

Forgotten Terror: Chechnya October 2001

**Report from Fact-Finding Mission to the Russian Federation (Moscow and the Republic of Ingushetia) 27 September to 7 October 2001
The Norwegian Helsinki Committee**

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 Award, the Sakharov Prize, 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, that 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 the abuses committed against the civilian population in Chechnya and the need for prosecuting the crimes, and 3) assisting Chechen refugees in Norway.

In continuation of the NHC’s focus on the human rights situation in Chechnya, a fact-finding mission headed by Secretary General Bjørn Engesland was dispatched to Moscow and the Republic of Ingushetia in the period from 27 September to 7 October 2001. The three-member mission spent four days in Moscow and six days (from 30 September to 5 October) in Ingushetia with the aims of assessing the human rights situation in Chechnya and the humanitarian situation in Ingushetia. In Ingushetia, the mission was accompanied by a member of the Moscow Helsinki Group for four days (from 30 September to 3 October). The NHC would like to thank the Russian non-governmental human rights organization Memorial for its generous assistance in Ingushetia and the Norwegian Ministry of Foreign Affairs for funding the mission.

This report is based on meetings with international organizations, federal representatives, local officials, other relevant individuals, and with international, Russian and local non-governmental organizations (NGOs). The mission visited a total of seven camps for internally displaced persons and two hospitals in the regions of Nazran, Karabulak and Slepsovskaya. During visits to both “organized” and “spontaneous” camps for internally displaced persons (IDPs), as well as to private apartments, the NHC was in touch with a large number of IDPs from Chechnya and interviewed around 30 of them. Given that a substantial number of people were

approached by us and interviewed separately, the information we received could be crosschecked with regard to the general outline of the events. The NHC thus believes that this report gives a reliable picture of the current situation in Chechnya. A full list of meetings and interviews is enclosed in Appendix A. The names of the IDPs have been altered due to security concerns.

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 Ingushetia and their native villages and towns, and as many new IDPs from Chechnya were arriving in Ingushetia 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), and the mission interviewed IDPs from the following towns, villages and regions: Grozny, Gudermes, Argun, Urus Martan, Vedeno, Shali, Alkhan Kala, Zakhan Yurt, Stariye Atagi, Sernovodsk, Assinovskaya, Gekhy chu, Yermolavka. Information about some of the northern regions of Chechnya was provided by the OSCE Assistance Group to Chechnya, which is based in Znamenskoe.

The report focuses on recent events, i.e. from August to early October 2001, but includes (when relevant) some information about abuses that have occurred prior to this period. The report obviously does not give an exhaustive catalogue of the recent abuses in Chechnya -- that would entail a much more comprehensive investigation. Such an investigation, conducted by a team of independent analysts with an international component, is direly needed, but difficult to put in practice given the uncooperative attitude of Russian authorities (noted for instance by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment in a public statement issued on 10 July 2001) toward international human rights bodies. 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, instead the report attempts to outline the general traits of the human rights situation in Chechnya -- which amounts to a tragedy without parallel in today's Europe.

The report was written by Aage Borchgrevink, and edited by Bjørn Engesland and Tomasz Wacko.

17 October 2001

Bjørn Engesland
Secretary General

II Findings

Violations of Humanitarian Law and Human Rights Abuses

Violations of humanitarian law occur on a daily basis and on a grand scale in Chechnya. Almost all the IDPs we met had stories concerning killed, disappeared or tortured civilian relatives. Although the greatest number of injuries and deaths of the civilian population were reported during the first six months of the “anti-terrorist operation”, serious violations continue to occur in Chechnya -- indeed, there seems to have been an increase in military activities affecting the civilian populations in the second half of September and early October 2001.

Violations typically occur at checkpoints, during so-called “mop-up”-operations (Zachistkas) and in detention facilities. There were also reports of air and artillery attacks on towns and villages that affected the civilian population to a disproportionate degree (Argun, Vedeno). There were many reports of serious violations (murder, torture) in connection with a detention center (sometimes referred to as a “filtration camp”) located at what the IDPs termed a “boarding school” in Urus Martan. Most violations happened in connection with the so-called “mop-up”-operations. One of the interviewees, a 59-year-old man who had been living as an IDP in Stariye Atagi until 1 October, gave the following general description of a “mop-up”-operation:

In a Zachistka, which the prosecutor told us is not a legal term, all the roads and outlets from the village are blocked by soldiers and military vehicles. There are checkpoints and military posts everywhere; no one can come or leave. When the soldiers approach the houses in a district, the streets are sealed off and the soldiers can search the houses without witnesses. The inhabitants of the house are either pushed away or locked up in some room or basement. Then the soldiers start destroying their belongings. Sometimes they loot the houses. They are armed and no one can protest. Often people are detained -- usually men or youths of both sexes. Sometimes they are beaten in front of their relatives. There are slurs and insults against them for being of Chechen nationality. Persons detained are taken to the BTRs [a type of military vehicle] and told to strip. If the soldiers find bruises on their skin, which supposedly indicates that they are bojeviks [Chechen fighters], sacks are put on their heads and handcuffs on their hands and they are taken to the nearest detention center, in our case, the chicken farm or sometimes the mill, which they also use.

Other accounts corroborated this general outline of a “mop-up”-operation. They reported a high incidence of extortion and looting connected to the “mop-up”-operations, and emphasized that detentions were basically arbitrary, often violent and in some cases resulted in killings, disappearances or torture.

Murder (Wilful Killing)

From the IDPs, the NHC gathered information about eight cases where civilians had been killed during the period from August to early October, in most cases they were killed by what the IDPs called “federals”, i.e. federal Russian troops that could represent a number of units ranging from the army detachments to Ministry of Interior troops (OMON) and troops of the Ministry of Justice (GUIN) or the FSB. In some of the cases it was unclear who the killers were. In addition, we heard of four other

cases from 2001 and several from 2000 and 1999 (when many were killed in artillery and air attacks on villages and towns that were perceived to be indiscriminate by the IDPs). Although not eyewitnesses, the IDPs were all first-hand witnesses to the killings (i.e. relatives or neighbours). Most of the eight deaths occurred during “mop-up”-operations, two deaths were reported in connection with a detention facility in a boarding school in Urus Martan.

A 47-year-old woman, who visited relatives in the village of Alkhan Kala, told of an operation that occurred “about a week” prior to her interview on 4 October:

It was about a week ago. There was a Zachistka in the village. The evening before it happened helicopters started circling over the village. That night, at about 02.00 AM, I heard footsteps outside, on the street. I thought that it was the neighbours returning to their houses, because they sometimes go to visit the people who have diesel aggregates to power their TV-sets and stay there late, watching television. Only a few people in the village can watch television in their homes. But when I lifted the curtains and looked outside, I saw that it was the “elements” -- you know, the bandits or wahabists or what they call them -- leaving the village. Next morning the federals came. They sealed off the village, blocked the streets with posts and searched the houses. A woman and two of her children were killed. They were shot in their beds, and later died in the hospital. I am not sure why they were killed. The soldiers said it was a mistake. I don't know their names, since I was only visiting the village.

In most cases it seemed that the detailed circumstances of the deaths/killings were hard to obtain as the incidents often occurred without civilian witnesses. But it was generally believed that the “federals” were responsible. A 59-year-old woman from Argun told of civilian casualties in the fighting that occurred in the town in late September and early October:

I came from Argun today [2 October]. The town was bombed by planes today. There was damage done to the houses where civilians live, too. There is absolutely no security there. The day before yesterday a civilian man was killed. His name was Akhmet Varayev, he was born in 1955. He was driving into the town. People found his burnt out car by the road, his body was lying next to it. He had been shot. Probably the federals did it, but no one knows for sure.

In general the collected information indicated that the intensification of fighting as well as of “mop-up”-operations in the last half of September and early October had resulted in a substantial number of civilian deaths, an overall estimate of which it would be difficult to establish. The pattern of the stories suggests that these victims' deaths cannot be justified as being accidents of war. They were neither combatants, nor unintended “collateral damage” in the fight between the federal forces and the various groups of Chechen fighters. The information collected suggests that the civilian population is itself a target in the federal campaign in Chechnya, and that it receives not even a minimum protection from the forces that claim to liberate it from “bandits and terrorists”.

Disappearances

Disappearances have been among the main problems of the conflict. The Russian human rights NGO Memorial has documented around 400 cases where persons

detained by federal forces have disappeared, but estimates that there are around 1000 persons that have disappeared in this manner since the start of the conflict in October 1999. According to Memorial, the total number of missing people is difficult to establish: many people are buried in the rubble of destroyed buildings some are hiding in the mountains and some have left for other republics of the former Soviet Union. Vladimir Kalamanov, the President's human rights representative to Chechnya, stated the number of 548 persons that were still unaccounted for on 28 September. From the IDPs, the NHC gathered information about five cases of disappearances this year, and seven cases from 2000 and 1999. The deputy director of the Slepsovskaya IDP camp "B", who himself had a son among the missing, estimated that the 5.500 IDPs in his camp between them had about 70 to 80 missing relatives.

A 39-year-old woman from Urus Martan told of her brother's "disappearance".

It was on 24 April this year. My brother, L. A., had just been employed as a construction worker. In the early morning he was taken from his house by the federals and placed in a BTR. His family witnessed it. We do not know what happened to him. He is still gone. We have asked for help from Kalamanov and Memorial, but so far there are no news of him.

Vladimir Kalamanov has established a database with information from several of the federal armed forces and special branches active in Chechnya, but still it remains difficult to trace the disappeared persons. Memorial and the IDPs themselves believe that most of the missing have been killed by federal forces, while Vladimir Kalamanov stressed that many have been abducted by groups of unidentifiable persons who, like the Chechen fighters, operate under cover of night.

Torture and Detention

Stories of beatings, harassment and various forms of physical abuse abound, especially related to searches during "mop-up"-operations and sometimes related to the behaviour of drunken soldiers at checkpoints. However, the most worrying information dealt with the situation of those who were detained. There were many reports of severe beatings and torture in various detention facilities. Perhaps due to the fact that many of the IDPs interviewed are from that area, the NHC received a number of accounts concerning atrocities committed at a detention facility in a boarding school in Urus Martan. A 59-year-old woman from Argun had visited relatives in Gekhy when an arrest was made:

About a month and a half ago (10 August, I believe) Magomed Astamirov, 19 years old, was taken from his house in Gekhy. He was a big guy, that was all, there was no other reason for arresting him. His mother and grandmother tried to protest. The soldiers took his mother's ring. He was taken from Gekhy to the boarding school in Urus Martan. Four days later they found him wrapped in a blanket, lying next to the hospital. He was alive. They brought him into the hospital. He could hardly speak. He had been tortured with electric shocks. He is in a wheelchair now. He said there were others there, too. They were also beaten and tortured as he was -- his feet were placed in a basin of water, and they put the electricity to his ears, fingers and other parts of his body.

The woman did not know for what purpose he was tortured or what, if any, questions had been addressed to him.

There were two accounts of detained persons who had been photographed and filmed with uniforms and guns that did not belong to them, either for propaganda purposes, in order for the soldiers to receive recognition for bravery from the commanding officers or to obtain “incriminating” material to be used for extorting money from the detained persons or their relatives.

Disproportionate and Indiscriminate Use of Military Force

IDPs from Argun reported that the federal artillery and air attacks of late September and early October, which were directed against the local (Chechen) Kadirov-administration located in the administration center, made no distinction between civilian and military targets and destroyed the property and houses of the local population. They were unsure whether civilians had been killed or injured in the attacks.

IDPs from Vedeno claimed that the federal forces bombarded the village instead of the positions of the Chechen fighters in the woods behind it. They further claimed that the federals and the Chechen fighters had had a meeting in August, after which the pressure on the village had intensified. At least one civilian had died in the federal artillery attacks on the village, another had been injured during an attack by Chechen fighters on a federal convoy passing through a settlement, and widespread looting had occurred during a number of “mop-up”-operations since 12 August.

Extortion and Looting

Extortion and looting were reported in one form or another by all the IDPs. The NHC witnessed federal soldiers collecting money from people and vehicles passing through the checkpoint Kavkaz 1, on the border between Chechnya and Ingushetia. The checkpoints function primarily as bribe-collection stations, a point made even by the presidential envoy Vladimir Kalamonov during the NHC’s meeting with him in Moscow. Financial profit (or loot) seems to be the underlying motive for a large part of the activities of the federal forces in Chechnya. In all the “mop-up”-operations described by the IDPs, extortion and looting played a part. Many of the “detentions” by the federal forces turn out to be regular kidnappings -- as people, living and dead, are among the profitable commodities on the territory of Chechnya.

A woman born in 1959, described how her father was detained in February 2001 and taken to the boarding school in Urus Martan. He was a master builder, born in 1930, and among the richest men in the village. The federals knew this and demanded 4000 USD for his release. They were paid, and the father was returned, badly beaten and ill. After two weeks another federal detachment replaced those who had been paid, and the father was arrested again. This time he was killed on the day of his arrest. The soldiers demanded 1000 USD for the body, a sum they received before the body was returned for burial.

Another, less affluent woman, 50 years old from Grozny, told of the “detention” of their 20-year-old son, who was the oldest of her six children.

We came here [to Ingushetia] two years ago. All our documents were destroyed in the first war. We only had a small note of paper saying we were IDPs in Ingushetia with a stamp on it. In March this year my son returned to Grozny to get new ID - papers. He was detained in a "mop-up"-operation in the Leninskaya district on 8 March 2001 because he did not have proper documents. One of the men who were arrested with him, was released soon afterwards and sought me out here. He said that the Russians had told him that I could come and get my son in Grozny. I went to the place where my son was kept and met a soldier who said that he wanted 50 000 roubles for my son. I started crying and said that I had no money. He said, OK, give me 20 000. I repeated that I had nothing and he told me to go to the mosque and collect it there. I cried and said that it was impossible and that he should release my son to me whether he was alive or dead. But the soldier just chased me away. There was an Armenian there, a kontraktnik working for the Russians, I asked him for help. The Armenian answered, beat it, grandma, and then he asked me: what kind of mother would refuse to pay for the release of her son? My son is still in jail accused of all sorts of crimes. I have paid one of the lawyers working with the Kadirov-administration 5 000 roubles to get him free, but nothing happens.

A 27-year-old man from Zakhan Yurt was convinced that the Chechen fighters and the federal forces cooperated, i.e. avoided each other on purpose, in order to loot the civilian population. He told a story about his uncle who had been working on his fields with a tractor when a group of Chechen fighters came. He had to give them his tractor. The incident occurred right in front of a federal checkpoint on the road adjacent to the field, but the federal soldiers did not intervene.

Persecution of Human Rights Defenders and Journalists

One of the main features of the second Chechen war is federal control over information. As Ida Kuklina of the Union of Soldiers' Mothers of Russia stated: "The second war is different -- this time, they've closed Chechnya to us and we have less access to the military units". One of the journalists who has visited Chechnya most frequently and has written most extensively on Chechnya is Anna Politkovskaya of the Moscow paper Novaya Gazeta. The NHC visited her in her Moscow flat on 29 September. At the time she was staying in her home, afraid to leave her flat after Novaya Gazeta's head editor had received threats directed against Politkovskaya. On 20 September the head editor was invited to a meeting with the GRU, the military intelligence service, and informed that Politkovskaya should remain indoors in the interest of her own safety and that the paper could suffer from its connections with her.

According to Politkovskaya, the reasons for what she took to be threats against her person, were related to her work in Chechnya during September 2001. On 17 September a helicopter crashed in Grozny, killing the crew and a number of higher officers that were passengers on the fatal flight. 13 people died in the crash. Politkovskaya was in Grozny at the time and gave NHC the following account of the events:

On 17 September Grozny was blocked and there were checkpoints and posts everywhere. People had to stay where they were, it was almost impossible to move around the town because of the strict control. The soldiers often stop soldiers from other units and check them -- there is a lot of suspicion around. At 11.00 the controls

became even more vigilant, there were rumours that something was about to happen. At the time I was in the building of the local administration. Only one of the officials working there had made it to work through all the military posts. There were two generals there. One of them, Postnjakov, told me that they had been in Chechnya for two weeks in order to collect information about human rights abuses committed by the federal forces in Chechnya. He showed me a lot of documents and tapes that contained their findings. The local official asked them to stay on in Grozny, but general Postnjakov declined, saying he had a meeting with Putin tomorrow. Postnjakov headed a commission consisting of himself, the other general and eight colonels. They left the building and a helicopter picked them up outside. The helicopter took off, but a short time afterwards it crashed in central Grozny. The official version is that it was shot down by a bojevik with a stinger somewhere in central Grozny, but I consider that an impossibility given the strict military control in the town that day. Anyway, the bojeviks are seldom active during the day, usually they attack after dark. Because the whole commission and its material was destroyed, my conclusion is that the helicopter was brought down by federal units that were opposed to work of the commission. I have noted that it was the GRU that contacted my editor.

Anna Politkovskaja left Russia in early October, as there was no signal of a change of opinion from the GRU or the authorities. Whatever really happened with the helicopter in Grozny on 17 September, it is in violation of all the human rights obligations of the Russian Federation that journalists and editors should receive threats from the state for publishing their version of the events. However, what was perhaps most striking about the incident on our return to Moscow 6 October was the seemingly general lack of interest in the dramatic situation and forced departure of one of the most well-known journalists in Russia.

Local human rights- and IDP-support organizations in Chechnya and Ingushetia operate without any security guarantees and seem in some cases to be targets of campaigns from the secret services. The Russian-Chechen Friendship Society is an Ingushetia-based NGO focussing on assisting refugees and spreading information about the Chechen tragedy. The Society told the NHC on 4 October that they had received a visit from FSB servicemen the evening before and had been warned not to meet "those foreigners".

According to the members, there was a long list of incidents of state persecution against the Society over the last year. On 17 September 2000, Imran Elsheyev, one of the leaders of the Society was arrested in Ingushetia and brought to the OMON headquarter in Urus Martan. He was kept there for seven days on charges of subverting the state. He was badly tortured.

Another member of the society, Ruslan Susajev, was arrested by OMON forces in his house in Sernovodsk, Chechnya, on 2 July 2001. The soldiers hit his wife and kicked his ten-year-old daughter in the abdomen during the arrest. The daughter is still suffering pains from the attack. Susajev was taken to a detention center. His hands were handcuffed to the wall and the soldiers struck him on the chest and sides with truncheons.

Members of the Society were also attacked on two occasions (15 March and 5 April) by groups of unidentifiable Ingushes with sticks and truncheons. According to the Society, they appealed to Ruslan Aushev, the President of Ingushetia, who apparently managed to put a stop to the attacks.

Abuses against Federal Servicemen

According to a 37 years old former kontraktnik, i.e. paid soldier, from Moscow, the soldiers risked being punished at the whim of the officers. They were put in holes in the ground for five or ten hours in light clothing, which was a dreaded punishment during winter.

On new year's eve we had a celebration in the tent. One of the officers came in. He was drunk and wanted vodka. He became upset for some reason, and then he ordered me and some of the others into a hole. We had to stay there in the cold for I don't know how long.

The ex-soldier described how his unit would take barrels of gasoline from the army depots and sell them to Chechen "businessmen" in Urus Martan. He emphasized that only the officers profited from this business, the soldiers did not get a cut. The soldier did not finish his contract, which ran for half a year, but left since he was not paid his wages. He left Chechnya after 107 days of service. At that time he left, he had received 47 000 roubles for 68 days of service. When he returned to Moscow he contacted the Union of Soldiers' Mothers in order to get his full earnings from the authorities. According to the soldier, the earnings of the kontraktniki were stolen by the officers.

The Climate of Impunity

The overall impression from the mission is that Chechnya under federal "control" has become a zone beyond any rule of law. 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.

Russian authorities have sought to mend this image through a series of related moves over the last year. President Putin appointed Vladimir Kalamonov as "Special Representative of the President of the Russian Federation for Ensuring Human Rights and Freedom of People and Citizens in the Chechen Republic". In February and March there was the high profile case against the army colonel Budanov for murdering a Chechen girl. In June the international community was granted access to Chechnya by the re-establishment of the OSCE Assistance Group to Chechnya on the territory of the republic. The OSCE now has an office in Znamenskoe in northern Chechnya. Moreover, the federal authorities have taken steps to re-establish a legal system in Chechnya. The Federal authorities have been eager to show improvements on this count, and according to Kalamonov "the situation has now drastically improved (...) If anyone claims that he could not get the court to consider his complaint -- he is a liar!", as he stated to the NHC on 28 September.

It is the unequivocal conclusion of the NHC that these moves do not amount to a change in the overall climate of impunity that still reigns in Chechnya. The “improvement” is on the surface of the situation, in factual terms the actions of the federal government to curb international criticism of its campaign in Chechnya are fraught with various problems that render them inadequate. Thus the increase in military activities in late September and early October appears to have led to an increase in violations and abuses against the civilian population. If the situation has “drastically improved”, one would expect a decrease in crime and violations against humanitarian law.

The President’s Special Representative for Human Rights in Chechnya

On the positive side, there seems little doubt that the Special Representative, Vladimir Kalamanov, who has offices in 13 locations around Chechnya, is able to assist people in individual cases. He stated that his office had assisted in the freeing of 300 people from jail, and in locating 401 missing persons. Kalamanov was also commended by Memorial for being cooperative and aiding them in their dealings with federal institutions in Chechnya and outside it. Some of his public initiatives could lead to positive results if and when they are implemented, for instance his suggestion that soldiers should have ID-numbers visible on their uniforms, which would make identification easier.

On the other hand, it appears that the Special Representative’s portfolio includes describing the situation in Chechnya in overly positive terms. The situation in Chechnya has clearly not “drastically improved” and the appointment of a human rights representative does not in itself address the basic problems of the federal campaign in Chechnya. When describing his mandate and powers, Kalamanov said: “I’m like the clown in the circus -- I have no formal powers, but everyone can see me and hear me.” To a degree this description matches the Union of Soldiers’ Mothers who described the Special Representative as a “decorative structure” who has consistently ignored their letters and petitions.

The International Presence in Chechnya

The OSCE Assistance Group to Chechnya returned to Chechnya (Znamenskoe) on 15 June 2001, after a spell of some years when it was stationed in Moscow. The Group is protected by special forces from the Ministry of Justice (GUIN) and for security reasons their movements are severely restricted. The Group has visited Grozny once, but has so far been advised against going further south by their guards. Monitoring the human rights situation is part of the mandate of the Group, but it has proved difficult given the security obstacles. It is obviously a problem for a human rights monitor to be dependent on the approval of the authorities for every step he takes outside his office. It may also be difficult to convince the local population of the Group’s discretion and good intentions when it is accompanied by a detachment of federal special forces. However, the Group cited some examples of its involvement in cases of detention in northern Chechnya that had led to the release of detained civilians.

Access to Legal Remedy 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 was 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 another psychiatric examination. 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 new psychiatric commission.

Only a very few cases (393) out of the many crimes committed by federal forces in Chechnya have been dealt with by the prosecutors. Of these 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, as was made obvious by the statement of the 50-year-old woman who had to pay a lawyer 5000 roubles in order for him to take the case of her son who was detained in Grozny. There are financial obstacles. Then there is the problem that the courts are open in only ten of the 20 districts of Chechnya. 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.

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.

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 Defence 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, which resembles the ball in a table tennis match, is now again with the civil prosecutor. In this process many of the procedural laws of Russia has been violated, but that fact has no other consequences than the wearying out of the disappeared men's relatives.

The Security Situation

The security situation inside Chechnya is obviously precarious. Fighting is going on in many places in Chechnya, moreover, the federal forces have established a violent and greedy rule across Chechnya, amounting to a reign of terror in some places.

On-going Hostilities

The war is still going on. Chechen fighters made coordinated attacks on the three main towns, Grozny, Gudermes and Argun, in mid-September, in what seems to have been a show of strength. Many of the IDPs spoke of Chechen fighters in or around their villages, however, it seems that some of these groups of fighters were considered mostly criminal (i.e. mainly interested in loot), while others were considered to be ideologists (i.e. Chechen "nationalists"). It is not only the federal forces which have a number of different units fighting alongside each other, harbouring suspicion and enmity towards the other units. The Chechen fighters are also divided into several groups that do not always collaborate well. The war is fought without any real frontlines and there are internal conflicts on all sides.

The soldier interviewed by the NHC said that the war started every evening and ended at dawn, and that it was difficult to distinguish between civilians and combatants -- even the small children called them (the soldiers) "fascists" and pelted their vehicles with stones. He also claimed that more Russian soldiers were killed in accidents or by "friendly fire" than in attacks by Chechen forces. Incidents were often caused by alcohol, and the soldier cited an example from January or February this year, in which the artillery positions close to his base at Urus Martan fired at the Chechen fighters in the mountains, but hit a federal detachment instead. Some soldiers were killed, but he could not remember how many. There were also reports about soldiers firing arbitrarily at civilian houses or vehicles.

The local administration employs Chechen forces loyal to the federal authorities. They are thus targets of the Chechen fighters, and several of the local administration's officials and guards have been ambushed or assassinated. From the IDPs we were informed about some deaths of soldiers/combatants, in this case (Chechen) OMON and MVD guards from the so-called "Kadirov-administration", a local structure which is established by (and in principle loyal to) the federal government. Some of these men had been killed in the battle in Argun in late September and early October, which (for reasons unknown to the NHC) pitted the officials of the Kadirov-administration against the federal forces in what can be described as a "civil war within the civil war". There were federal artillery and air attacks directed against the local administration located in the administration center of Argun. According to a 59-year-old woman from Argun, the fighting between the Kadirov-administration and the federal forces resulted in several fatal casualties among the Chechen OMON-guards as well as severe destruction in the town. There is obviously still a small-scale war (or wars) going on in Chechnya, and there is

absolutely no indication that the federal forces have been able to establish a semblance of control in the republic.

Mines

There were reports about minefields many places in Chechnya. One of the IDPs from Zakhn Yurt, a 27-year-old man, reported that two of his neighbours were killed by mines when they were looking for timber in the woods. People from the village found the bodies of the two men a few days after the accident. The mine-accident took place in the last week of September 2001.

The Humanitarian Situation in Ingushetia

The UNHCR had registered 157 000 IDPs residing in Ingushetia on 2 October. The Russian-Chechen Friendship Society stated that 148 000 IDPs had been registered with the authorities, and that about 50 000 more had arrived after the federal authorities discontinued the registration of IDPs in March 2001. That would make a total of about 200 000 IDPs in a republic which has around 300 000 resident inhabitants. The Danish Refugee Council, which provides food to the IDPs, estimated that around 30 000 IDPs stayed in camps, another 30 000 in "spontaneous settlements" and the rest were accommodated in private homes.

While the situation in the camps was generally tolerable, there were a number of problems. A doctor we interviewed cited his colleague, a psychiatrist, as saying that every second IDP has psychological problems due to war trauma and the exhausting and overcrowded conditions in the camps. There were a number of cases of TB and hepatitis, but limited medical resources available for the IDPs. The IDPs were often slow to report to a doctor, fearing that a diagnosis might cost them employment and accommodation. The children lacked winter clothing. The tents in the camps were made to last for eight months, but many now face a third winter.

The situation in the spontaneous settlements, on the other hand, was abysmal. The people residing in the ad-hoc settlements lacked money to be accommodated privately or to bribe the local officials in order to obtain a tent in a proper camp and had been forced to occupy empty buildings where they could find them. The IDPs were trying to build shelters with sticks, bricks made of clay and paper in a number of run-down, abandoned collective farms. They lived in barns and stables that could not be considered fit for animals. Some were crippled by war injuries, but had no possibility to receive social benefits as they were living away from their registered place of residence in Chechnya. Many were sick with various illnesses, including TB and serious heart conditions, but lacked the resources to apply for medical treatment at a hospital. Although medical treatment in principle is free, many IDPs complained that the hospitals only accepted patients who could pay. Some of the children had ailments that, according to the parents, were likely to entail death if they did not receive treatment from specialists. The children showed symptoms of stress, according to the teachers, and had difficulties in concentrating and remembering when they were taught in makeshift schools of the spontaneous settlements.

However, the real problems will appear when winter comes. There has been no gas in the settlements for the last six months, and the electricity was cut on or around 20 September. The IDPs live in darkness, they are short on clothes and lack stoves to keep them warm during winter. At present the situation is critical. Come November

and December, however, there could be a humanitarian disaster in the “spontaneous settlements” in Ingushetia unless there is an initiative to support the most vulnerable IDPs.

The federal authorities have sent emissaries from the Kadirov-administration to the camps in Ingushetia in order to convince the IDPs to return to Chechnya. However, given the security situation, only a few have dared to return. Instead, there seems to have been a steady trickle of new IDPs arriving in Ingushetia from Chechnya. An IDP from Vedeno indicated that the number of IDPs from his region amounted to several hundred since 12 August. It seems that the federal authorities' eagerness for returning IDPs has influenced their policy toward the IDPs in Ingushetia in a negative way. The Ingush prime minister claimed that the federal government had a debt of 600 million roubles to the IDPs, which meant that food assistance, gas and electricity was not paid. The republic's authorities had no other option but to cut the power supplies to the IDPs.

An additional incentive for the IDPs to return is the problem of receiving pensions and social benefits when a person is away from his place of residence. There were also reports of gangs with truncheons attacking some of the spontaneous settlements in Nazran in the late winter of 2001, and reports of shooting on the outskirts of the Slepsovskaya camps in the summer months. Combat helicopters circled the Slepsovskaya camp when we were there on 2 October. The IDPs understood the shooting and the helicopter as an on-going attempt to terrorize them into returning to Chechnya. However, the IDPs were unison in their evaluation of the security situation in Chechnya: it was too dangerous to return.

III Conclusion

The attacks on New York and Washington on 11 September 2001 made the whole western world open its eyes to the dread of terror: the arbitrary slaughter of civilians that dispels a society's feelings of security. In this situation the Chechen tragedy must not be forgotten, or given “a more differentiated evaluation”, as some European and American statesmen have indicated a willingness to do. A continuation of the status quo in Chechnya is the cultivation of future terror. The schoolchildren in the IDP settlements in Ingushetia complained about their Russian classes: “we do not want to learn their language, they are bombing us”, they told the NHC. Refugee camps have often proved to be breeding grounds for hate and terror. Moreover, in the case of Chechnya the IDP camps and settlements are the consequences of terror. The so-called, “anti-terrorist operation” has resulted in widespread and arbitrary slaughter of civilians and a massive exodus of the survivors. The large-scale violations of humanitarian law perpetrated by the federal forces are in itself a form of terror. A war on terrorism would thus entail not only tactical alliances, but a confrontation with the people and the policies that launched the present reign of terror in Chechnya. There must be an end to the war and there must be accountability for crimes.

Over the last year, the media-conscious Russian authorities have sought to establish an image of improvement with regard to the human rights situation in Chechnya and of victory in the military struggle against the Chechen fighters. As Vladimir

Kalamanov put it with regard to accountability and the rule of law: "the situation has now drastically improved." Based upon the findings of this mission (as well as those of other human rights organizations like Memorial and Human Rights Watch), improvements cannot be seen, nor can they be expected unless the federal authorities drastically change their approach to the conflict in Chechnya.

Serious violations of humanitarian law (including murder, disappearances and torture) and human rights abuses occur on a daily basis and on a grand scale in Chechnya. There is no indication that there is a decrease in abuses, on the contrary the increase in military activities in the second half of September and early October 2001 seems to have resulted in a new wave of crimes against the civilian population. The continuation, if not further deterioration, of the human rights predicament in Chechnya is linked to the climate of impunity, which is still in place, in spite of the Budanov-verdict and a few other examples of punishment of federal servicemen.

It is too soon to claim military victory. There are still a few hundred thousand people left in Chechnya and it is doubtful whether the federal forces could secure such a victory without eliminating and scattering the population completely. The Chechen fighters are clearly present and active in many regions of Chechnya, their support among the locals is bolstered by the greed and cruelty of the federal forces. As late as mid-September the Chechen fighters launched coordinated raids on the major towns. There are also serious skirmishes between the federal forces and the local administration in some areas. Given the behaviour of the federal forces in Chechnya, it seems that morale, coordination and efficiency is low. Looting, extortion and racketeering are higher on the agenda than winning a war where there are no frontlines and only vague war aims.

There is no improvement in the situation of human rights defenders and journalists working with the war in Chechnya. Anna Politkovskaya of Moscow's *Novaya Gazeta* left Russia in the beginning of October 2001, fearing for her safety after receiving veiled threats from the military intelligence service. The members of the Russian-Chechen Friendship Society in Ingushetia have been tortured, threatened and harassed. The authorities' control of information entails massive human rights violations. It is a persistent and largely successful attempt at making the Chechen tragedy disappear in the eyes of the world and Russia itself. During the six days the NHC stayed in Nazran, we were not aware of any foreign reporter present in Ingushetia. The main international presence in Chechnya, the OSCE Assistance Group to Chechnya, is able to operate only when sanctioned by its guard, a federal special forces unit.

The humanitarian situation for the IDPs in Ingushetia is deteriorating with the approach of winter. Power and federal supplies have been cut, IDPs are no longer registered, the local resources are already strained and many of the IDPs are running out of funds after two years of displacement. Instead of assisting its citizens, the federal authorities attempt to move the IDPs back to Chechnya with a mixture of extortion, incentives and threats. With diseases like TB and hepatitis coupled with war injuries and traumas, the most vulnerable IDPs will rely heavily on outside support through the winter. This support did not seem to be forthcoming at the time of the NHC visit to Ingushetia.