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[At around midnight] I heard someone yelling [in Russian], “On the floor, bastards! Don’t move!” . . . They surrounded the house in a few seconds. They were in each room and yelled, “Everyone down on the floor, beasts!” Their outfits alone, the masks and guns, could terrify anyone.

-- Testimony to Human Rights Watch

Russian armored personnel carrier parked in front of a camp for displaced persons in Ingushetia. ©2002 Sasha Petrov/Human Rights Watch

INTO HARM’S WAY: Forced Return of Displaced People to Chechnya

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RUSSIA

INTO HARM'S WAY: Forced Return of Displaced People to Chechnya

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I. EXECUTIVE SUMMARY

The conflict in Chechnya continues to take a huge toll on civilians. The October 2002 hostage crisis in Moscow, which left 129 dead, has been followed by reports of abuses by Russian and rebel forces in Chechnya, and accelerated efforts by Russian authorities to force displaced people living in tent camps in Ingushetia back to Chechnya. Russian authorities have also significantly restricted access to the region, blocking access for international monitors, including those from the Organization for Security and Cooperation in Europe (OSCE).

The Russian government claims that the armed conflict in Chechnya is over and that the situation is normalizing. Therefore, it argues, an OSCE presence is no longer needed and displaced people face no serious obstacles to return. But as attested by the Moscow hostage-taking itself and subsequent incidents described below, the armed conflict grinds on and civilians continue to face life-threatening conditions.

Concerned by these developments, Human Rights Watch conducted an eleven-day research mission to Ingushetia, from December 10-21, 2002. Through interviews with some sixty-two people, we documented a pattern of threats and intimidation by migration authorities to compel the approximately 20,000 displaced people living in the six remaining tent camps to return to Chechnya. We also gathered eyewitness accounts of conditions in Chechnya, including forced disappearances, extrajudicial executions, looting, and arbitrary detention.

This report first documents the Russian government's attempts to forcibly return displaced people to Chechnya, and then examines new evidence of continuing humanitarian law violations by Chechen and Russian forces inside Chechnya. The international community should act now to ensure that Russia does not return displaced people to Chechnya against their will, and to reinstate the OSCE Assistance Group to Chechnya. More international scrutiny in the region, not less, is needed.

Two incidents in late 2002 that caused enormous loss of civilian life demonstrate vividly that the armed conflict in Chechnya has not ended. On October 23, about fifty Chechens took hundreds of civilians hostage in a Moscow theater, an act that, as already noted, resulted in the deaths of 129, mostly due to the effects of a debilitating gas that Russian special forces used in their rescue operation. On December 27, Chechen forces blew up the main government building in Grozny, killing at least seventy-two civilians and wounding 210. Chechen forces also are believed to be responsible for a continuing pattern of assassinations of village administrators and other civil servants working for the pro-Moscow government in Chechnya. At the same time, abuses by Russian forces in Chechnya—forced disappearances, extrajudicial executions, looting, and arbitrary detention—have continued unabated.

Russian Government Moves to Close Tent Camps in Ingushetia for People Displaced by the Conflict

Since the end of 1999, Russian officials at various times have attempted to convince internally displaced people to return to their homes inside Chechnya. But in May 2002, Russian and Ingush officials for the first time announced detailed plans to close the tent camps in Ingushetia—unsightly counterevidence of Russian claims that the war had ended—and to return the displaced persons living in them to Chechnya.¹ They began to implement the plan in May, but in the aftermath of the Moscow hostage crisis, they moved forward with unprecedented speed and aggression.

In sub-freezing temperatures, using a combination of threats and incentives, officials have attempted to force the 23,000 people who at that time remained in seven tent camps back into an active war zone. In one case they succeeded: the Aki-Yurt camp, which housed some 1,700 displaced Chechens, was forcefully closed in early December 2002 after the international community had been temporarily barred access to it.

Without exception, residents of the remaining six camps told Human Rights Watch that they did not want to return due to the unsafe conditions in Chechnya, but pressure on them was unrelenting. The pressure has been

¹See Human Rights Watch letter to Russian President Vladimir Putin, dated November 14, 2002, available at <http://hrw.org/press/2002/11/russian-idps-ltr.htm> (retrieved January 16, 2003).

effective: according to the Federal Migration Service (FMS), between November 21 and December 24, 2002, 2,663 tent dwellers returned to Chechnya.² Although Russian officials claim that returns to Chechnya are “voluntary,” Human Rights Watch research shows that this is not the case.

Migration officials have constantly harassed displaced persons; threatened them with arrest on false charges, with withdrawal of food allowances, and with cutting of gas and electricity supplies during winter months; and at times forced the removal of displaced persons from their tents. The forcible closure of Aki-Yurt tent camp and the aggressive attempt to push displaced persons to return to the active war zone in Chechnya amounts to forcible return and is a clear violation of the United Nations Guiding Principles on Internal Displacement.³

Russian authorities in Ingushetia told Human Rights Watch that tent dwellers have the option of remaining in Ingushetia or returning to Chechnya. Yet no displaced people interviewed by Human Rights were aware of this choice. Human Rights Watch also found shelters that allegedly will be provided to tent dwellers in Ingushetia to be uninhabitable, occupied, or simply nonexistent. Moreover, the promises of shelter and assistance in Chechnya intended to serve as incentives to return in some cases have proven illusory, due to the severe shortage of adequate shelter in Chechnya. Failing to provide shelter, or compelling displaced persons to live in uninhabitable shelter also violates the Guiding Principles on Internal Displacement.⁴

Recent Developments in Chechnya

A number of the people interviewed by Human Rights Watch had recently returned from Chechnya and were able to provide details on events there. Although Human Rights Watch is not in a position to confirm or refute reports of a sharp increase in forced disappearances and extrajudicial executions following the October hostage crisis in Moscow, it is clear that serious abuses have continued.

² Petr Panasiuk, quoted in “Bolee 2,5 tysiach pereselentsev vernulis iz Ingushetii v Chechniu” [“More than 2,500 Displaced Persons Have Returned from Ingushetia to Chechnya”], www.infocentre.ru, December 24, 2002 (retrieved January 17, 2003). Infocentre.ru is a Russian government website.

³ Principle 15 states that internally displaced persons have “the right to be protected against forcible return to or resettlement in any place where their life safety, liberty and/or health would be at risk.” Although non-binding, the U.N. Guiding Principles reflect international humanitarian and human rights laws which are binding, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Conventions, and other treaties to which Russia is a party. Particularly relevant for displaced persons in Chechnya is Russia’s obligations under these instruments to provide adequate food and housing and to protect displaced persons’ right freely to choose their residence. Resolutions of the United Nations Commission on Human Rights and the General Assembly have described the Guiding Principles as a comprehensive framework for the protection of internally displaced persons. Regional bodies in the Americas, Africa, and Europe have endorsed or acknowledged the Guiding Principles with appreciation. In particular, the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) have widely endorsed and promoted the Guiding Principles throughout their work. The Council of Europe has also endorsed the Guiding Principles through its Committee on Migration, Refugees and Demography. Individual governments have begun to incorporate them in national policies and laws and some national courts have begun to refer to them as a relevant restatement of existing international law. For more information see: Commission on Human Rights: “Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng Specific Groups and Individuals: Mass Exodus and Displaced Persons 16 January 2002,” E/CN.4/2002/95.

⁴ Principle 18 of the Guiding Principles states:

At the minimum, regardless of the circumstances, without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation.

Russian authorities’ attempts to control the location of the internally displaced, whether inside Ingushetia or Chechnya, violates their right to choose their own residence, provided for in the ICCPR (Art. 12(1)), as well as other human rights treaties. Although the ICCPR does permit derogation (that is, limits) on this right during times of public emergency or armed conflict, those limits must be provided for in law, and include only those limits strictly required by the situation at hand. Since many of the displaced people Human Rights Watch interviewed for this report were coerced into leaving the camps for displaced persons in Ingushetia, their right to choose their own residence has been severely curtailed.

As noted above, Chechen rebel forces carried out two dramatic attacks on civilians in late 2002, causing enormous loss of life. In the last months of 2002 rebel forces also intensified their campaign against civil servants working for the pro-Moscow administration of Chechnya. As detailed below, these forces are believed to be responsible for seven assassinations, several assassination attempts, and nine abductions of civil servants since November 15.

For more than three years, Russian forces in Chechnya have committed extrajudicial executions, forced disappearances, arbitrary detention, torture, rape, and looting, largely without being held accountable for their actions. Simply being a male of fighting age appears sufficient grounds for detention, and those detained are invariably beaten and abused. The November killing of Malika Umazheva, a former civil servant who on many occasions spoke out courageously against abuse, marks the clearest case to date in which Russian forces committed an extrajudicial execution for retribution. This case is documented in detail below.

Often Russian forces commit abuses during *zachistki*, or sweep operations, which involve the closing off of streets or even entire villages for house-to-house searches. Increasingly, Russian forces also appear to be carrying out more targeted night operations, in which masked troops raid particular homes, execute targeted individuals, or take them away, never to be seen again.

This report documents nine recent cases of extrajudicial execution and twelve cases of “disappearances.”

Limited Access for Outside Monitors

On December 31, ten days after our mission ended, the mandate of the OSCE Assistance Group to Chechnya expired. Negotiations over renewing the OSCE mandate had collapsed after Russia insisted that the mission end its human rights monitoring and political mediation. The Ministry of Foreign Affairs resisted efforts to grant a temporary extension of the mandate while negotiations continued, and on December 31 announced that the Assistance Group had to close. The Assistance Group had contributed to documentation of human rights violations, receiving victims of human rights violations at its offices in Znamenskoe and making on-site visits to gather information about abuses. It also provided valuable information to the OSCE about the situation in Chechnya through its confidential bi-weekly reports to OSCE member states.

Russia has also stopped key United Nations human rights monitors from visiting the region. It has not granted requests to visit Chechnya made by the special rapporteur on torture and the special rapporteur on extrajudicial, arbitrary, and summary executions. In September it postponed a joint visit for the special rapporteur on violence against women and the U.N. secretary-general’s special representative on displaced persons, citing, ironically, security concerns.

Human Rights Watch is calling on the international community to press Russia to stop forced returns, to hold its troops accountable for violations of humanitarian law violations, and to renew the OSCE Assistance Group’s mandate. We call on Chechen forces to cease attacks on civilians, and to hold accountable those involved in such attacks. These concerns should be reflected in the resolution adopted on Chechnya at the forthcoming session of the Parliamentary Assembly of the Council of Europe. During its fifty-ninth session, which begins in March, the United Nations Commission on Human Rights should adopt a resolution on Chechnya pressing the same concerns.⁵ A more detailed list of recommendations is set forth at the conclusion of this report.

⁵ In 2000 and 2001, the United Nations Commission on Human Rights adopted resolutions expressing concern about the Chechnya conflict and calling on the Russian government to, among other things, establish an independent national commission of inquiry to investigate human rights violations by both sides of the conflict, and to facilitate visits to the breakaway republic by five U.N. thematic mechanisms: the special rapporteur on torture, the special rapporteur on extrajudicial, summary and arbitrary executions, the special rapporteur on violence against women, the special representative of the secretary general on internally displaced persons, and the special representative of the secretary general on children in armed conflict. In 2002, a similar resolution was narrowly defeated. The Russian government has failed to establish an independent commission of inquiry and, as of this writing, only one U.N. thematic mechanism, the special representative of the secretary general on children in armed conflict, had visited Chechnya.

II. THE PLIGHT OF PEOPLE DISPLACED BY THE CHECHNYA CONFLICT

Background

Since the beginning of the second Chechen conflict in 1999, hundreds of thousands of Chechens have fled the fighting in Chechnya for relative safety in neighboring Ingushetia. Displaced Chechen civilians, at times nearly outnumbering the entire population of Ingushetia, have been housed in tent camps, as well as in train compartments, private housing, and “spontaneous settlements”—crumbling, abandoned factories and collective farms. As of the end of November 2002, the lead humanitarian agency in Ingushetia, the Danish Refugee Council, counted 106,000 registered Chechen displaced persons living in Ingushetia. Of that total, an estimated 23,000 lived in six tent camps, another 27,000 lived in spontaneous settlements, and the remaining 56,000 lived with host families in private housing.⁶

The closure of the camps for the displaced in Ingushetia, under the circumstances documented in this report, is itself a form of arbitrary displacement in violation of the right to choose one’s own residence, provided for in the International Covenant on Civil and Political Rights (Art. 12(1)), and the European Convention on Human Rights, Article 2(1) Protocol IV). Under no circumstances may the limits be imposed on a discriminatory basis. Furthermore, the closure of the camps without any offer of adequate alternative shelter is a clear violation of Article 11(1) of the International Covenant on Economic, Social, and Cultural rights.

During the early stages of the second Chechen war, then-Ingush President Ruslan Aushev regularly intervened to ensure that the Chechen-Ingush border remained open and that displaced Chechens in Ingushetia received humanitarian assistance and were not pressured to return. However, the willingness of the Ingush authorities to host large numbers of Chechen displaced persons slowly eroded, and in April 2001, Ingush migration officials discontinued the registration of new displaced persons from Chechnya.⁷ The April 2002 election of Murat Ziazikov—a former Federal Security Service (FSB) general who is viewed as more pro-Moscow than his predecessor—to the Ingush presidency provided Russian officials with the opportunity to more forcefully pursue the closure of the Chechen camps for displaced persons.

Just weeks after Ziazikov assumed office, federal authorities announced a detailed plan that envisioned the closure of all the camps and the return of all displaced persons by the end of September 2002. The agreement had been reached at Ziazikov’s first post-election Kremlin meeting with pro-Moscow Chechen leader Ahkmad Kadyrov.⁸ Officials continued to reassure the international community that all returns would be voluntary, and began to exert pressure on camp dwellers throughout the summer. By September, however, no camps had been closed.

The campaign to close the tent camps entered a new, aggressive phase in late October 2002, following the massive hostage-taking incident in Moscow. On November 18, the Russian Health Ministry’s epidemiology department issued a statement that an inspection of the tent camps had found insufficient heating, aging tents, unsanitary conditions, and overcrowding in the tent camps and ordered the closure of five of the tent camps—Bella, Sputnik, Alina, Satsita, and Aki-Yurt—and eight other makeshift settlements.⁹ On November 15, an intergovernmental agency called the “United Headquarters for Creating Conditions for Returning People from Tents in the Republic of Ingushetia” (hereinafter, United Headquarters) was formed, consisting of Russian, Ingush, and pro-Moscow Chechen officials.

Although they later denied it, migration officials set out a strict timeline for the closure of the tent camps. For example, on November 23, Russian and pro-Moscow Chechen officials informed residents of the Alina tent camp that the Aki-Yurt tent camp would be closed by December 1, and that all other camps would be closed by

⁶ The Danish Refugee Council’s data is summarized in Vesta, “Sub-project monitoring report for the period November 1, 2002 to November 30, 2002.” Vesta is an Ingush nongovernmental organization subcontracted by the United Nations High Commissioner for Refugees (UNHCR) to monitor conditions in temporary accommodation centers (TACs)

⁷ UNHCR, “Paper on Asylum Seekers from Russian Federation in the Context of the Situation in Chechnya,” January 2002.

⁸ Fred Weir, “Chechens Wary of Homecoming: President Putin Orders Refugees to Go Back to War-Torn Chechnya by End of September,” *Christian Science Monitor*, June 12, 2002.

⁹ Russian Health Ministry, Order 799, dated November 18, 2002.

December 20, 2002.¹⁰ Although the officials met their deadline for the closure of the Aki-Yurt camp, international protests and logistical difficulties forced them to abandon the December 20 deadline. On January 14, Ingush Deputy Prime Minister for Refugee Affairs Magomet Markhiev announced the camps would be closed by spring 2003.¹¹

Pressure to Return

Every day, about thirty representatives from the United Headquarters and the Federal Security Service (FSB) make the rounds at each of the major tent camps in Ingushetia, going from tent to tent explaining the advantages of moving to Chechnya and the disadvantages of remaining in Ingushetia. They continuously pressure families to sign the “voluntary return” forms provided by the United Headquarters officials and promise those who sign five months of humanitarian supplies. They also promise returnees space in new temporary accommodation centers (TACs) that are allegedly being built in Chechnya, offer twenty rubles per person per day to those who plan to rent housing in Chechnya, and offer free transportation back to Chechnya.

Migration officials commonly warn residents that vital gas and electricity supplies will be cut off to the camps. They have emphasized to displaced people that the camps would soon be closed, and that tent dwellers would be better off leaving immediately rather than awaiting a forced closure of the camps. In several cases, officials have threatened those reluctant to leave with arrest on false drug and weapons possession charges. According to numerous witnesses, the major message migration officials and especially Chechen government representatives have tried to convey to the displaced is that their choice is between immediately leaving “voluntarily” or being forcibly evicted at a later date. One interviewee summarized this message, as he understood it: “If you don’t leave voluntarily we’ll kick you out.”¹²

In late October, Russian federal troops set up permanent positions near all of the major tent camps, reinforced with armored personnel carriers with heavy weapons. In some cases, armed Russian soldiers began accompanying United Headquarters officials on their tours of the tents, and began intimidating displaced families into signing the voluntary return forms. Some displaced persons told Human Rights Watch that the sudden appearance of heavily armed Russian troops in the camps added further to the pressure they felt to return.¹³

Some displaced families reported that migration officials had removed them from the food ration lists in order to force them to abandon their tents, and in one case simply kicked a family out of their tent without offering any alternatives. A resident of the Bella tent camp told Human Rights Watch that migration officials came to her several times, asking whether she wanted to go home. When she refused to sign a voluntary return form, the officials threatened to harm her son, saying, “I’ll talk to you separately in a special way—you have a son.” On November 18, she found out that her family had been removed from the list of registered displaced persons and had lost its food rations. When she went to complain to the migration service, her file said that she and her family “left for Tver.” At the time of Human Rights Watch’s visit she was still trying to reregister in the camp without success.¹⁴

As a result of such pressures, some families left the camps amid subzero temperatures. They told Human Rights Watch that the constant pressure from migration authorities was the primary reason for their decision to leave, and that they feared the consequences of staying: uncertain security and miserable living conditions. Some families

¹⁰ Ruslan Isayev, “Tent Refugee Camps in Ingushetia Slated for Liquidation by December 20,” Prague Watchdog, November 23, 2002.

¹¹ “Refugee Camps in Ingushetia to be Closed by Spring,” Interfax, January 14, 2002.

¹² Human Rights Watch interviews, Bella tent camp, Ingushetia, December 11, 2002.

¹³ For example, “Fatima F.,” a resident of the Alina camp, told Human Rights Watch: “The military located near the camp asked my husband several times whether he changed his mind about returning. They said that after December 20 our camp would be taken down,” Human Rights Watch interview with Fatima F., Alina camp, Ingushetia, December 14, 2002. “Fatima F.” is a pseudonym.

¹⁴ Human Rights Watch interview with “Satsita S.,” Bella tent camp, Ingushetia, December 11, 2002. “Satsita S.” is a pseudonym.

were worried about the health of their young children if the gas and electricity to their tents were cut off, as happened in Aki-Yurt. “Magda M.,” a resident of the Sputnik camp, told Human Rights Watch:

When we asked FMS representatives about guarantee of security in Chechnya, they answered that they could not guarantee security even in Ingushetia. According to them it could be worse in Ingushetia. I asked: “If we do not want to return, it means that you will force us to do that?” They replied: “No, we will not use force. But gas and electricity will be cut off in the camp.”¹⁵

Once a family signs a voluntary return form, there is no way back, even if the family is unable to find alternative accommodation in Chechnya. When returnees come back to Ingushetia they cannot register as internally displaced persons or get reinstated in tent camps, and they are ineligible for government humanitarian assistance. “Petimat P.” who lives in the Bella camp with her husband and three children—one of whom is an infant—signed a voluntary return application in December 2002 but then was unable to find shelter in Chechnya (her house had been destroyed). She told Human Rights Watch what happened when she came back to Ingushetia and attempted to retract her application:

They refused. They also threatened me that our tent would be dismantled. ... I asked [the Chechen Refugee Committee] to leave me here until May. But they refused. They said: “If you have submitted application already you are excluded from the list and will not receive any aid here.”¹⁶

Dismissal of Security Concerns

Human Rights Watch researchers visited dozens of displaced families in all of the remaining tent camps in Ingushetia, and almost all of them gave the same reason for refusing to return to Chechnya: they fear for their lives, and the lives of their children. Such fears are well-founded. Chechnya remains an active war zone where, as described below, human rights violations by both Russian and Chechen forces continue. The incident causing greatest loss of civilian life since the first year of the war occurred as recently as December 27, 2002, when, as described above, Chechen rebel forces bombed the main government building in Grozny, causing seventy-two deaths and wounding 210 others.¹⁷

Yet Russian officials routinely dismiss displaced persons’ security concerns. The dire security situation inside Chechnya merited barely a mention in the government’s May 2002 return plan.¹⁸ When Human Rights Watch representatives raised security concerns inside Chechnya with a leading official of the United Headquarters, they received a derisive response: “The situation in Chechnya is not much more dangerous than in Moscow, where people are also kidnapped, abducted, killed, and taken as hostages on a daily basis.”¹⁹ When Human Rights Watch mentioned specifically that Chechen displaced families were concerned about the safety of young men, the official suggested that young Chechen men “are not in the camps, they are all in Chechnya, fighting and killing Russian soldiers.”²⁰ In fact, many young Chechen males do live in the tent camps. It is exactly this blanket generalization, shared by many Russian soldiers—that all young Chechen males are fighters—that endangers the lives of the displaced, particularly young Chechen males, who return to Chechnya.

Neither the Ingush Migration Service nor the Chechen government agency responsible for internally displaced persons gathers information on human rights violations from sources other than law enforcement agencies. Nor do

¹⁵ Human Rights Watch interview with “Magda M.,” Sputnik tent camp, Ingushetia, December 17, 2002. “Magda M.” is a pseudonym.

¹⁶ Human Rights Watch interview with “Petimat P.” Bella tent camp, Ingushetia, December 19, 2002. “Petimat P.” is a pseudonym.

¹⁷ See Itar-Tass, January 17, 2003.

¹⁸ The last point in the twenty-point plan defers “provision of security for returnees” to a “separate plan,” and entrusts this to A.P. Ezhkov, the deputy director of the Federal Security Service. No further information is given about security. “Plan of Activities of Federal Bodies of Executive Power, Government of the Republic of Chechnya, Government of the Republic of Ingushetia, on final measure for return of IDPs from Ingushetia to Chechnya.” On file with Human Rights Watch.

¹⁹ Human Rights Watch interview, Ingushetia, December 14, 2002.

²⁰ Ibid.

migration authorities focus specifically on human rights abuses as part of their assessment of the overall security situation for returnees.

Most displaced persons Human Rights Watch spoke with were well informed about security conditions inside Chechnya. In December, many had traveled home to celebrate one of the major Muslim holidays, the end of Ramadan.²¹ Those interviewed by Human Rights Watch gave detailed, sometimes first-hand, accounts of numerous abusive sweep operations, large-scale looting, and other abuses committed by Russian soldiers that they had witnessed during the holiday period and before. One displaced woman said that after she applied for relocation, her brother was killed in the village of Chechen-Aul, after being detained during a sweep operation.²² Another described four apparent “disappearances” that resulted from a sweep operation that took place on December 5-6 in a village close to Grozny, where she went to visit her family on holidays.²³

One individual who works in a displaced persons camp told Human Rights Watch that he was caught in a sweep operation in Starye Atagi on December 6-7 at his mother’s home, and had to bribe his way out of detention.²⁴

A woman in her mid-thirties told Human Rights Watch that she got caught in crossfire when she returned to Grozny on December 9 to receive seventy rubles of government support for her child: “I returned the same day without getting the allowance,” she said.²⁵

One former tent camp resident who returned to Chechnya went to Ingushetia specifically to dissuade her former neighbors from leaving the safety of Ingushetia. “Heda H.,” who left Bella camp in 2001, came back to the camp in December 2002:

No matter that I am in a tent here, at least I’ll be calm. . . . They are always shooting and take people away. [In Chechnya, they] shoot all night, every night. I came here to let people know that they deceive us. When we agreed to return, we were promised “golden mountains.” All their promises are lies.²⁶

Lack of Alternative Shelter

United Headquarters officials have repeatedly claimed that dismantling of the tent camps is for the benefit of the displaced persons, because conditions in the camps are substandard. In response to charges that they are compelling people in tent camps to return to Chechnya, they claim that they are forcing no one to return, but rather that they give each displaced person the choice of alternative shelter in TACs in Chechnya or in Ingushetia, or subsidies to rent housing in Chechnya. As described below, Human Rights Watch tested these claims through site visits. Many of the sites in Ingushetia that officials listed as TACs were non-existent or uninhabitable. In many cases, official promises of shelter and assistance in Chechnya have also proven illusory.

Human Rights Watch received from a Federal Migration Service official a list of eighteen temporary resettlement alternatives in Ingushetia, with an alleged capacity to accommodate 224 families, and visited twelve of the sites in the Karabulak and Sunzha districts.

Of those twelve, ten were non-existent, uninhabitable, or occupied. Some consisted of concrete walls without windows, roof, electricity, or gas. Another facility had a roof, but no walls. Even two of the better facilities

²¹ The holiday celebrating the end of Ramadan in Arabic is called Eid al-Fitr but in Chechnya is called Uraza Bairam.

²² Human Rights Watch interview with Zara Dakaeva, Yandare, Ingushetia, December 11, 2002.

²³ Human Rights Watch interview, Bella tent camp, Ingushetia, December 18, 2002. The interviewee also told us that in October 2002, Russian forces detained her brother, together with several others, during a passport check. She described the faces of those released along with her brother as “swollen and bruised,” allegedly from beatings.

²⁴ Human Rights Watch interview with “Abubakar Abubakarov,” Bella tent camp, Ingushetia, December 11, 2002. “Abubakar Abubakarov” is a pseudonym.

²⁵ Human Rights Watch interview with Fatima F., Alina tent camp, Ingushetia, December 14, 2002.

²⁶ Human Rights Watch interview with “Heda H.,” Bella tent camp, Ingushetia, December 11, 2002. “Heda H.” is a pseudonym.

appeared inferior to the tents in which displaced people are currently residing, and these two facilities were filled to capacity.

Moreover, United Headquarters officials do not appear to be informing camp residents about the choice, even in the remote future, of moving to TACs in Ingushetia. Human Rights Watch interviewed dozens of camp residents, asking them specifically whether they were aware of housing alternatives in Ingushetia. All replied that they had been informed only about options in Chechnya, not Ingushetia. None of the camp residents interviewed by Human Rights Watch was aware of the existence of the FMS list of resettlement alternatives within Ingushetia.

Some returnees to Chechnya have found that the promises migration officials make of compensation, shelter, and humanitarian assistance to encourage returns are unfulfilled. Since so many homes have been destroyed due to the bombing and shelling, many people rely on TACs for shelter. But an assessment of nine TACs in Chechnya done by Vesta, an Ingush nongovernmental organization subcontracted by the United Nations High Commissioner for Refugees (UNHCR) to monitor conditions in TACs, found only two of the buildings near completion, although one still did not have gas, electricity, toilets, or a sewage system (The use of this building was also problematic because the workers who repaired the building had not been paid in months and refused to let it be occupied before they were paid). A third building was “seriously damaged,” with the fourth and fifth stories destroyed: “Its builders warn it is still dangerous to go into the building.” A fourth building, designated to house 2,500 persons was “a framework of a building only.” A fifth, designated to house more than 800 people, had no heating, gas, electricity, and was completely uninhabitable: “At the moment of monitoring, construction work had been suspended. ... The precise number of rooms is unknown due to the danger of entering the building.” A sixth was being restored, but had no water or electricity. The seventh TAC had no water supply, had not yet been repaired, and was already in use as a teacher’s training institute. A eighth TAC, slated for more than 1,000 people had not yet begun to be renovated, and had no water, electricity, or gas. The ninth TAC could not be located by the NGO or the Chechen state committee on refugee affairs.²⁷

Two residents of the Satsita tent camp who were members of a delegation of displaced persons sent to Chechnya to check conditions in TACs found a severe shortage of space in them. On November 27 they went to Grozny, where they spoke to Ruslan Kaplanov, head of the Chechen Migration Service, and other officials responsible for settling returnees. The two delegation members, interviewed separately, each told Human Rights Watch that they were not shown TACs, but were instead given the addresses of several TACs that were not ready for occupation. One of the delegation members said, “We have the list of TACs with the number of vacant rooms, which can be occupied by refugees. In the entire republic there are eighty-eight vacant rooms.”²⁸ On the doors of Kaplanov’s office at the Chechen Migration Service they found an announcement saying: “Due to the lack of space in temporary accommodation centers, we are not accepting requests for TAC placement and allowances.”²⁹

Another member of the delegation told Human Rights Watch:

Kaplanov said that he had nothing to show us, because they had just started rebuilding the damaged buildings. He was open with us because he had no choice. We wanted to see the actual places. He said that they’d just started reconstructing the building on Maiakovskii Street for 1,000 returnees. But even when they complete the works, the windows would not be made of glass but would be covered with plastic sheeting, there would not be heating, not to mention water or sewage.... We saw crowds of people there with applications, documents. These people were promised accommodation in spring and deceived.”³⁰

²⁷ Vesta, “Monitoring report on the situation and readiness of new TACs in Grozny,” November 15, 2002. Human Rights Watch re-translated the quoted text from the original Russian version.

²⁸ Human Rights Watch interview, Ingushetia, December 11, 2002. The interviewee wants to remain anonymous.

²⁹ The announcement, signed by the Directorate on Migration for the Russian Federation Ministry of Internal Affairs for the Chechen Republic, is on file with Human Rights Watch.

³⁰ Human Rights Watch interview, Ingushetia, December 11, 2002. The interviewee requested anonymity.

Other promises of assistance to returnees in Chechnya went unfulfilled. The same two delegation members from the Satsita camp told Human Rights Watch that they had met people in Grozny who previously lived in the tent camps and had not received food rations or other assistance for the past three months. According to the witness, the former displaced persons asked them to pass the following message to those who remain in camps: “You’ll regret it if you believe [migration officials] and come here—you’ll cry like we do.”³¹

Similarly, Heda H., who had left the Bella tent camp in 2001, told her former neighbors in December 2002:

No one cares about us wherever we go. My house is completely destroyed, and I haven’t received any compensation. They haven’t even given food rations for three months... I came here especially to tell the officials, “Why are you deceiving people like you deceived us?” They just . . . walked away from me. I asked to register again in Ingushetia, but they replied they wouldn’t include me into the food ration list or give me a tent.³²

Petimat Tsitsaeva told Human Rights Watch, “I did not receive returnees’ food assistance for five months. I received only a coupon to get food, but I have not received [any food]. The Chechnya Refugee Committee cheated me, saying that I would receive money, and funds for repair of our truck. But they did not do it.”

Case Study: The Closure of the Iman Camp in Aki-Yurt

The forced closure of the Iman tent camp in the northern Ingush village of Aki-Yurt demonstrates the determination of Russian authorities to close the tent camps in Ingushetia. Since officials exerted the same patterns of pressure on that camp’s 1,700 residents as they are now exerting on residents of the remaining six camps, the Aki-Yurt closure also illustrates what these camp dwellers may soon expect.

According to former Aki-Yurt camp residents, trouble began in spring 2002, when their camp administrator was replaced with a more pro-Moscow administrator, a change replicated at all the tent camps in Ingushetia around the same time. In September 2002, the head of the Ingush Migration Service office for Malgobek district, where the Aki-Yurt camp was located, came to the camp and informed its residents that the camp would be closed “for the sake of the residents” because the conditions in the tents were inhuman.

“Isa Isaev” (not his real name), one of the former residents, explained to Human Rights Watch how the pressure on the refugees steadily intensified. First, representatives of the Ingush Migration Service began visiting the tent families on a daily basis, using a combination of threats and promises to induce the refugees to return to Chechnya. Then, two representatives of the Chechen government came to register every resident of the camp, with their addresses in Chechnya, and threatened to give away their homes in Chechnya if they did not return. Access for humanitarian agencies to the Aki-Yurt camp became more restricted, and the Chechen representatives and Ingush officials said that all aid to the camp would soon be cut. Isa Isaev told Human Rights Watch, “They were threatening people from the camp, saying that all humanitarian aid would be transferred to Chechnya and nothing would come to the camp. Some people had no food left.” Then, following the Moscow hostage crisis, armed Russian soldiers began accompanying the Ingush and Chechen officials, and also began threatening the remaining residents:

The soldiers went from tent to tent with their guns, asking people what their plans were and when they planned to move out. . . . When the Russian soldiers came, more people started to move out. Soldiers began coming to each tent in the morning and the afternoon. The soldiers gave each family the [voluntary return] form—they came together with the migration officials. The next time, they would ask if we had completed the form, and if not, when we would complete them.³³

³¹ Human Rights Watch interview with the two delegation members, who requested anonymity, Bella tent camp, Ingushetia, December 11, 2002.

³² Human Rights Watch interview with Heda H., Bella tent camp, Ingushetia, December 11, 2002.

³³ Human Rights Watch interview with “Isa Isaev,” Ingushetia, December 17, 2002.

The Russian, Ingush, and Chechen officials who were in charge of dismantling of the Iman camp made sure to do so out of the gaze of the international community. Toward the end of November—when the pressure on the remaining displaced persons turned to the outright use of coercion—international humanitarian organizations and United Nations officials were temporarily banned from even entering Iman camp. U.N. and other humanitarian officials were completely banned from entering December 1 and 2.³⁴

At the same time, gas and electricity to the Iman camp was cut. In the midst of winter, living in uninsulated tents in subzero temperatures, the withdrawal of gas and electricity meant that the remaining displaced people were quickly forced to abandon their now-unheated tents. As one displaced person explained, “When they cut the gas, people had no choice. For three days, people stayed without gas. Then they moved to other places.”³⁵ A few desperate displaced families decided to stay on, but were soon forced out of their tents by riot police. One of the camp dwellers told Human Rights Watch how soldiers came to cut down his tent on December 3: “I didn’t dismantle my tent. Two people came and cut the ropes and knocked the tent down.... It happened on December 3. The two guys were military men.”³⁶ Another tent was hooked to a Russian military vehicle that pulled the tent down.³⁷ Another former resident of the Iman camp recalled similar violence when Chechen riot police forced him to pull up his tent on November 29:

After half of all the tents were removed, the soldiers began threatening the remaining people, telling them to move the tents. I was one of the last people to remove my tent. I did it only after [an official of Ingush migration services] came to me with the soldiers. He gave me an hour to remove my tent.³⁸

In those final days of the Aki-Yurt camp, the soldiers in the camp began openly threatening the remaining residents. One woman refused to dismantle her tent and began arguing with the soldiers. The soldiers turned to her husband and yelled at him: “Make her shut up or beat her! Aren’t you a man?”³⁹ The family then dismantled their tent. The woman summed up the experience of many in the camp:

They say that everyone voluntary left the camp, submitted applications and signed applications. Actually, they forced them out. Federal soldiers came and asked, “Well when will you leave?” “We are not going to leave.” “We’ll be waiting for you in the headquarters in fifteen minutes.” And dare not to go! We are afraid for our sons and husbands. So we left our homes for their sake. They can invent any reason to find fault with our men.⁴⁰

By the time international officials were allowed to return to the camp, they were presented with a *fait accompli*, as shown by a December 3 UNHCR statement:

As of late afternoon yesterday [on December 2], only three tents remain standing in Aki-Yurt, sheltering the last handful of displaced people awaiting departure to Chechnya. Several large tents used by NGOs for activities also remained, and the Ingush authorities had asked the NGOs to dismantle them.⁴¹

At the time of Human Rights Watch’s mid-December visit to the area where the Iman camp once stood, seventeen families continued to live in fourteen mud huts on the land. They were using the wooden floors of the abandoned

³⁴ See UNHCR briefing notes, December 3, 2002: “Over the last two days (December 1-2), UNHCR and U.N. international field staff were not allowed to enter the camp, under the pretext that their visit would give displaced people there false hopes.”

³⁵ Human Rights Watch interview, Ingushetia, December 17, 2002. The interviewee requested anonymity.

³⁶ Human Rights Watch interview with “Musa Musaev,” December 12, 2002. “Musa Musaev” is a pseudonym.

³⁷ Ibid.

³⁸ Human Rights Watch interview with Isa Isaev, Ingushetia, December 17, 2002.

³⁹ Human Rights Watch interview, Ingushetia, December 12, 2002.

⁴⁰ Ibid.

⁴¹ UNHCR briefing notes, December 3, 2002.

tents as firewood, since the authorities had cut gas and electricity. The officials continued their pressure campaign to try to force the remaining displaced people to abandon their homes. One of the remaining camp residents related to us how a high-ranking Ingush migration official had ordered her to abandon her home just days prior: “He came straight to my house and said, ‘This house will be taken down. If you don’t want your children to find themselves living outside, move to another place.’”⁴² Another remaining camp resident living in a mud home told Human Rights Watch that he was being visited almost daily by Ingush police and migration officials who were telling him to vacate his home. During some of the visits, the officials threatened to plant drugs or guns in the home and arrest him.⁴³ At the time of the Human Rights Watch visit, officials were not offering alternative accommodation to the remaining families.

Although the Iman camp has been dismantled, most of the displaced people who lived in it have not returned to Chechnya, fearing the insecurity there. Out of an estimated seventeen hundred camp residents, only 558 registered for assistance in Chechnya, according to the United Nations.⁴⁴ The majority are believed to be staying with host families and in informal settlements in Ingushetia.

III. CONTINUING ABUSES IN THE CHECHNYA CONFLICT

Most displaced families choose to remain in Ingushetia—preferring to tolerate the deprivations of tent camps and the prospect of eviction rather than endanger their own lives and the lives of their children by returning to Chechnya. While human rights violations by both parties to the conflict have endangered civilians since the war began, the sharp rise in the civilian death toll in late 2002 due to bombings and assassinations attributed to Chechen forces has heightened these risks. Little has changed in the dynamics of the Chechnya conflict itself, with the Russian government insisting the conflict is winding down but media reporting an average of twenty-five Russian soldiers killed each week. These deaths result primarily from ambushes, bombings, and mine explosions by Chechen forces, rather than from classic military engagement.

Nonetheless, the hostilities in Chechnya amount to an internal armed conflict under international humanitarian law, particularly article 3 common to the 1949 Geneva Conventions. In situations of armed conflict, abuses such as attacks on civilians, extrajudicial executions, rape, torture, and destruction of civilian property, are all violations of the Geneva Conventions.⁴⁵

⁴² Human Rights Watch interview, Ingushetia, December 12, 2002.

⁴³ Human Rights Watch interview with Isa Isaev, Ingushetia, December 17, 2002. Isaev told Human Rights Watch: There is still psychological pressure on us. They tell us they can cause problems, find guns and drugs in my house. This was the Ingush Migration Service. Representatives from the police came many times, and each time they gave us deadlines, saying by noon tomorrow we need to leave. The migration service threatened that the police would find guns or drugs the last time they came, it was yesterday—they come every day.

⁴⁴ UNOCHA, “Humanitarian Action in the North Caucasus Information Bulletin, 16 November-15 December 2002,” available at www.reliefweb.int (retrieved January 10, 2003).

⁴⁵ Russia is a state party to the four Geneva Conventions of 1949 and its two additional Protocols. Common article 3 of the Geneva Conventions, which applies to “conflicts not of an international character” (i.e. internal armed conflicts), requires that persons taken into custody, whether civilians or captured combatants, be treated humanely in all circumstances. Such persons may never be subjected to murder, mutilation, cruel treatment or torture, or the passing of sentences and carrying out of executions without a proper trial by a regularly constituted court. The applicability of international humanitarian law to the conflict in Chechnya has been recognized by the U.N. Commission on Human Rights, in resolutions of 2000 and 2001. United Nations, *Situation in the Republic of Chechnya of the Russian Federation*, E/CN.4/RES/2001/24, April 20, 2001, and United Nations, *Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World*, E/CN.4/2000/L.32, April 12, 2000. It is debatable whether Protocol II additional to the Geneva Conventions is at the present time applicable to the armed conflict in Chechnya because of the limited control that Chechen forces exercise over territory in Chechnya. For this reason, this paper relies on common article 3 for its analysis of international humanitarian law. It also relies on the ICCPR. It is notable that Russia has not filed formal documents as required under the ICCPR to derogate from obligations under the ICCPR.

In many cases of forced disappearances and extrajudicial executions, the armed men responsible take precautions to conceal their identity. They are often masked, their uniforms do not have identification marks, and the license numbers on their military vehicles are smeared with mud. Federal troops routinely ignore decrees intended to improve transparency during operations.⁴⁶ Chechen rebels also use the confused climate of an active war zone to hide responsibility for their crimes. In many cases, though, responsibility can be determined by the circumstances of the case: when abuses happen during federal forces' security checks, or during security raids on individual homes, or when they are perpetrated by masked men speaking unaccented Russian and who make use of armored vehicles but do not carry out other tasks associated with security checks (house searches, for example).⁴⁷ In cases when civil servants working for the pro-Moscow administration of Chechnya are murdered, responsibility most likely lies with Chechen rebel forces.

In a small number of cases, it is impossible to say with certitude whether Russian forces or Chechen rebels were responsible for a particular "disappearance." For example, on the evening of December 2, at about 8:30 p.m., a group of about twelve armed and masked men in white camouflage uniforms came to the home of fifty-two-year-old Ramzan Gichikaev, the deputy head of the Russian Federal Ministry of Property in Chechnya and an author of a new pro-Moscow Chechen constitution.⁴⁸ The men gave only short orders in unaccented Russian, telling everyone to get down on the floor and remain quiet. The men did not appear to speak or understand Chechen, according to the relatives who were in the home at the time. They allowed Gichikaev to get dressed, and then took him with them, leaving the area on foot. When the family tried to follow the abductors, they were shot at and had to abandon their effort.⁴⁹

It is unclear whether Russian soldiers or Chechen fighters were responsible for the disappearance of Gichikaev. Russian officials and some of his Chechen colleagues believe that Gichikaev was disappeared by Chechen fighters because of his role in the pro-Moscow administration.⁵⁰ But some of his close relatives believe that Russian soldiers were responsible, pointing to the fact that the abductors spoke fluent Russian and did not appear to understand Chechen.

Abuses by Chechen Forces

As noted above, Chechen rebel forces carried out two dramatic attacks on civilians in late 2002, causing enormous loss of life. In October they took nearly 800 people hostage in a Moscow theatre, which resulted in the deaths of more than one hundred people. A December 2002 bomb attack on the government building in Grozny left seventy-two people dead and another 210 wounded. In the last months of 2002 rebel forces also intensified their campaign against civil servants working for the pro-Moscow administration of Chechnya. These forces are believed to be responsible for seven assassinations, several assassination attempts, and nine abductions of civil servants since November 15.

Chechen forces are obligated to respect the principles of humanitarian law found in Article 3 Common to the four Geneva Conventions of 1949, which applies during internal armed conflicts, but Chechen leaders have failed to unequivocally condemn attacks by their forces on civilians, which violate these provisions. Although Chechen rebel leader Aslan Maskhadov and people in his entourage have half-heartedly condemned the hostage-taking in Moscow and the bombing of the government building in Grozny, they have frequently suggested that abuses by Russian troops somehow excused these crimes, thus sending at best a mixed message to rebel fighters. For example, on January 2, 2003, Agence France-Presse quoted Maskhadov as saying that he did not support suicide attacks but could not control the suicide bombers, whom he said were driven to desperation by the Russian army:

⁴⁶ For example, Decree 80, issued March 27, 2002 by the commander of the United Group of Forces in Chechnya.

⁴⁷ Chechen rebels do not have such vehicles. Chechens and other people from the Northern Caucasus commonly speak Russian with a distinct accent. The masked soldiers in the cases documented below spoke with no such accent.

⁴⁸ Musa Muradov, "Author of Chechen Constitution Abducted," *Komersant*, December 4, 2002.

⁴⁹ Human Rights Watch interview with a witness to his detention involved in the search for him, Ingushetia, December 16, 2002.

⁵⁰ See Muradov, "Author of Chechen Constitution Abducted."

The suicide bombers were unable to come to terms with the humiliation that their people were dealt by the Russian troops... They saw no other choice but to sacrifice their lives... So if anyone thinks that these people can be stopped—by Maskhadov, Putin, or anyone else—they have another think [sic] coming. They cannot be stopped... They will only be stopped when (Russian troops) stop humiliating the Chechen people.⁵¹

Chechen leaders have sent similarly mixed messages about the assassinations of civil servants, on the one hand denying any involvement but on the other suggesting these civil servants were “traitors” who deserved their fate.⁵² Chechen rebel leaders and news agencies routinely refer to any Chechens working with the Russian government as “national traitors.”

Moscow Hostage-taking

On October 23, 2002, around fifty armed men took about 800 people hostage at a theatre in Moscow during a performance of a musical play, “Nord Ost.” The gunmen demanded an end to the war in Chechnya, immediate negotiations with Chechen leader Aslan Maskhadov, and the withdrawal of Russia’s troops from Chechnya. They threatened to kill all the hostages if their demands were not met. Under the leadership of Movsar Baraev, the nephew of a notorious Chechen warlord who was killed in June 2001, the gunmen held their hostages for three days, and killed several of them. On the morning of October 26, Russian special forces stormed the theater, after pumping an anesthetic gas into the main hall to incapacitate the hostage-takers. As a result of the operation, 129 hostages died, most due to the effects of the gas.

Bomb Attack on Grozny Government Building

At about 2:30 p.m. on December 27, Chechen rebel forces carried out a suicide truck bombing at the headquarters of the pro-Moscow Chechen government in Grozny, one of the few fully reconstructed buildings in Grozny. Media have reported that the suicide bombers wore Russian military uniforms and had forged Russian documents, which enabled them to make their way through several checkpoints in the vicinity. Two massive blasts destroyed the building, killing at least seventy-two people in the building and wounding another 210. On a regular day, an estimated 150 to 200 civilians work in the building.⁵³

Attacks on Civil Servants

Russian and international media reported seven assassinations of civil servants, several more attempted assassinations, and nine abductions between mid-November 2002 and early January 2003. The circumstances surrounding these cases point to Chechen rebel responsibility—Chechen forces have long branded such civil servants as traitors, and the incidents did not occur in the context of sweep operations or appear to involve Russian-speaking accomplices. But Human Rights Watch has not been able to verify culpability for any of the individual cases, nor have we been able to determine which, if any, of the internally divided rebel groups might have been responsible for the attacks. In recent years, Human Rights Watch researchers have repeatedly attempted to collect information outside Chechnya on the assassination campaign but found Chechen civilians reluctant to speak about abuses by Chechen fighters. Many said they feared retaliation by the fighters if it became known they had given testimony to a human rights organization. While during prior missions Human Rights Watch was able to gather some first-hand testimony on rebel abuses, during this mission this was not possible. We have therefore included the following cases reported in the media:

- On December 27, 2002, unknown individuals abducted Nadezhda Pogosova, the deputy prosecutor of Shali district, and Alexei Klimov, the deputy prosecutor of Shatoi district, in northwest Chechnya as

⁵¹ Agence France-Presse, January 2, 2003.

⁵² Letter from Aslan Maskhadov to Holly Cartner, then executive director of the Europe and Central Asia Division of Human Rights Watch, dated May 28, 2001. Human Rights Watch also met with Ilias Akhmadov, the foreign minister of the Chechen Republic of Ichkeria, on April 3, 2001. He also denied any involvement by Chechen forces under Maskhadov’s command in the killings of Chechens who cooperate with the Russian government.

⁵³ Yuri Bagrov, “Chechens Mourn as Death Toll Rises to 83,” Associated Press, December 30, 2002.

they traveled from Grozny to the Stavropol province of Russia. As of this writing, their fate remained unknown.⁵⁴

- On December 25, 2002, unidentified masked gunmen, wearing camouflage clothing, shot Mukhadin Musalov, the head of the pro-Moscow Shatoi district administration, while he was working in his yard. Musalov died several days later from his gunshot wounds.⁵⁵
- On the night of December 24, 2002, unidentified gunmen killed Saidemin Adizov, a leading member of the pro-Putin "Unity" political party, in an ambush in the October district of Grozny. The deputy head of the Unity party in Chechnya, Ruslan Yamadaev, stated that Adizov's murder was the thirteenth of a Unity party member, and complained of a "campaign of terror" against his party activists.⁵⁶
- On the night of December 18, 2002, unidentified gunmen killed the head of the pro-Moscow administration in Tsotsin-Yurt, Imran Khusiev, together with his two bodyguards. Khusiev had served as head of administration for only two months, following the assassination of his predecessor, Turko Dikaev, also at the hands of unidentified gunmen.⁵⁷
- On December 7, Usman Masaev, the first deputy head of administration in Chechnya, narrowly survived an ambush in the village of Mairtup, located eighteen miles east of Grozny, when three unidentified gunmen opened fire on his car with submachine guns and grenades. His driver and bodyguard were wounded in the attack. Masaev was unharmed.⁵⁸
- On November 28, unidentified gunmen abducted the head of the pro-Moscow administration in the village of Kharsenoi, Akhmed Abdulkherimov, together with two other villagers who were at Abdulkherimov's house at the time of the attack.⁵⁹
- In the early hours of November 20, unidentified Chechen gunmen killed fifty-year-old Said-Pasha Salikhov, a traditional religious leader, and his son Turpal-Ali Salikhov, a Chechen riot police officer, in the courtyard of their home in the village of Stary Atagi.⁶⁰
- On November 18, unknown assailants gunned down three ethnic Russian civilians, Vasily and Vera Kotikov, both aged sixty-seven, and their forty-one-year-old son, in the Kirov suburb of Grozny. The son worked for the Interior Ministry's Department of Chechen Affairs.⁶¹

⁵⁴ "Chechen Rebel Attacks Claim 3 Lives," Associated Press, January 9, 2003; "2 Pro-Moscow Officials Abducted in Chechnya," Interfax, January 9, 2003.

⁵⁵ Chechen Committee for National Salvation, "Press Release 244: Head of Shatoi District Administration Murdered," January 7, 2003.

⁵⁶ "Pro-Kremlin Head Killed in Chechen Capital," Associated Press, December 25, 2002; "Unity Faction Believes Their Chechen Representative Killed for Political Reasons," *RIA Novosti*, December 25, 2002. Some sources have suggested that the murder of Adizov may have been related to a blood feud that began when Chechen militants killed Adizov's father in 1994, when the latter was chairman of the Chechen council of elders and refused to endorse a jihad against Russia. See: Musa Muradov, "Blood Feud Seen Possible Motive for Grozny United Russia Leader's Murder," *Kommersant*, December 26, 2002.

⁵⁷ "One More Administration Head Killed in Chechnya," *RIA Novosti*, December 19, 2002; "The Fourth Administration Leader of the Village of Tsotsin-Yurt Killed," *Chechen Times*, December 19, 2002.

⁵⁸ Yuri Bagrov, "Top Chechen Official Survives Ambush," Associated Press, December 8, 2002.

⁵⁹ Yuri Bagrov, "Gunmen Abduct Chechen Official, Two Neighbors," Associated Press, November 29, 2002; "Head of Village Administration Abducted in Chechnya," *RIA Novosti*, November 29, 2002.

⁶⁰ "Well-known Religious Public Figure Killed in Chechnya," Interfax, November 20, 2002.

⁶¹ "Nine Chechen Civilians Killed; Rebel Death Toll Rises," Agence France-Presse, November 18, 2002; "Russian Family Killed in Chechnya," Interfax, November 18, 2002.

- On November 16, a group of masked gunmen stopped the car of Chechen Transport Minister Said Ali Ediev and took the minister and two aides away. The minister and one of his aides were released a short time later, but the other aide was abducted. Pro-Moscow Chechen officials blamed Chechen fighters for the abduction.⁶²
- On November 15, a group of twelve masked gunmen abducted Movladi Borshchigov, the deputy head of the pro-Moscow administration in Samashki village, from his home.⁶³

Abuses by Russian Forces

For more than three years, Russian forces in Chechnya have committed extrajudicial executions, forced disappearances, arbitrary detention, torture, rape, and looting without being held accountable for their actions. These are violations of Russia's obligations under the Article 3 Common to the four Geneva Conventions of 1949, which applies during internal armed conflicts. They have become a familiar, ugly part of daily life for people in Chechnya. Simply being a male of fighting age appears sufficient for grounds for detention, and those detained are invariably beaten and abused. Often they "disappear" or are later found executed. The November killing of Malika Umazheva, a former civil servant who spoke out fiercely against abuse, marked the clearest case to date in which Russian forces committed an extrajudicial execution for retribution.

Often Russian forces commit abuses during *zachistki*, or sweep operations, which involve the closing off of streets or even entire villages for house-to-house searches. Increasingly, Russian forces also appear to be carrying out more targeted night operations, in which masked troops raid particular homes, execute targeted individuals, or take them away, never to be seen again.

In the weeks following the Moscow hostage crisis, several sources reported a sharp rise in forced disappearances and extrajudicial executions in Chechnya.⁶⁴ Akhmad Kadyrov, the head of the pro-Moscow administration in Chechnya, complained publicly in mid-November 2002 about the rise in forced disappearances in the month following the hostage seizure, although he was careful not to directly blame Russian forces:

In the night, unknown armed individuals take people away and they go missing. According to our information, forty-eight people went missing in the past few days... No one is personally [held] responsible for systematic incidents when people go missing. Nine people have been taken away from my native village of Tsenteroi this week. And it is impossible to find out where they are now. I can't look my fellow villagers in the eyes.⁶⁵

Members of Russia's parliament, the State Duma, were similarly outspoken during a special meeting on Chechnya in November 2002. Chechen representative Aslanbek Aslakhanov told the Duma session that he had "grounds to open a criminal case for abuse on every single mopping-up operation. The problem is that we allowed them [Russian forces] to work with the 'bandits' using 'bandit' methods." Arkadii Baskaev, a Duma representative and former general who fought in the first Chechnya campaign was similarly damning, suggesting that Russian military abuses were forcing Chechen men into the ranks of Chechen rebel groups and that Russian soldiers "go there [to Chechnya], rob and come back...All the temporary troops must be withdrawn from there." Taus Jabrailov, a deputy to Akhmed Kadyrov, stated that "kidnapping has become more frequent," citing thirty-one disappearances over the previous ten days.⁶⁶ Even the deputy prosecutor general, Sergei Fridinsky, told the Duma that "no one would deny that human rights are being violated" in Chechnya, although he said that only

⁶² Yuri Bagrov, "Russian Official Killed in Chechnya," Associated Press, November 16, 2002.

⁶³ "Pro-Moscow Official Abducted in Chechnya," RIA Novosti, October 15, 2002.

⁶⁴ Human Rights Watch counted fifty-nine for the period between October 23 and December 10, 2002. Based only on the number of interviews we conducted with victims of abuses and the number of abuses they reported for the November-December period, Human Rights Watch's eleven-day mission could neither confirm nor refute this claim.

⁶⁵ "Kadyrov Seeks Probe Into Missing Persons Cases in Chechnya," Interfax, November 15, 2002.

⁶⁶ Yevgenia Borisova, "Deputies Lambast Abuses in Chechnya," *Moscow Times*, November 15, 2002.

“about fifteen” criminal investigations had been opened against Russian soldiers for abuses committed during mopping-up operations.⁶⁷

Around the same time, a group of pro-Moscow Chechen officials wrote to President Vladimir V. Putin to urge him to intervene personally to put an end to rising abuses by Russian forces in Chechnya, saying:

In the days following the terrorist attack in Moscow, the activities of federal units in Chechnya have resulted in a drastic deterioration of the political situation in the republic. Military units use armored vehicles on a massive scale to abduct civilians in the dead of the night.⁶⁸

The Murder of Malika Umazheva

The murder of Malika Umazheva was the first clearly retaliatory murder of its kind in Chechnya. Until September 2002, Umazheva served as head of administration for Alkhan-Kala, a village on the outskirts of Grozny that has been the scene of repeated, abusive sweep operations. Unlike many other village administrators, Umazheva had been very outspoken about abuses by Russian forces in her village, worked with human rights defenders to document abuses, and repeatedly confronted the Russian military about them.⁶⁹ This earned her the personal rancor of high-ranking Russian military officials, including General Anatoly Kvashnin, chief of the General Staff of the Russian Armed Forces, who accused her on state television of corruption.⁷⁰ On September 9, 2002, Umazheva was removed from her post by pro-Moscow officials on the pretext of “systematic nonperformance of duties.” Prior to her murder, she successfully challenged her dismissal in court. She was to have resumed her post on December 1.

On the night of November 29, the electricity was out in Alkhan-Kala, and the Umazheva family went to bed around 8:00 p.m. According to an eyewitness, soldiers in masks came to the Umazhev home and took Umazheva to the shed. Minutes later, shots rang out; Umazheva’s relatives then found her lying in a pool of blood. A person who was sleeping in Umazheva’s house when the Russian soldiers came in at midnight gave detailed testimony to Human Rights Watch about what happened:

[At around midnight] I heard someone yelling [in Russian], “On the floor, bastards! Don’t move!” . . . They surrounded the house in a few seconds. They were in each room and yelled, “Everyone down on the floor, beasts!” Their outfits alone, the masks and guns, could terrify anyone.

I saw five soldiers. They were in each room and threw things out of the wardrobes. They messed up the whole house. They knocked [name omitted] down on the floor and beat him.

[Umazheva] . . . asked, “Do you know whose home this is?” The soldiers replied, “Yes we do. What is your name.” “My name is Malika.” “So. We’ve come to the right place.” And they cursed.

⁶⁷ Ibid.

⁶⁸ “Make the Army Stop Abusing Civilians, Pro-Russian Chechens Tell Putin,” Agence France-Presse, November 20, 2002.

⁶⁹ Umazheva was a critical source for Human Rights Watch’s February 2002 report, “Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations In Chechnya,” *A Human Rights Watch Report*, vol. 14, No. 2 (D). Human Rights Watch interviewed her and also worked with her on other reports about abuses in Chechnya. For a profile of Umazheva’s work, see Anna Politkovskaya, “Malika po imeni Danko. Ee Bolshe Net,” *Novaia gazeta*, [The New Gazette] (Moscow), December 5, 2002. For an example of Umazheva’s outspokenness on human rights issues during her tenure as head of administration in Alkhan-Kala, see Maura Reynolds, “Chechens Report Abuses Despite Safeguards,” *Los Angeles Times*, April 24, 2002.

⁷⁰ The Russian human rights organization Memorial investigated General Kvashnin’s accusations against Umazheva, and found them unfounded. See “Press Conference with Oleg Orlov, Memorial Human Rights Center Chairman, on Chechnya,” Federal News Service, May 14, 2002.

They ordered her to go with them and open the shed [located in the yard.] They wanted to see if there were any Wahabbists in it. ...

The soldiers also said at first that she would come back.... When I wanted to follow her, a soldier pushed me back with his gun, swearing. ...

When we rushed out, barefoot, the soldiers were running out into the street. The one who was guarding us jumped out of the house immediately after the shots and we've never seen him again. They all ran to the highway. [Our neighbors] say that APCs and UAZ [jeeps] were waiting for them not far from our house. ...

We ran towards the shed . . . [Umazheva] lay in a pool of blood just in front of the shed. She wanted to open the shed and they shot her in the back, three shots near the heart and a shot behind the ear. She was bleeding. Hope dies last, and I didn't want to believe she was dead.⁷¹

Russian officials have attempted to blame Chechen fighters for Umazheva's killing, but her family is convinced the murder was carried out by Russian forces. Several factors point to Russian involvement: her prominent role in documenting human rights abuses, the fact that the soldiers who came to her home spoke unaccented Russian, and the presence of Russian military vehicles in the vicinity of her house, to which the soldiers apparently fled after killing Umazheva.

Moreover, Umazheva's previous encounters with federal forces indicated their suspicions about her. According to her relatives, a group of Russian soldiers came to Umazheva's house on November 15, explaining that they had captured three "Wahhabis" (Chechen religious fighters) and ordering Umazheva to accompany them to identify the three men.⁷² According to one eyewitness, Umazheva refused to go, accusing the soldiers of trying to endanger her life by branding her as an informer, saying: "If I go with you today, I'll be dead tomorrow. They [Chechen fighters] will kill me and claim I was an informer."⁷³ Her relatives surrounded her and began screaming and crying, and the Russian soldiers ultimately withdrew after searching the home for weapons. Umazheva mentioned to her relatives that she was concerned about the death threats she had been receiving, telling several relatives just a week before her death that "a general from Khankala was hunting her."

The Memorial Human Rights Center also carried out a detailed investigation into the killing of Umazheva. Its investigation concluded: "it is obvious that Malika Umazheva was killed by those who repeatedly threatened her, i.e. representatives of the [Russian] Federal Forces. ... The murder of Malika Umazheva has become the next in a series of acts of terror unleashed by the armed forces of the Russian Federation against the civilian population of the Chechen republic."⁷⁴

Other Extrajudicial Executions

- Five men from Chechen-Aul. On the night of October 22 to 23, 2002, Russian forces carried out a large-scale raid in Chechen-Aul, a village located some twenty kilometers south of Grozny, going from home to home looking for Chechen men and arresting a total of eight men. The masked Russian soldiers arrived in a Russian military URAL truck and UAZ jeeps. Two of the men were released after four days, having suffered beatings. The executed bodies of five of the detained men were discovered on November 9 in a field near the village of Vinogradnoe, bearing signs of abuse: Ali Magomadov, aged thirty-six; Umalt Abaev, aged twenty-four; Ismail Umarov, aged twenty-eight; Magomed Shakhgeriev, aged sixteen; and Rustam Zubkhajiev, aged twenty. A *New York Times* correspondent was present in Chechen-Aul when the bodies were brought home, and noted that "their faces were bruised and torn. Some necks bore traces

⁷¹ Human Rights Watch Interview with "A.," December 13, 2002. All details about this witness have been omitted.

⁷² Russians use the term "Wahabbi" as a derogatory term for Islamic "fundamentalists."

⁷³ Human Rights Watch interview with "A.," Ingushetia, December 13, 2002.

⁷⁴ Memorial, "Malika Umazheva Killed by Representatives of the Federal Forces," December 3, 2002, available at <http://www.memo.ru/hr/hotpoints/N-Caucas/misc/malika.htm> (retrieved January 8, 2003).

of rope marks.”⁷⁵ A sixth person detained that night, twenty-eight-year-old Salakh Yunusov, has “disappeared.”⁷⁶

- Two men from Chechen-Aul. At about 3:00 a.m. on November 28, Russian forces returned to Chechen-Aul. The soldiers went to the homes of two brothers, twenty-six-year-old Ismail Gaisumov and thirty-five-year-old Issa Gaisumov, and took them away to a nearby field. The family told Human Rights Watch that they heard gunshots from that direction, and the next morning the bullet-riddled bodies of the two brothers were found.⁷⁷
- Khosh-Ahmed Zainutdinov, Staropromyslovski district of Grozny. On the night of November 14, a group of twelve masked soldiers in gray camouflage uniforms came to the home of fifty-two-year-old Khosh-Ahmed Zainutdinov, who worked in the Reconstruction Department of the pro-Moscow mayor of Grozny. In front of his relatives (who later provided eyewitness testimony to Human Rights Watch), the soldiers grabbed Zainutdinov as soon as he came to the door, threatened his relatives, and then left on foot. The next morning, Zainutdinov’s bullet-riddled and bruised corpse was found in a nearby vegetable garden. The family is convinced that Russian soldiers were responsible, because the abductors spoke fluent, unaccented Russian, wore uniforms identical to those worn by Russian special forces, and left behind a racist slogan on the gate of the home unlikely to be used by Chechens referring to themselves, saying “Chernomazym Salam!” (which would translate roughly as “Greetings, Darkies!,” a racist reference to the dark complexions of some Chechens).⁷⁸
- Ismail Yakhiaev, Chiri-Yurt. In mid-November, Russian forces carried out a large-scale sweep operation in the village of Chiri-Yurt, located in southern Chechnya. Ismail Yakhiaev, aged twenty-eight, was sitting in the yard of his home, talking to a Chechen fighter who had a radio with him. Yakhiaev attempted to flee, but soldiers detained him and took him away in an APC as villagers watched from their homes. The next day, the body of Yakhiaev was discovered near the nearby village of Dachu-Borzoi, with broken ribs and a broken leg, and numerous gunshot wounds in his back.⁷⁹ The killing of a person in custody, whether he is a civilian or a fighter, is a grave violation of the laws of war.

Forced Disappearances

Since the beginning of the second Chechen war, Russian forces have been responsible for hundreds of forced disappearances, cases in which they take into custody people who are never heard from again.⁸⁰ In such cases, relatives’ inquiries to Russian authorities as to the whereabouts of their detained family members are met with denials that the “disappeared” persons were ever in custody. The unacknowledged detention of civilians places them outside the protection of the law, making them vulnerable to extrajudicial execution and torture. On several occasions, mass graves containing the bodies of detained Chechens who “disappeared” in Russian custody have been discovered in Chechnya.⁸¹

In all of the cases documented below, the families of the disappeared made strenuous efforts to locate their missing relative, contacting Russian military officials, various Chechen procurators, the Chechen administration

⁷⁵ Sabrina Tavernise, “Chechnya is Caught in Grip of Anti-terror Wrath,” *New York Times*, November 12, 2002.

⁷⁶ Human Rights Watch interviews with three separate witnesses who requested anonymity, December 12, 2002.

⁷⁷ Human Rights Watch interview (name withheld), Ingushetia, December 12, 2002.

⁷⁸ The Russian expression “*chernomazyi*” translates literally to “smeared with black.” It is a derogatory term for the darker-skinned people of Central Asian and the Caucasus, as well as Africans.

⁷⁹ Human Rights Watch interview with Islam Suleimanov, Ingushetia, December 15, 2002.

⁸⁰ See particularly Human Rights Watch, “Last Seen: Disappearances in Chechnya,” *A Human Rights Watch Report*, vol. 14, no. (4D), April 2002; Human Rights Watch, “Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations In Chechnya,” *A Human Rights Watch Report*, vol. 14, No. 2 (D), February 2002; and Human Rights Watch, “The ‘Dirty War’ in Chechnya: Forced Disappearances, Torture, and Summary Executions,” *A Human Rights Watch Report*, vol. 13, no. 1(D), March 2001.

⁸¹ For one such case, see Human Rights Watch, “Burying the Evidence: The Botched Investigation Into A Mass Grave in Chechnya,” *A Human Rights Watch Report*, Vol. 13, No. 3 (D), May 2001.

and police, the FSB, and any other official they believed could have information. In addition, many families traveled all over Chechnya in an attempt to visit known detention facilities and locate the missing. In the cases listed below, all of those attempts proved fruitless.⁸²

Human Rights Watch received press reports of dozens of disappearances that occurred in the two months prior to its field mission. We were able to document eight incidents involving seventeen individuals:

- Issa Abumuslimov. At about 3:00 a.m. on December 11, a group of masked men in camouflage uniforms came to the home of Issa Abumuslimov, a fifty-two-year-old engineer who was bedridden after breaking his leg when a wall collapsed on him three months earlier. The soldiers tied up Abumuslimov's wife and looted the home before taking away Abumuslimov on their APC, a vehicle used solely by Russian forces. His wife, Raisa Abumuslimova, told Human Rights Watch that she believed the men to be Russian contract soldiers (*kontraktniki*, usually older than conscript soldiers, who fight in Chechnya under contract), because they spoke fluent Russian, and were older than conscript soldiers.⁸³
- Three men from Oktyabrski district of Grozny. Shortly before 3:00 a.m. on December 10, a group of five masked soldiers in white camouflage uniforms entered the home of Issa Dokaev, aged thirty-three, in the Oktyabrski district of Grozny. The soldiers tied up Dokaev and two house guests, Issa Dubaev, aged twenty, who worked as a policeman in the pro-Moscow Chechen militia, and Ruslan (last name unknown), aged forty, who worked in the passport office of the pro-Moscow administration. The soldiers, who had arrived on foot, then attempted to start Dokaev's car, but finally abandoned that effort and took the three detainees away on foot. Dokaev's relatives believe the soldiers were Russian because they spoke pure, unaccented Russian, and ordered them to speak Russian after they addressed one of the guests in Chechen, because the soldiers could not understand Chechen.⁸⁴
- Five men from Novye Atagi. At about 7:30 a.m. on November 5, 2002, a large group of Russian troops in APCs arrived in the village of Novye Atagi for a sweep operation. The soldiers went to several homes in the village, beating up civilians and taking away five villagers who have since "disappeared." The names of the five men are Khamzat Debizov, aged twenty-eight; Akhmat Kasumov, aged twenty-three; Mohammed Kasumov, aged twenty-six; Bislan Taisumov, aged nineteen; and a twenty-year-old man from the Arsanukaev family.⁸⁵
- Three men in Grozny. On the afternoon of November 3, a Chechen police officer and his two friends "disappeared" in Grozny.⁸⁶ They were last seen eating lunch at a café in Grozny, which they left at 3:00 p.m. to return to their homes in a village south of Grozny. On that day, a Russian military helicopter was shot down over Khankala military base, around the same time the three men left Grozny for their home village, located near the base. The police officer's superiors first informed the family that he was being detained at the Khankala military base, but later denied that they had any knowledge of his whereabouts.⁸⁷
- Bislan Shabazgeriev and Aiub Ezerbiev. On November 1, 2002, twenty-five-year-old Bislan Shabazgeriev and his friend Aiub Ezerbiev traveled from the small village of Avtury, located in southern Chechnya, to the nearby town of Shali to place a telephone call to his mother, who had recently been operated on in Rostov. On their way home, the taxi was stopped at a checkpoint near the entrance to

⁸² Families do sometimes manage to locate missing relatives in detention facilities, and then often are forced to buy them out of captivity, even if no charges against them exist. For an overview of detention abuses in Chechnya, see Human Rights Watch, *"Welcome to Hell" Arbitrary Detention, Torture, and Extortion in Chechnya* (New York: Human Rights Watch, 2000).

⁸³ Human Rights Watch interview with Raisa Abumuslimova, Ingushetia, December 14, 2002.

⁸⁴ Human Rights Watch interview, Ingushetia, December 18, 2002.

⁸⁵ Human Rights Watch interview with Malika Debizova, Ingushetia, December 19, 2002.

⁸⁶ We have withheld the names of the three men and the village at the request of the witness for this case.

⁸⁷ Human Rights Watch interview, Ingushetia, December 12, 2002.

Avtury, normally manned by a mixed group of Russian and pro-Moscow Chechen soldiers. The soldiers originally detained all five people in the taxi, but released three after a beating. Shabazgeriev and Ezerbiev were never seen again.⁸⁸

- Rasul Imaev and the destruction of his family's home. At 4:00 a.m. on October 27, a group of Russian soldiers came to the home of fifty-two-year-old Baiant Imaeva in Grozny, beating her unconscious with their gun butts. They took away her twenty-three-year-old son, Rasul Imaev, who had lost his leg during a shelling incident in February 2000. When Imaev's sister tried to approach the FSB for information about her missing brother, the FSB official threatened to "disappear" her also.⁸⁹ On November 13, Russian soldiers returned to Imaeva's home, tied her and two female relatives up, and destroyed the family home with explosives.⁹⁰
- Bislan Saparbiev. Twenty-two-year-old Bislan Saparbiev was an internally displaced person living in the Sputnik tent camp in Ingushetia. In September 2002, he got married and returned to Grozny to obtain new passports for himself and his wife. On October 9, a group of masked Russian soldiers in the Zavodskoi district of Grozny took Saparbiev away, saying they were going to "register" him. He has not been seen since.⁹¹
- Disappearance of Ramzan Rasaev. On September 30, 2002, Russian forces carried out a large-scale sweep operation in Chechen-Aul, detaining many men from the village and checking their documents in a nearby field. All of the men were released that same day, except for thirty-year-old Ramzan Rasaev. Rasaev, who like most of the other men had been detained at his home, was taken in a Russian military APC to the field where the document check was taking place, and was last seen being brought to a tent set up by the Russian soldiers.⁹²

IV. LACK OF ACCOUNTABILITY

Russia has resisted establishing a meaningful accountability process for abuses by its troops in Chechnya. Although the Chechnya procuracy has opened hundreds of investigations into allegations of abuse, investigators have failed to take basic steps to secure evidence. As a result, most investigations are soon suspended, perpetrators are almost never identified, and few cases have made it to the courts. The recent verdict on Col. Yuri Budanov, who was released of criminal responsibility for the killing of a Chechen woman, demonstrated that even cases that do reach the courts face enormous obstacles to justice.

Human Rights Watch research has consistently found that investigations into the vast majority of serious abuses by Russian soldiers fall far short of international standards. In many cases, we found that, while opening criminal

⁸⁸ Human Rights Watch interview, Ingushetia, December 15, 2002. The witness requested anonymity.

⁸⁹ Human Rights Watch interview with Baiant Imaeva, Ingushetia December 15, 2002.

⁹⁰ Ibid. In November, Russian and international media began to report on several bombings of residences where suspected terrorists were believed to live or hide. For example, on November 4, the day after a military helicopter had been shot down near the Khankala military base, federal forces blew up six apartment buildings near the base. They first evicted twenty-three families living in the buildings, telling them the buildings were near collapse and that "the area needed to be cleared because of its proximity to the military base." See, Sabrina Tavernise, "Chechens, Left Homeless, Cope as War Drags On," *The New York Times*, November 16, 2002. Other media reports put the number of evicted families at sixty to ninety. On November 8, unknown persons blew of the home allegedly belonging to family of one of the women involved in the Moscow hostage-taking. No one claimed responsibility for the blast. See, "Chechnya: iavnaia provokatsia s daleko idushchimi posledstviiami: Vzorvan 'dom terroristki uchastvovshei v zakhvate zalozhnikov v Moskve.' No dokazael'stvu faktu prinadlezhnosti ei etogo doma net." [Chechnya: Clear Provocation with Far-reaching Consequences. The 'Home of a Terrorist Involved in the Moscow Hostage-taking Has Been Blown Up.' But There is No Proof that She Owned the House.] *Vremia Novostei*, www.vremyamn.ru/cgi-bin/2000/1050/15/11 [accessed January 23, 2002]

⁹¹ Human Rights Watch interview with Sharani Saparbiev, Ingushetia, December 18, 2002.

⁹² Human Rights Watch interview, Ingushetia, December 12, 2002.

cases, investigators failed to even question plaintiffs or eyewitnesses. Officials routinely suspended these investigations a few months later stating that all possible investigative steps had been taken but it had proven impossible to identify the perpetrators. This trend was most pointedly illustrated by the Russian government's disclosure of its investigative steps into the forced disappearance of Said-Khusein Imakaev to the European Court of Human Rights. Russian troops detained Imakaev in December 2000. After his mother filed a complaint with the local procuracy, investigators questioned two individuals, one of whom was the mother, and wrote three letters to police and security officials requesting information about the case. When the latter replied that they had no information, officials suspended the investigation. The investigation was reopened (and more witnesses questioned) only eighteen months later, after the Russian government had learned Imakaev's parents had filed an application regarding his "disappearance" with the European Court of Human Rights.

In 2001, the Parliamentary Assembly of the Council of Europe (PACE) was instrumental in exposing the ineffectiveness of investigations into abuses by Russian soldiers, when it requested the Russian government to submit a detailed list of investigations into crimes committed during the Chechnya conflict. This list, submitted in April 2001, confirmed that the vast majority of serious abuses were not under active investigation but had in fact been suspended.⁹³ In January 2002, the PACE requested the Russian government to provide another detailed list of criminal cases by April 2002, but the latter made available only a summary of criminal cases under investigation that had little analytical value. A November 2002 letter from the Chechnya procuracy to the OSCE Assistance Group listing the status of dozens of investigations into enforced disappearances and other abuses shows that officials routinely suspend investigations into serious abuses after only two months (the minimum time period for a criminal investigation required by law).⁹⁴

Official Russian figures confirm just how small the odds are that Russian soldiers who commit abuses against Chechen civilians will face punishment for their crimes. According to government figures released in January 2003, only forty-six military servicemen had been convicted for abuses in Chechnya since the start of the armed conflict. Roughly half were convicted on charges of murder or rape; the length of their sentences was not specified.⁹⁵ These figures contrast sharply with the thousands of serious human rights violations documented by human rights groups, including hundreds of extrajudicial executions and enforced disappearances. According to a government website, www.infocentre.ru, in 2002 twenty-six servicemen were brought under investigation for crimes against civilians.⁹⁶ This brought to 162 the total number of criminal cases currently open against servicemen. Of these, ninety-seven investigations have been completed, and fifty-seven sent to a court. Fourteen cases pertain to murder, eighteen to theft, eight to traffic violations, three to improper handling of a weapon, and two to rape.

Even when officials initially take the appropriate investigative steps to secure material evidence of the crime and establish the identity of the perpetrator, significant obstacles still stand in the way of justice. In the case of Col. Budanov, who stood accused of murdering a young Chechen woman, investigators initially launched a good-faith investigation, questioning relatives of the victim and numerous eyewitnesses, and appointing a full forensic examination on the victim's body. Several months later, however, officials began to undermine the case. They first inexplicably dropped a rape charge against Col. Budanov even though an original forensic examination report stated she had been raped vaginally and anally in the hours prior to her death. Budanov was subsequently referred for a psychiatric forensic examination to a psychiatric institution that is notorious for its role in persecuting dissidents in Soviet times. This institution found on two occasions that Col. Budanov had been "temporarily insane" at the time of the murder. Although psychiatric assessments conducted immediately after his

⁹³ For example, 79 percent of all investigations into enforced disappearances had been suspended.

⁹⁴ Analysis of the letters shows that of the twenty-one criminal investigations into enforced disappearances, sixteen had been suspended after exactly two months, two were suspended after three and ten months respectively, and three investigations were still under active investigation (two months of these investigations had been opened less than two months before the procuracy of Chechnya wrote the letter to the Assistance Group).

⁹⁵ "Chechnya: Prosecutor Says 46 Russian Troops Convicted Of Abuses," RFE/RL, January 10, 2003..

⁹⁶ See "Last Year Twenty-Six Servicemen Were Held Criminally Accountable for Crimes against Civilians in Chechnya," www.infocentre.ru, January 21, 2003. [retrieved on January 24, 2003.]

arrest had found he was sane at the time of the murder, a military court released Col. Budanov of criminal responsibility based on the later psychiatric assessments.

IV. RECOMMENDATIONS

To the Government of the Russian Federation:

- Desist from compelling displaced persons to leave tent camps and return to Chechnya, including through such indirect means as the removal of services and infrastructure;
- Provide displaced persons with adequate food, water, shelter, and medical assistance. In particular, provide former residents of the Iman camp with adequate shelter;
- Use comprehensive sources to assess the human rights situation and security inside Chechnya, and use this assessment to determine whether it is safe to encourage the return of displaced persons. As long as conditions in Chechnya are unsafe for returns, provide decent shelter alternatives.
- Undertake a full and objective investigation into forced disappearances, extrajudicial executions, and other abuses committed in Chechnya, and prosecute all military and police personnel, government officials and their agents found responsible for violations;
- Approve requests for invitations to the U.N. special rapporteur on summary executions, the Working Group on Enforced or Involuntary Disappearances, the special rapporteur on torture, and other relevant U.N. special mechanisms. Ensure that these thematic mechanisms have full access to the sites of sweep and other search-and-seizure operations, regular and ad-hoc detention facilities, sites of mass or makeshift graves, and official documents relevant to their mandates;
- Comply without further delay with the request of the Parliamentary Assembly of the Council of Europe (PACE) to submit a comprehensive, detailed list of investigations into abuses committed in Chechnya;
- Establish an independent national commission of inquiry that would ensure the effective investigation and prosecution of those responsible for violations of international human rights and humanitarian law. Its composition and operation should conform to international standards for national commissions of inquiry established in 2000 by the U.N. High Commissioner for Human Rights;
- Fully implement the U.N. Declaration on the Protection of All Persons from Enforced Disappearances, in particular article 10, which requires keeping detainees in officially recognized places of detention; maintaining accurate information on detainees and their places of detention; and promptly informing family members of the place of detention.
- Make publicly available regularly updated figures on the number of individuals arrested and charged for security-related crimes in Chechnya, with information on the nature of their alleged crimes and the places of their detention. Maintain accurate registers of detainees' names and places of their detention, and make such registers readily available to detainees' family, counsel, and other legitimately interested persons;

To Chechen Forces:

- Cease all direct attacks on civilians, and hold accountable those responsible for such attacks. Declare publicly that Chechen forces must not resort to such attacks in the future under any circumstances.
- Commit publicly to respecting the basic principles of international humanitarian law, and instruct all forces to do so, in particular those principles applying to the protection of noncombatants civilians during armed conflict.

To the International Community:

Governments, in particular the U.S. government and those of E.U. member states, should advance the recommendations contained in this report in all available multilateral fora and in their bilateral dialogues with the Russian government. In particular, they should ensure that a strongly worded resolution is introduced and adopted at the U.N. Commission on Human Rights; press for the Russian government to make available a detailed list of investigations into abuses committed in Chechnya; and seek the redeployment of the OSCE Assistance Group and access for key U.N. thematic mechanisms to Chechnya.

Council of Europe

- The PACE should adopt a resolution condemning ongoing violations of human rights and humanitarian law by both Chechen and Russian forces. The resolution should call on Russia to cease compelling displaced persons to return to Chechnya while conditions are unsafe and to ensure that no other tent camps will be closed. To address the lack of accountability for abuses in the armed conflict, the PACE should request that the Russian authorities make available to it a comprehensive and detailed list of all investigations into abuses by servicemen in Chechnya and the status of these investigations. The resolution should further call for the extension of the mandate of the OSCE Assistance Group to Chechnya and access to Chechnya for relevant U.N. special mechanisms, as well as urge the Russian government to authorize the publications of all reports of the Committee for the Prevention of Torture.
- The secretary general of the Council of Europe should instruct the experts seconded to the office of the Special Representative of the President of the Russian Federation for Human Rights in Chechnya to closely monitor the investigation into the murder of Malika Umazheva and other egregious cases of extrajudicial executions and forced disappearances in Chechnya. He should further instruct the experts to determine whether such investigations fully comply with the standards for investigations into alleged human rights violations developed in the case law of the European Court of Human Rights.⁹⁷ Other Council of Europe agencies should provide resources and expertise to assist in the analysis. The Council of Europe should inform the Chechen procuracy, the Procuracy General, the Russian president, as well as the general public, of any failure to uphold those standards;

United Nations

- The U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the U.N. Special Rapporteur on Torture, the U.N. Working Group on Enforced or Involuntary Disappearances and the U.N. Working Group on Arbitrary Detention should continue to pursue the visits mandated by UNCHR resolution 2001/24. The High Commissioner for Human Rights and the Secretary General should lend their support for these bodies in seeking invitations and in gaining access to Chechnya;
- The U.N. Commission on Human Rights should adopt a strong resolution on Chechnya at its 59th session. The resolution should:
 - **Condemn ongoing violations of human rights humanitarian law by both parties to the conflict.** The resolution should call on the Russian authorities to immediately stop arbitrary detention and to observe existing international and Russian legal standards; to end the use of torture and ill-treatment; to put an end to the pattern of enforced disappearances; and to end extrajudicial executions. It should call on Chechen rebel leaders to apprehend fighters who were involved in planning the hostage-taking in Moscow and the Grozny bombing and hand them over to competent law enforcement officials in Russia or elsewhere so that they can be brought to justice; and to stop assassinating Chechen civilians who cooperate with the Russian authorities.

⁹⁷ See, among others, *Aksoy v Turkey*, Judgment of December 18, 1996, para. 98; *Aydin v Turkey*, judgment of September 25, 1997, para. 103; *Kaya v Turkey*, judgment of February 19, 1998, para. 107; *Kurt v Turkey*, judgment of May 25, 1998, para. 104; *Tekin v Turkey*, judgment of June 9, 1998, para. 66; *Yasa v Turkey*, judgment of September 2, 1998, para. 114).

- **Insist on accountability.** The resolution should call on the Russian authorities to ensure investigators conduct meaningful investigations into all reported crimes by Russian troops against civilians in Chechnya or Ingushetia, and the prosecution of the perpetrators; it should call on the Russian authorities to present the international community with a list of all current and past investigations into such abuses and indicate their current status; it should renew its call for a national commission of inquiry to document abuses by both sides to the conflict; finally, should Russia fail to make progress on accountability, the resolution should call for an international commission of inquiry to document abuses and produce an official record of them.
- **Call on Russia to desist from coerced returns of internally displaced persons and to ensure their well-being.** The resolution should strongly condemn Russia's efforts to force internally displaced persons to return to Chechnya, including through such indirect means as withdrawal of services and infrastructure. It should call on the Russian authorities to stop moving any displaced persons to parts of the conflict zone where their safety and security cannot be guaranteed and where international humanitarian agencies do not have free and safe access.
- **Call for visits to the region by key U.N. thematic mechanisms.** The resolution should renew calls for visits by the special rapporteur on torture, the special rapporteur on extrajudicial, summary or arbitrary executions, the special rapporteur on violence against women, and the special representative to the secretary general on internally displaced persons.
- **Call for renewal of the OSCE Assistance Group's mandate.** The resolution should call on the Russian government to agree to the renewal of the Assistance Group's mandate that expired on December 31, 2002.

Organization for Security and Cooperation in Europe

- The OSCE Permanent Council should continue its vigorous negotiations with the Russian government toward renewing the Assistance Group's original mandate, particularly those aspects relating to human rights monitoring and reporting.

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Human Rights Watch
Europe and Central Asia Division

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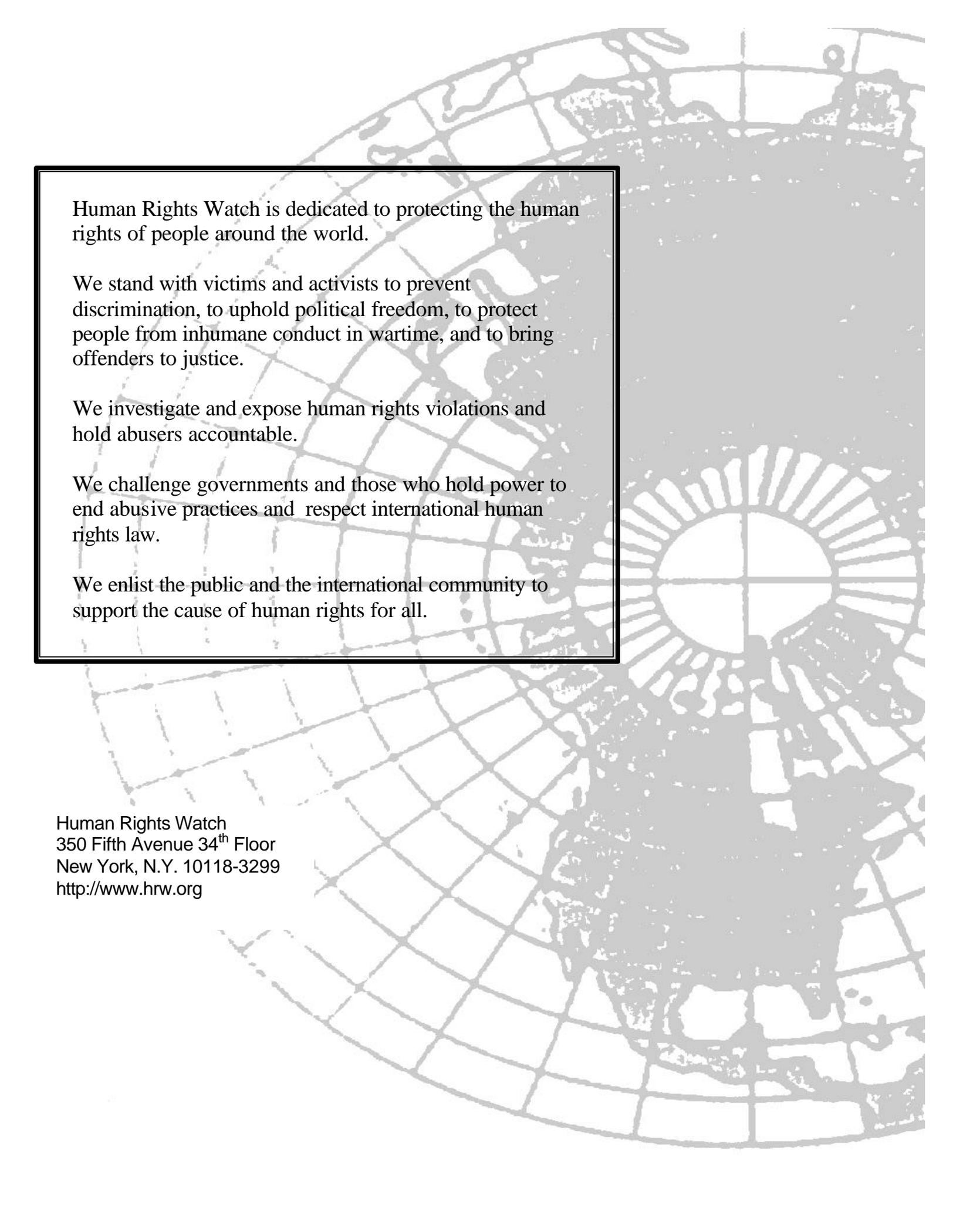
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