growing danger of regional spill-over from the protracted and bloody war in Chechnya.

## **Chechnya**

In general, the human rights situation in Chechnya is relatively unchanged. Under federal “control” the republic remains an essentially lawless society, where there is impunity for almost every crime, where there is no security for the civilian population and where especially adult males are in danger of being detained by federal forces, often with fatal consequences. The steps taken by the federal authorities in order to curb abuses, notably the Order no. 80, remain figleaf measures, mainly designed to cover the public relations needs of the federal campaign. There seems to be little interest in establishing a functioning rule of law in the republic. Memorial estimates that at least 2000 civilians are missing after being detained by federal forces, most of them are probably dead. In many cases, federal servicemen are also victims of abuses, sometimes perpetrated by their own officers, other times by irregular Chechen formations. The Union of Soldiers’ Mothers’ Committees claimed that around 2000 servicemen are missing in Chechnya, and that most are believed to be in captivity, working as slaves or held as hostages for ransom.

There were no indication that there was a decrease in rebel activities. IDPs told of fighting in the Vedeno region and of bombing raids in the vicinity of the village Achkhai Martan and other places in the mountains in early November. Their statements were consistent with the number of reports describing an intensification of rebel attacks and numerous skirmishes throughout the fall of 2002. The mountainous southern part of Chechnya remains the most dangerous area of the republic. In early November 2002 there was an influx of some new IDPs to Ingushetiya, most were residents of Grozny fleeing what they regarded as the increasingly repressive and brutal measures taken by federal forces in the wake of the Moscow hostage crisis.

There were also reports about clashes between the different detachments loyal to the federal authorities, among them reports that indicated that a mine attack on Chechen OMON police men outside the federal kommandatura in Shatoi on 6 August probably was an ambush by federal forces. There were ten dead. Relatives who tended to the bodies reported to the NHC that some of the OMON police men had been killed by gunfire and not by the initial explosion, suggesting that they had been fired upon from federal positions when their vehicle was turned over by the mine explosion. The 6 August 2002 was the sixth anniversary for the start of the final offensive against Grozny by Chechen forces in which the city was effectively recaptured and a peace agreement was struck between the warring parties. Officially the deaths of the Chechen OMON servicemen were caused by an attack by Chechen guerrillas.

On 27 March 2002 the Commander of the United Federal Forces in Chechnya issued the Order no. 80 aimed at ending grave abuses during sweep operations, so-called zachistki. Among the basic requirements of the Order no. 80 were the need for federal troops to identify themselves, to behave with restraint, and to communicate and cooperate with the local head of administration. A previous order demands that the federal troops should be accompanied by a representative of the prosecutor. According to the witnesses interviewed by NHC, the Order no. 80 was largely ignored in all the zachistki described to us. Soldiers did not identify themselves. There was no cooperation with the local heads of administration. The troops were not accompanied by a representative of the prosecutor’s office. If there was a change of policy from the federal forces during a sweep operation in a village, it seemed usually connected to the arrival of local (Chechen) police to the site of the zachistka.

## **Killings**

The IDPs interviewed by us reported three cases where civilians had been killed by federal forces in the period after the hostage crisis in Moscow. Two men died from injuries sustained in police custody in Vedeno at the beginning of November. Two women, one of them pregnant, were killed in Sovkhos no. 5 near Khankala airbase in Grozny, when the sovkhos buildings came under fire from federal artillery on 3 November. The buildings were attacked after a helicopter crashed, killing nine people. The federal forces claimed that a rocket had been launched at the helicopter from the buildings of Sovkhos no. 5, although local witnesses and residents of the Sovkhos buildings interviewed by us disputed this. On the next day, around one hundred men were detained, four of them were badly beaten, and three five-story buildings were dynamited by the federal forces. Relatives of the dead women made a complaint to the local law enforcement agencies, but representatives of the prosecutor's office only arrived after the burial of the women had taken place. The relatives refused to open the graves in order for an autopsy to be conducted (Chechen tradition demands respect for the dead and a swift burial, a fact which the federal forces and institutions sometimes seem to exploit) and consequently no case was opened relating to the deaths of the two women.

Meanwhile there were zachistki in several villages and other towns in Chechnya as part of what Minister of Defense Sergey Ivanov on 3 November described as "tough, but targeted" operations against terrorists in Chechnya. Among the villages cleansed by the federal forces was Chechen Aul, a village with about 8000 inhabitants in central Chechnya. The zachistka in Chechen Aul lasted from 1 to 5 November. It is not the first time Chechen Aul has been cleansed. In an operation in June, a reported 18 civilians were killed in the village, several people were tortured while some detainees were released against ransoms. A 36 year old man from the village, who stays as an IDP in Ingushetiya, gave the following account of the operation in early November:

I went back to Chechen Aul for the burial of my uncle. The federal soldiers came in the early morning of 1 November. They surrounded the village and went from house to house. At four in the morning the soldiers stormed the house of my neighbors and beat two brothers who lived there, Ismail (25 years old) and Isa Gazimov (32). Then they were shot, one in the eye, the other in the ear. They were both killed. There was no reason for killing them. They had a small business with scrap aluminum. Their house was the last in the street, lying by itself near the river. Maybe that is why the soldiers were so brutal there. Afterwards all of the inhabitants were told to stay in their houses. A boy went out during the day to repair a leaking oil tank. He was shot and killed outside his house. His name was Akhmat. He was 18 or 19 years old. I don't know who the soldiers were. They were careful to conceal the registration numbers on their cars. The next day Chechen OMON soldiers came from Grozny and the zachistka became less brutal, although that day I was myself detained during the burial of my uncle. I was questioned for several hours. They drove me to a camp some kilometers away from the village, took my documents away and asked me if I had a mini-factory [for producing gasoline] and if I knew any fighters. I had to sign a paper stating that I had no claims against the federal authorities before they returned my documents. Many were detained, and I was lucky that I was not beaten. The soldiers left on 5 November and I went back to Ingushetiya the same day.

## **Disappearances/Kidnappings**

The type of abuse most often cited by the IDPs was unlawful detentions with potentially fatal consequences. Some of the detainees would disappear, some would be set free after being

subjected to torture while others would be released after their relatives paid ransoms. To establish an overview of the problem is almost impossible, but based on the information gathered from the IDPs and the local human rights monitors, it seems that there has been an increase in detentions and disappearances this fall. Given that a percentage of those detained never return, it is to be expected that a number of the people now detained will die in federal custody. After the Moscow hostage crisis, a new wave of detentions swept over Chechnya, mostly targeting young men. In some cases very young: IDPs from Chechen Aul reported that eleven boys aged 14 to 18 were taken in “adres zachistki”, i.e. house searches, on 22 October. One of them was later released, badly beaten, but ten boys were still missing two weeks later. In another case, a thirteen year old from Starije Atagi was detained by the federals for two or three days in August and tortured. The child suffers from the trauma, according to a relative, and has become afraid of strangers.

As has been the case throughout the conflict, detentions by federal forces often amount to kidnappings involving large sums of money. Families with sons are particularly often victims of extortion schemes. A 42-year old woman, who worked as a trader in the Grozny bazaar, told about the problems she faced as mother of a seventeen-year old male student who had twice been detained by police in August and September 2002:

Our house was bombed in the beginning of the war, and my eldest son suffered from mental problems afterwards. He became an invalid. Now my youngest son, who is a student in Grozny, is growing up and getting into trouble with the federals. He is 17 years old and a big boy. In late August he was detained by federal soldiers and placed in a BTR near the bazaar, at Nikitina 59. I was at the market and heard that he was taken. I ran to the BTR and managed to buy him free from the soldiers. I had to give them a thousand USD. A month later he was taken again. I do not remember the date, it was at the end of September. The night before, there had been an attack on the storage rooms of the bazaar. A lot of things were stolen and the three Chechen guards who were guarding the goods were killed. Their bodies were doused with gasoline and burned in one of the storage rooms. I do not know who did it, federals probably. Next day there was a zachistka around the bazaar and my son was taken again. This time I found a senior officer and paid him 500 USD to have my son released. But I do not know how long I will be able to protect him if it continues like this.

In cases of detentions, both during zachistki and at checkpoints, a recurring problem for the relatives is getting information about why and where the detainees are taken. This has been a consistent problem throughout the three-year conflict and seems to indicate the existence of an informal policy of information blockade enacted by the federal forces in Chechnya. It is under the cover of this seemingly sanctioned silence that some of the gravest abuses are occurring in Chechnya: extra-judicial executions, torture and kidnappings. Another pattern of the war in Chechnya is the persecution of young males, which also seems to be an informal policy of the federal campaign. Often there seems to be little purpose behind the arrests of young men. Consequently their survival and release may be determined by chance, as in this narration by a 38 year old woman of a zachistka in the village of Alkhasourova in the Urus Martan-region:

I went from my home in Grozny to my relatives in Alkhasourova at the end of October. There was a zachistka there from 28 October to 2 or 3 November. The federals blocked the village, and we had to stay in the houses. The first group of soldiers came and took away our passports and documents. Then the men were told to come to the soldiers and pick up the documents. Some of the men were detained by the soldiers. A new group of soldiers came into the village. Some of them entered the house of our next-door-neighbors. They demanded food, meat and potatoes. The neighboring family consisted of two sisters, a brother who was 22 years old and their parents. The soldiers started to beat the son very brutally. I do not know why. The father tried to protect his son and was beaten, too. The mother was pushed to the floor by the soldiers. They took the son away. Afterwards some of the people in the village

went with the head of the local administration to the headquarters of the federals. They refused to give us any information and said they did not know anything about the son of my neighbors. But then the head of administration recognized a former colleague among the officers. With the assistance of this officer, we were able to find the boy and get him out alive. His hands were tied behind his back when we found him. He was suspended in the air, hanging from the roof with ropes around his arms and upper torso. He was beaten black and blue and could hardly speak. I do not know why they treated him like that.

The persecution of young males often seems arbitrary with regard to individual cases, as this case exemplifies. However, from another perspective, the general persecution of this group seems to point to an informal strategy enacted by the federal forces in their attempt to root out the guerrillas that continue to wage war on the federal forces and their Chechen supporters: not to distinguish between combatants and possible combatants. The widespread and arbitrary persecution of young Chechen males has, together with the many Chechen fighters killed in battle, contributed to the huge losses of life in this group. The persecution of Chechen males is the primary reason why Chechen IDPs feel themselves to be victims of a genocidal campaign.

## **Torture**

Another persistent human rights issue of the second Chechen war is the widespread use of torture, especially during detentions and house searches. Abuses range from verbal slurs and beatings, to systematic torture including the use of electric currents and mock executions. Based on the information collected, torture seems to be employed not only in order to extract information from persons suspected of criminal acts, but also on ordinary civilians in order to make them sign phony confessions or sometimes simply in order to degrade them. As with the other grave abuses listed here, the victims are predominantly male. Some of them are very young. A 25 year old female IDP told of a 13 year old relative of her brother in law, who had been detained in July 2002 and brought to a filtration camp, or detention center, from his native village, Starije Atagi. He was detained for two or three days before he was released. It was unclear what had happened to him, but he remained deeply traumatized four months later, displaying symptoms of withdrawal and being fearful of strangers. He would protect his head when somebody entered the room.

Several refugees from Chechnya residing in Norway have been interviewed about detention and torture. The material has been compiled by the Norwegian Support Committee for Chechnya and has been handed over to the Norwegian State Prosecutor. Under international and Norwegian law, the prosecutor has the option to investigate and prosecute crimes against humanity even though the crimes were committed by non-nationals on foreign territory (universal jurisdiction). One of the refugees interviewed by the Support Committee is a 46 year old man from Ishorovskaya of the Naurskiy region in northern Chechnya. He was arrested in the beginning of January 2000 and tortured on a number of occasions during the six months before his final release on 26 June. A neighbor had informed the federals that he was a fighter, although he himself claimed that this was untrue. Parts of his testimony concerns the well-known filtration camp Chernokozovo, where he was transferred on 17 February 2000:

There were three sadists torturing us in Chernokozovo. One called himself Chikotilla, the second called himself Gospodin Polkovnik, and the third called himself Gospodin General. Some of the kinds of torture they used had special names: Basayev, Makaka, Podushka, Slonik etc. I cannot remember all of it -- I have problems with my memory after I was arrested -- but in Makaka they suspended us with our

hands tied behind our backs. Podushka meant that they jumped on us when we were lying on the floor. With Slonik they pulled a bag over our heads. They used different objects for cutting our chests, hands, faces -- and they were often jumping on us. I was also tortured with electric currents. They urinated on me before they started with the current. I drank their urine because we were not given water to drink. They seldom gave us water to drink. Often we had to drink urine, both their urine and our own. If they gave us some food, that food made us thirstier. They gave us that kind of food on purpose. When they tortured us they used to turn on music. One of the songs was called "Ubili negra" [kill the negro]. They kept us in a cell meant for 8 persons, but there were 30 or 35 of us. We did not sleep, because there was no space to sleep. We did not have a lavatory. The age of the prisoners in our cell varied from 17 to 65 years. On 3 or 4 March, an International Red Cross commission arrived. It was supposed to be a secret visit, but the Feds knew about it. The day before the commission came, we were driven out of the camp. We waited in the forests, in an «Avtozag» (a specially equipped vehicle for transporting prisoners). While we were waiting, the soldiers threw tear gas into the car -- so that we had air to breathe, as they said.

The 46-year-old man from Ishorovskaya was released after signing a declaration that he had no complaints regarding his treatment in detention. Earlier he had been forced to sign a paper in which he confessed that he was a fighter and had participated in illegal paramilitary activities aimed at opposing the federal forces.

In addition to the testimony of the man from Ishorovskaya, the material compiled by the Norwegian Support Committee for Chechnya describes cases of torture during both wars. There are five other cases from the years 2000 – 2002. Most were from Chechnya, but in one case the victim was a resident of Dagestan. He was tortured at Khasav Yurt, Dagestan, before he was taken to Chechnya (Gudermes) and tortured further. The victims are all male and born between 1956 and 1980. Three of them were witnesses to the deaths of fellow prisoners from torture. All were beaten, one sustained a shattered knee-cup and broken ribs. They also reported other forms of physical and mental injuries. Two were tortured with plastic bags. The bags were pulled over their heads and kept there until they were unconscious. One was tortured with electricity. One was placed in a metal tank in the sun, and suffered from heat and lack of air. One was kept in a hole in the ground at nighttime when it was cold and wet. One was tortured with mock executions. All were asked to name fighters, some were told that the torture would stop if they admitted they were fighters. Three of them were released for money.

## ***The Reign of Impunity***

Under federal “control”, Chechnya remains a zone beyond any rule of law. The attempts at reining in the excesses through administrative measures, for instance the above-mentioned Order no. 80, have not improved the situation. Moreover, these kinds of measures do not in themselves address the underlying problems of the “anti-terrorist” campaign in Chechnya. In practice the federal operation makes little distinction between persons who could be termed “terrorists” and ordinary Chechens, it employs unrestrained military force to solve a political conflict, and spurns dialogue with accepted and legitimate Chechen leaders. The terror against the civilian population sometimes appears senseless and arbitrary, more often it appears calculated at extricating the maximum profit through plunder, extortion and racketeering. One of the pillars of the lawless society is impunity for crimes, and the lack of accountability has been a recurring theme in the criticism of international human rights bodies against the federal intervention in Chechnya.

## **Justice in Chechnya**

According to information submitted by the Prosecutor General of the Russian Federation to the Council of Europe on 7 September 2001, the Prosecutor’s office has dealt with 393 criminal cases concerning crimes against the civilian population in Chechnya since the beginning of the “anti-terrorist” operation. A hundred of these cases were considered by the military prosecutor, the remaining 293 were considered by the district prosecutor. The military prosecutor referred 31 cases to the courts, the district prosecutor only nine. Only in the case of colonel Budanov did the court lay down a longer sentence for murder (11 years). Other servicemen who were convicted of grave crimes (murder, violent assaults) were given conditional sentences. The Budanov-case is still going on, however, and the colonel has been given new psychiatric examinations in order to determine his mental state at the time of the deed. The relatives of the murdered girl (who was raped, too, although that was not reflected in the indictment and sentence) fear that Budanov may be released on the basis of the findings of the psychiatric commissions.

The Prosecutor General of the Russian Federation has not released new figures concerning accountability in Chechnya, but the statistics presented last year are telling. Only some cases (393) out of the many crimes committed by federal forces in Chechnya have been dealt with by the prosecutors. Mostly these are lesser crimes or misdemeanors, and not related to the main abuses: extrajudicial killings, abductions, torture, rape, and disproportionate use of military force. Of the 393 opened cases, only a few (40) have ended up in the courts. And of these only a very few have resulted in longer sentences. Consequently, faith in the legal system was non-existent among the IDPs and human rights organizations approached by the NHC.

Getting a complaint addressed by the courts is an arduous process for the Chechen civilians that still have faith in the legal system. There are financial obstacles: lawyers must be paid as there are only a few non-governmental groups providing free legal aid. Over the last year-and-a-half most of the courts in Chechnya have been re-opened, but they are not easily accessible for the large IDP population inside Chechnya and outside. One of the lawyers of Memorial illustrated the problem in the following way: “to go to the relevant court from my village here,

I would have to travel 90 kilometers through checkpoints. Probably only to discover that the judge was out having lunch.” Financial obstacles are connected with difficulties of movement and travel. Among the other obstacles one could mention, is the problem concerning the appointment of a jury, which is stipulated with regard to certain grave criminal cases. The jury should be appointed by the Assembly of the Republic, but that institution does not function in Chechnya today. The courts in Chechnya are barred from trying penal cases that potentially could result in sentences longer than 5 years. The Budanov-case is therefore tried in a Rostov court, a situation which creates additional expenses and difficulties for plaintiffs, witnesses and relatives of the murdered girl.

According to Memorial, the prosecutor will drop a case if the suspect returns to his place of residence, e.g. when a contract soldier finishes his term and goes back to his hometown. There is no legal basis for this practice, but it is an established norm in Chechnya. Thus, if Memorial launches a legal complaint against a federal serviceman, the law allows the court a period of six months before an interrogation is conducted. Since most of the servicemen have contracts of three or six months, they will be back to their place of residence before the interrogation has taken place. The case is then dropped.

In October 2001, Memorial quoted the example of a case with three men that disappeared in federal custody to illustrate the problems of having both a civil and military prosecutor in cases that often involve soldiers serving the Ministry of Defense together with soldiers of the Ministry of the Interior. Three men were detained on 26 July 2000 by OMON troops. They were probably taken to the Khankala army base by army and OMON servicemen. The relatives have tried to find out what happened to the men and approached the Grozny prosecutor with a complaint regarding kidnapping committed by federal servicemen. The relatives and Memorial had managed to identify the soldiers. Since there were army personnel involved, the civil prosecutor referred the case to the military prosecutor when the investigation had been completed. After considering the case, the military prosecutor sent it back to the civil prosecutor for further investigation. The case resembled the ball in a table tennis match, and in the process many of the procedural laws of Russia were violated, but that fact had no other consequences than the wearying out of the disappeared men’s relatives.

### **Threats to Plaintiffs and Witnesses**

A further problem perpetuating the reign of impunity, is the lack of security for witnesses and for victims or their relatives who complain to the courts. Anna Politkovskaya, the well-known *Novaya Gazeta* reporter, stated to the NHC that several of her sources, who had witnessed crimes in Chechnya, had disappeared or been killed after the publication of stories about grave abuses in the media. The 20th Interim Report of the Secretary General of the Council of Europe, of 11 June 2002, describes widespread intimidation of witnesses and judges by criminal groups and federal security forces. The description is based on information from judges in Chechnya. Many IDPs, especially among those who often visit their former homes in Chechnya, refused to speak with the NHC on the grounds that they feared for their safety and that of their relatives. The case of the family Imakaev is an example of the hazards connected with complaints against the authorities.

Marzet and Said-Magomed Imakaev from Novij Atagij had three children, among them Said-Khusein, who was born in 1977. On 17 December 2000 Said-Khusein was detained by federal servicemen and has not been seen again. His parents tried to locate his whereabouts through a number of federal and local agencies, but were unsuccessful. On 12 February 2002, with the assistance of the Chechnya Justice Initiative, an NGO working to promote accountability in Chechnya, the couple sent a preliminary application concerning the son's disappearance to the European Court of Human Rights (ECHR) in Strasbourg. On 2 June there was a sweep operation in Novij Atagij and military servicemen arriving in military APCs detained five men who all subsequently disappeared, among them Said-Magomed Imakaev, the co-applicant to the ECHR in the case concerning his son's disappearance. The operation was witnessed by a number of neighbors who have provided detailed testimony to the Chechnya Justice Initiative. On 24 June 2002 Marzet Imakaeva sent a new application to the ECHR concerning the disappearance of her husband. In its answer to the inquiry from the ECHR, the Russian government blamed Imakaev's disappearance on terrorist groups dressed in federal uniforms. In July and August Imakaeva was questioned by federal officers about her application to the ECHR in a manner she found intimidating and aimed at forcing her to withdraw the applications. The Imakaev-case is a high-profile case which has received publicity, free legal aid and support from human rights groups, but in most other cases potential plaintiffs and witnesses have no protection.

### **The European Court of Human Rights and Chechnya**

Memorial, Human Rights Watch and the Chechnya Justice Initiative have all submitted cases to the ECHR concerning abuses in Chechnya. Justice in Strasbourg is slow. Rulings are preceded by a process that includes preliminary communications between the court, plaintiffs and the relevant state authorities, and then a ruling on admissibility. A ruling on admissibility should normally be made within two years of the submission of a complaint. However, in the case of the Chechnya Justice Initiative, the first case was submitted in August 2000 and as of late November 2002, the ECHR has not even finished the communication relating to the complaint. Memorial has had six cases communicated, but has not had any of the cases admitted. About 9000 complaints have been submitted to the ECHR from Russia, of which about 3000 have been rejected outright. A handful of cases have been admitted and there have so far been two rulings against the Russian Federation. There is certainly a lot of work for the ECHR in Russia. However, the unusually protracted process in handling complaints relating to the war in Chechnya, has made senior human rights monitors wonder if the court is stalling the cases from Chechnya. The protracted process of the complaints is an issue of concern, especially when the risks involved for plaintiffs and witnesses are as great as the Imakaev-case illustrates.

### III Conclusions

The war in Chechnya is the worst human rights crisis in Europe today. The conflict continues to simmer with an estimated average of 10 fatal casualties a day (according to Human Rights Watch). Memorial estimates that the number of civilian casualties in the three years of war could be up to 20 000, while the number of disappeared persons is at least 2000. The Union of Soldiers' Mothers' Committees estimates that the losses among the federal troops are more than 10 000 dead while the number of disappeared/kidnapped/captured soldiers is likely to be around 2000. Irregular militias and groups continue to operate in Chechnya, while federal forces often seem to be concerned with plundering, racketeering and extortion schemes. The Russian authorities' will to seek a peaceful solution to the conflict seems as non-existent as the federal forces' ability to establish stability and order. Consequently, it is hard to see a realistic way out of the current predicament in Chechnya.

The numerous and grave human rights abuses in Chechnya are well-documented and well-known. Extra-judicial executions, civilian deaths due to indiscriminate use of military force, torture, kidnapping, looting and destruction are some of the crimes committed by federal forces, irregular Chechen formations and criminal groups. The lawless society that has arisen in Chechnya is based on the complete absence of accountability. As of late November 2002, there are no improvements to be seen. Measures introduced by the federal authorities to reduce the number of abuses during sweep operations (like the Order no. 80 of the Commander of the United Federal Forces in Chechnya of March 2002) have not been effective. After the hostage-taking in Moscow, new crimes against the civilian population followed in the wake of the increase in military operations.

The situation for the IDPs in Ingushetiya is becoming a matter of grave concern. The orchestrated attempt to facilitate the mass return of IDPs is accompanied by a number of brutal measures, including threats, destruction of property, obstruction of humanitarian aid and violence. The closing of the Iman camp in Aki Yurt in the beginning of December and the forced return to Chechnya of a number of the IDPs staying there is reminiscent of earlier deportations of Chechens, the most notorious of which happened in 1944, with the difference that the unfortunate civilians this time are forced back in, and not taken away from, Chechnya. Moreover, there is reason to believe that there is an on-going campaign to eliminate civic leaders among the IDPs, as exemplified by the disappearance of Adam Arsamikov and the attempted abduction of Imran Ezhiyev. Human rights defenders and members of their families have been killed, abducted and tortured in Chechnya. The pattern is spreading to Ingushetiya. There is also an increase of federal military activities in Ingushetiya, including sweep operations. There seems to be a growing regionalization of the conflict in Chechnya which threatens the neighboring regions.

The conditions for Chechens in the Russian Federation continue to deteriorate. A new wave of incidents of violence and persecution has been reported after the hostage-taking in Moscow. There are a number of examples of police and administrative persecution as well as of xenophobic violence. Chechens who are without permanent registration are the most likely victims of persecution. Consequently, Chechens without permanent registration in areas outside Chechnya, should be entitled to protection in the form of asylum in other states. In the matter of Chechens with permanent registration, asylum applications should be given individual and thorough consideration in light of the dire situation for Chechens throughout the Russian

Federation. The ethnic aspect of the conflict in Chechnya has resulted in the general persecution of Chechens all over the Russian Federation. In practice the “anti-terrorist” operation has resulted in a war against an ethnic group.

The war in Chechnya has regional security implications and entails massive human rights abuses. Consequently it cannot be regarded as an internal affair of the Russian Federation under international law. However, the international response to the human rights crisis in Chechnya has been muted, especially since 11 September 2001. The UN has not been allowed to send its human rights rapporteurs to Chechnya as mandated by the UNCHR resolutions of 2000 and 2001. The OSCE Assistance Group in Chechnya is small and has not actively carried out its human rights mandate. The Council of Europe, especially through the Parliamentary Assembly, continues to be the international institution most involved in the crisis, but the European Court has neither been able to process complaints from Chechnya nor offered the applicants and their witnesses any form of protection. However, given that the conflict in Chechnya has reached a dead-end, outside intervention seems more needed than ever to break the deadlock and end the human rights crisis. The abuses are well-known and documented. The international community should focus on promoting accountability and protecting local human rights defenders.

## IV Recommendations

Based on the findings and conclusions presented in this report, the Norwegian Helsinki Committee:

- Calls on **all parties** involved in the military struggle in Chechnya to abide by the Geneva Conventions, and to end violations of humanitarian law and human rights abuses,
- Calls on **the Russian Federation** to initiate meaningful steps to end impunity in Chechnya. Abuses must be investigated, perpetrators brought to justice. Witnesses and plaintiffs must be protected from persecution, as must human rights defenders,
- Calls on **the Russian Federation** to guarantee that the IDPs from Chechnya shall enjoy their rights under international law to satisfactory humanitarian conditions, to choose their own residence, and to be protected from forced return to grave human rights abuses,
- Calls on **the Russian Federation** to comply with its international obligations and cooperate with international human rights institutions. The UN rapporteurs must be invited and given meaningful access to the crisis in Chechnya. The Council of Europe recommendations must be implemented. The mandate of the OSCE Assistance Group in Chechnya should be prolonged indefinitely. International human rights organizations should be given access to Chechnya, including access to detention centers and prisons,
- Calls on **the international community** to enforce international human rights standards and resolutions by making it clear to the Russian Federation that the continued obstruction of the UNCHR resolutions and the continued proliferation of grave human rights violations in Chechnya cannot be accepted,
- Calls on **states harboring Chechen asylum seekers** to give protection to all applicants who are without permanent registration outside Chechnya, and to give individual and thorough consideration to all other applications because of the serious situation for all persons of Chechen nationality in the Russian Federation,
- Calls on the **OSCE, and in particular the Chairman-in-office of 2003, the Foreign Minister of the Netherlands**, to ensure that the OSCE Assistance Group in Chechnya fulfills its mandate with regard to human rights promotion and monitoring, including the protection of local human rights defenders and the public reporting on the human rights situation in Chechnya and other areas affected by the conflict,
- Calls on **the Council of Europe**, through their on-site experts in Chechnya, to monitor closely and report publicly about the institutions in Chechnya, including the legal system and the judiciary, meaning both those institutions that currently are functioning and those that are planned by the federal authorities, in order to assess their legality and efficiency,
- Calls on the **European Court of Human Rights** to process the applications regarding crimes in Chechnya, and to protect applicants and witnesses from reprisals and persecution. There can be no European justice as long as European citizens are not free to seek redress for grave human rights abuses in European courts.