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RUSSIAN FEDERATION

**Failure to protect or punish:
human rights violations and
impunity in Chechnya**



21 January 2002

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SUMMARY

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Russian forces in Chechnya continue to commit grave breaches of international humanitarian law and to violate human rights, largely with impunity. Some of the worst human rights violations are conducted during raids by Russian forces – in Russian, *zachistki*, literally “clean-up” – on villages and other populated areas: civilians are subjected to arbitrary detention, torture, including rape, and ill-treatment. Looting and arson of private property are also commonly reported during these raids. Other civilians are subjected to “disappearance”; last seen in Russian military custody, some of these persons are extrajudicially executed, some of these victims’ bodies have been found in dumping sites or mass graves, bearing the signs of torture and violent death.

The conflict has settled into a war of attrition, whereby Chechen forces launch hit and run attacks on Russian military vehicles and checkpoints. Ethnic Chechens working in the pro-Moscow administration are also targeted by fighters resulting in dozens of fatalities and serious injuries. The emergence of these farmer-by-day, fighter-by-night tactics by the Chechen side has undoubtedly contributed to acts of reprisal and human rights violations committed by Russian forces against the civilian population. Commonly, a detainee is freed by the authorities upon payment of a monetary bribe or the production of several machine-gun rifles by one of his or her relatives.

The climate of impunity among the perpetrators of these abuses continues to flourish. Investigations into allegations of extrajudicial execution, torture, ill-treatment, and looting or destruction of private property are infrequent, inadequate and rarely lead to prosecutions. Despite compelling evidence from the victim or witnesses as to the identity of the individual perpetrator or the unit responsible, these investigations are often closed, due to the authorities apparent “inability” to locate the perpetrator.

Amnesty International is not aware of any measures taken by the authorities to engender trust and a cooperative relationship between law enforcement agencies and the civilian population. The organization publishes this memorandum including recommendations to the Parliamentary Assembly of the Council of Europe (PACE).

KEYWORDS: IMPUNITY1 / ETHNIC GROUPS1 / TORTURE/ILL-TREATMENT1 / MILITARY / SEXUAL ASSAULT / DISAPPEARANCE / PREGNANCY / PRISONER TESTIMONIES

This report summarizes a -page document (words), : RUSSIAN FEDERATION Failure to protect or punish: human rights violations and impunity in Chechnya (AI Index: EUR 46/004/2002) issued by Amnesty International in 21 January 2002. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.web.amnesty.org/web/news.nsf/thisweek?openview>

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RUSSIAN FEDERATION

Failure to protect or punish: human rights violations and impunity in Chechnya

Memorandum by Amnesty International to the Parliamentary Assembly of the Council of Europe on the conflict in Chechnya

Introduction

Russian forces in Chechnya continue to commit grave breaches of international humanitarian law and to violate human rights, largely with impunity. The conflict has settled into a war of attrition, whereby Chechen forces launch hit and run attacks on Russian military vehicles and checkpoints. Ethnic Chechens working in the pro-Moscow administration are also targeted by fighters resulting in dozens of fatalities and serious injuries. The emergence of these farmer-by-day, fighter-by-night tactics by the Chechen side has undoubtedly contributed to acts of reprisal and human rights violations committed by Russian forces against the civilian population. Some of the worst human rights violations are conducted during raids by Russian forces – in Russian, *zachistki*, literally “clean-up” – on villages and other populated areas: civilians are subjected to arbitrary detention, torture, including rape, and ill-treatment. Looting and arson of private property are also commonly reported during these raids. Other civilians are subjected to “disappearance”; last seen in Russian military custody, some of these persons are extrajudicially executed, some of these victims’ bodies have been found in dumping sites or mass graves, bearing the signs of torture and violent death. The practice of extortion to secure a detainee’s release continues unabated; commonly, a detainee is freed by the authorities upon payment of a monetary bribe or the production of several machine-gun rifles by one of his or her relatives.

The climate of impunity among the perpetrators of these abuses continues to flourish, largely free from government interference, despite the presence of prosecutors during raids as mandated by the General Prosecutor of the Russian Federation in July 2001. Investigations into allegations of extrajudicial execution, torture, ill-treatment, and looting or destruction of private property are infrequent, inadequate and rarely lead to prosecutions. Despite compelling evidence from the victim or witnesses as to the identity of the individual perpetrator or the unit responsible, these investigations are often closed, due to the authorities apparent “inability” to locate the perpetrator. Russian authorities regularly use amnesty provisions to exculpate members of Russian forces accused of less serious cases of assault against civilians.

In its January 2001 resolution on the Chechnya conflict, the Parliamentary Assembly of the Council of Europe registered its concern in four main areas:

1. civilian and military prosecutors have demonstrated “insufficient commitment and rigour in their pursuit of complaints transmitted to them ... into alleged crimes committed by members of the armed forces against the civilian population”;¹
2. “very few cases concerning alleged human rights violations and crimes committed by the armed forces have yet reached either the civilian or the military courts” and that there have been no indictments in connection with the mass killings at Alkhan-Yurt (Dec 1999), Staropromyslovsky (Jan 2000) or Aldi (February 2000);²
3. violations against civilians are continuing and include “abuses and harassment at checkpoints, disappearances, arbitrary arrests, illegal detention, ill-treatment and homicides”, particularly during raids;³ and
4. “ill-disciplined troops and ... [an] apparent failure to vigorously pursue alleged crimes committed by Federal servicemen against the civilian population have generated a climate of impunity”.⁴

Regrettably, none of the above concerns have been adequately addressed by the Russian government in the year following that resolution. Amnesty International is not aware of any prosecutions in connection with the civilian killings at the village of Alkhan-Yurt, or the Staropromyslovsky or Aldi districts of Grozny. The existing imprecise data on the number of prosecutions brought against Russian servicemen are not encouraging. In October 2001, the Russian prosecutor for Chechnya, Vsevolod Chernov reportedly told Russian ORT television that over 100 investigations of crimes committed by Russian servicemen were launched in 2001. Of these, 52 had been investigated and 43 soldiers had reportedly been charged. Without specifying further, Vsevolod Chernov reportedly stated that the charges against the soldiers included “cruel felonies punishable by long prison terms”. The reluctance of the authorities to provide concrete data as to the number of investigations, prosecutions and to specify the criminal provisions to which these crimes relate serves to heighten suspicion that the investigations, such as they are, are being carried out in bad faith.

The civilian population continues to suffer from serious human rights violations and remains fearful and mistrustful of the authorities. Amnesty International is not aware of any measures taken by the authorities to engender trust and a cooperative relationship between law enforcement agencies and the civilian population, e.g. confidence building measures such as

¹ Parliamentary Assembly of the Council of Europe, Resolution 1240 (2001), adopted on 25 January 2001, para. 7.

² Ibid., para. 8(i).

³ Ibid., para. 8(ii).

⁴ Ibid., para. 9.

informing and assisting the civilian population how to file complaints with the authorities, sending gender-integrated prosecutors to investigate complaints of sexual violence.

In 2001, up to 160,000 persons, the majority women and children, remained in poor and overcrowded conditions in refugee camps in Chechnya and neighbouring Ingushetia with inadequate shelter and sanitation. During a December 2001 mission to the region, Council of Europe delegates stated that conditions for refugees in Chechnya were "terrible" and getting worse.

Military raids: the case of Tsotsin-Yurt⁵

In November 2001, Amnesty International delegates travelled to Ingushetia and took corroborating testimony from the victims of military raids, including victims of torture and relatives of the "disappeared". Russian forces continue to conduct these raids on Chechen villages and other population centres, ostensibly to locate and detain suspected fighters.⁶ In practice, however, these raids are characterised by wanton violence and abuse against civilians by security forces, including torture and ill-treatment, extrajudicial executions, "disappearance" and looting. Male Chechens, including children, are frequently targeted during these raids; women and girls are also subjected to torture, including rape and ill-treatment during the raids and in detention in temporary police or military custody.

It is difficult precisely to ascertain which military unit is involved in the conduct of raids in Chechnya. Combinations of Federal soldiers, OMON officers and FSB personnel are commonly involved and other subunits of special forces, known in Russian as "Spetsnaz", are also believed to take part in these raids; their identifying insignia are not always apparent to civilians.⁷ Some military units reportedly black-out identifying information on their vehicles during raids.

From October 2001, Russian forces have repeatedly targeted the village of Tsotsin-Yurt, leading to at least three fatalities and several more "disappearances". Regrettably, the pattern of events in Tsotsin-Yurt is an accurate reflection of Russian military conduct during raids conducted in Chechen towns and villages across the republic.

⁵Tsotsin-Yurt is also known by its Russian name, Oktiabrskoe.

⁶ Known in Russian as, "*zachistka*". This word literally means "clean-up". In previous reports Amnesty International has used the term "cleansing-operation". However, the term "raid" is a more accurate reflection of the actual event.

⁷ In Russian, *Otriad Militsi Osobogo Naznachenia*; FSB, in Russian, *Federalnaia Sluzhba Bezopasnosti*, the successor agency to the KGB;

The events of 30 December 2001

The Russian human rights group, Memorial, reported the "disappearance" of at least six persons from the village of Tsotsin-Yurt following a military raid on 30 December 2001. According to preliminary information, at least three other persons from the village were extrajudicially executed, although Amnesty International is continuing to investigate the incident. One of the people extrajudicially executed was positively identified as 23-year-old Alkhazur Saidselimov who was last seen in Russian military custody. In a separate incident, on the same day, Memorial reported that Russian soldiers took into custody and extrajudicially executed 36-year-old Musa Ismailov and 37-year-old Idris Zakriev, the son of one of the village elders.

On 29 December 2001, Russian forces surrounded and blockaded the village. At 3:00 a.m. on 30 December 2001, these forces began to raid it. Two Chechen fighters, who ran into the village, apparently to escape the soldiers were discovered towards nightfall, after they had run into the house of 70-year-old Leche Idrisov. Leche Idrisov's wife, his daughter-in-law, Aminat, and her young baby, and a man named Khamzat Israilov were also in the house. The soldiers surrounded the house and did not permit anyone to leave; the soldiers reportedly destroyed a building in the yard.

At approximately 7:00 p.m., the soldiers began to storm Leche Idrisov's house, taking Musa Ismailov and Idris Zakriev, whom they had earlier detained, as human shields. According to witnesses interviewed by Memorial, the two fighters were killed in the ensuing exchange of gunfire, while Musa Ismailov and Idris Zakriev were wounded: Khamzat Israilov was also reportedly wounded in the exchange; the soldiers reportedly took him away, along with the bodies of the two fighters and his current fate, welfare and whereabouts are unknown.

From early morning on 30 December 2001, the soldiers began to detain male villagers, from as young as 14 up to 60 years of age. Those detained were taken to the outskirts of the village next to a disused car repair building. Here, the soldiers checked documents and reportedly beat the villagers; some were reportedly so badly beaten they were unable to walk and had to be carried back to the village.

Over 100 villagers spent the night outside in sub-zero temperatures, including Malika Ustrakhanova and her young baby. Soldiers reportedly beat Malika Ustrakhanova outside the house where she was staying and took her with the other villagers to the outskirts. Here, the soldiers reportedly beat her again, especially on the back and on her hands, demanding that she reveal the location of fighters.

Many of these villagers were reportedly held for a second night. Memorial estimates that over 80 people were beaten to the extent that they were no longer able to walk.

In the village itself, the soldiers reportedly looted and destroyed private property of the villagers, including cars, jewelry and livestock. The soldiers reportedly destroyed these belongings from

Leche Idrisov's house that they did not take away. Looted goods, including carpets were reportedly loaded onto Armoured Personnel Carriers. Those who had property stolen by the soldiers were reportedly forced to write notes stating, for example, "I give two sheep to Russian servicemen in gratitude for the killing of two fighters".

The soldiers permitted some of the men, who had been taken to the village outskirts and beaten, to return home on 1 January 2002. Others were reportedly taken away and "disappeared". The villagers named at least seven "disappeared" men: Shaikh-Akhmed Magomadov, aged 25; Alkhazur Movlaevich Saidselimov, aged 23; the Baisultanov brothers Khanpash, aged 33, Akhmed aged 39 and Suleyman aged 27; Salamu Mazaev aged 42; and Khamzat Israilov aged 32. The brother of Khamzat Israilov, Abbas, was reportedly detained by Russian authorities at the temporary police station (known in Russian by the acronym, "VOVD"⁸) in Kurchaloy on 5 January as he sought to ascertain the whereabouts of his brother.

On 3 January 2002, after Russian forces had lifted the blockade of the village, the village elders reportedly recovered seven bodies, including those of Musa Ismailov and Idris Zakriev; witnesses state that Musa Ismailov and Idris Zakriev were extrajudicially executed. Their bodies reportedly had been disfigured; their ears, noses and genitals had been cut off. Amnesty International is continuing to investigate this incident.

A Russian soldier reportedly told a villager from Tsotsin-Yurt that some bodies had been found near the neighbouring village of Mesker Yurt. On 7 January, villagers found three bodies, badly disfigured by explosives, but were able to identify that of Alkhazur Saidselimov, one of the missing persons, by his clothes.

Although prosecutors reportedly accompanied the soldiers as they conducted the raid, their presence does not appear to have had any mitigating effect on the violations committed by Russian forces. Further, as of this writing, Amnesty International is not aware of any investigation or arrests made in relation to the actions of Russian forces in Tsotsin-Yurt.

The events of 7 October 2001

On 7 October 2001, Russian forces, reportedly special Federal soldiers, surrounded the village of Tsotsin-Yurt. The following day, they proceeded to raid the village, house by house. Amnesty International later interviewed Amkhat Vakhaev, a resident of the village who was in the village on the day of the raid. Amkhat Vakhaev stated that he heard the soldiers go to the house of his neighbour, Ayub Artsoev, aged about 50. Amkhat Vakhaev told Amnesty International that he could hear the screams of Ayub Artsoev's wife, Aset reportedly in reaction to the soldiers beating of her husband and their 15-year-old son, Said-Magomed. Amkhat Vakhaev stated that

⁸ In Russian, *Vremeny Otdelenie Vnutrennykh Del*, literally, Temporary Department of Internal Affairs.

Aset Artsoeva was struck by a rifle butt on the back of her neck, knocking her unconscious. Aset Artsoeva told Amkhat Vakhaev that the soldiers had taken her husband away.

Aset Artsoeva, Amkhat Vakhaev and other neighbours began to gather outside her house and demanded to know of the soldiers why Ayub Artsoev had been taken away. As they approached the soldiers, the soldiers warned them not to approach any further or they would open fire. The group of villagers apparently ignored this warning and one of the soldiers opened fire, reportedly with a rifle-launched grenade. Although the grenade did not explode, Amkhat Vakhaev stated that his 25-year-old wife, Birlant Dzhonaliyeva, who was carrying their seven-month-old baby in her arms, was hit and seriously wounded on the lower left side of her stomach; Amkhat Vakhaev's 15-year-old cousin, Tseda Artsoeva was also struck by the grenade which hit her on the side.

Ayub Artsoev returned to the village on approximately 10 October 2001 in a badly beaten state. Amkhat Vakhaev stated that Ayub Artsoev had suffered broken arms and ribs following a beating by the soldiers after they took him to a field between the villages of Kurchaloy and Mayrtup and beat him in an attempt to force him to admit he had guns in his home. Amkhat Vakhaev stated that the soldiers tortured Ayub Artsoev with electric shocks; they reportedly made incisions on both of Ayub Artsoev's legs and inserted live electric wires. Amkhat Vakhaev also stated that Ayub Artsoev's head was visibly swollen from the beatings. The soldiers reportedly left him in the field where a woman from Tsotsin-Yurt found him and brought him back to the village.

Torture

Torture in police custody across the Russian Federation is a serious and often unchecked problem. While torture techniques used in Chechnya bear some similarity to those found throughout Russia, the Chechen cases are marked by an even greater degree of severity and brutality.⁹

Many detainees in the current conflict are known to have been subjected to torture, including rape and ill-treatment in the custody of Russian forces. Amnesty International has gathered corroborating testimony from torture victims who include men, women and children. The techniques used include rape, the use of electric shock, the filing of teeth, prolonged beatings, including on the genitals and on the ears causing deafness, amputation of ears and fingers, and prolonged and painful shackling. Amnesty International believes the reason this pattern of violation is so uniform and continues unabated is, in large part, due to the absence of prosecutions for these offences. To illustrate this point, below the cases of six persons who have suffered torture are summarized. The testimonies about these cases were gathered by Amnesty International delegates in a November 2001 research mission to the region. Two additional cases

⁹ For more information, see generally, Amnesty International, *Torture in Russia: This Man-made Hell*, 1999, EUR 46/46/99.

illustrate the degree of impunity enjoyed by the perpetrators of torture and ill-treatment, despite strong evidence indicating their identity and criminal responsibility.

The case of Magomed and Akhmed Mutaev of Tsotsin-Yurt

Razet Mutaeva gave Amnesty International the following account of when Russian soldiers came to her village. On 10 October 2001, Russian forces surrounded the village and on 12 October they began to raid it. Razet Mutaeva believes that they were soldiers from "Brigade 33" of the Russian army, although Amnesty International is unable to confirm this. Razet Mutaeva told Amnesty International that she has five children, the eldest, her 22-year-old son Ahmed, and her husband, 49-year-old Magomed, were badly beaten when soldiers came to their house. Razet Mutaeva told Amnesty International that the soldiers accused the family of being connected with Osama bin Laden, after they found a communication equipment manual in the house she says the soldiers planted during their search. She told AI:

My son's ribs were broken before my eyes. [The soldiers] were all high on drugs and drunk and were laughing at us. My son's blood was splashed all over the courtyard. When I tried to clean my son's blood, they asked me why I was cleaning the dog's blood. I fainted. My son and husband were punched and kicked. My son's and husband's hands were tied ... [they were each] covered with a blanket and taken to an unknown destination.

The soldiers took Ahmed and Magomed to the edge of the village where they were subjected to further ill-treatment and torture. Razet Mutaeva told Amnesty International that the soldiers broke her son's nose, beat him with a hammer and poured petrol over him in an attempt to force him to admit to owning the communications equipment manual. Ahmed and Magomed Mutaev were later released and the family has since left the village. As of this writing, Amnesty International is not aware of any official investigation into this case.

The case of Zaindi Bisultanov

I cannot exclude the possibility that they will come and get me again at any time, in the night from my bed, as they did before. I don't know when it is going to happen, but I'm waiting. When I see Federal soldiers now my body starts to shake. It's fear, real fear.

Zaindi Bisultanov is a 55-year-old lawyer from Grozny. Amnesty International delegates met and interviewed him in Nazran in November 2001; he reported the following to Amnesty International. On 2 February 2000 in the village of Prigorodny Sovkhoz, Federal soldiers detained him, threw him in a basement into which they tossed grenades. Although injured, he crawled out of the basement, whereupon soldiers forced him at gunpoint back once more and threw in another grenade. He again survived the grenade explosion, but to this day, Zaindi Bisultanov still has pieces of shrapnel embedded in his body. Four months after this incident, Zaindi Bisultanov was detained once more and rendered partially deaf as a result of torture by Russian soldiers.

Early on the morning of 5 June 2000, Zaindi Bisultanov was woken at the home of relatives on Magnitogorsk street, Grozny, by Federal soldiers in masks who placed a sack over his head and took him, dressed in his underwear to an awaiting car. They drove him a short distance, placed him against a wall and began to beat him on the chest and back, and over his kidneys and liver. Zaindi Bisultanov was again placed in the car and driven to the outskirts of Grozny to an area known as "Dachny Poselok", not far from the main Russian military base in Khankala.¹⁰ There, two men beat, kicked and hit him with their rifle butts. Zaindi Bisultanov told AI:

They beat me about the head and heart when I was kneeling. I was sitting with my left side towards them. They kicked me in the left ear. That ear is now basically useless, the nerves are damaged. I went to the doctor on 1 March 2001 who told me that I'm now a group 3 invalid. Before the beating I wasn't an invalid, I had no hearing problems . . . Now I have to wear a hearing aid.

His hands were then tied behind his back in a painful raised position with a rope that cut into his skin.¹¹ Zaindi Bisultanov was then taken to a basement, with the sack still about his head with three other men, two of which he later learned were his relatives: the brothers Leche and Said-Emin Tisaev aged 35 and 25 respectively. The third man was reportedly named Khusein, from Gudermes, who had also been detained in Grozny. The entrance to the basement was covered with a concrete slab. It is believed that the soldiers, who had left their captives unguarded, intended them to perish in the basement. However, later that day the men managed to untie their hands and escape. Zaindi Bisultanov told Amnesty International that:

It was hard for me to walk – I had been beaten severely in the genital area. If I was sitting, I couldn't stand up, if I was standing, I couldn't sit down. It was unbearably painful. We were badly beaten.

Eventually, the men were met by relatives who hid them from Russian forces. Too afraid formally to seek medical help, it was not until October 2001 that Zaindi filed a written complaint with the Grozny procuracy. Amnesty International is not aware of any prosecution brought by the authorities for the torture of Zaindi Bisultanov.

Rape

Despite the strong cultural taboo against speaking openly about rape in Chechen society, Amnesty International continues to receive reports and gather testimony on the rape of both male and female detainees in the custody of Russian forces in Chechnya. Given Chechen

¹⁰ In February 2001, 51 bodies were found dumped in and around Dachny Poselok, many had their hands bound, bearing the signs of torture and violent death.

¹¹ This method is commonly used by Russian police across the country and is known as "lastochka" or The Swallow.

civilians' deep mistrust of the Russian authorities, coupled with the societal taboo on speaking openly about rape, it is extremely unlikely that rape victims report this violation to the authorities. Disturbingly, this would indicate that the actual number of rape cases may be many times higher than is currently known. Urgent steps, therefore must be taken to investigate, prosecute and eradicate this form of torture. The victims' identities and current whereabouts in this section have been concealed for their protection.

A detainee at the "Internat" facility in Urus Martan described to Amnesty International how he and other detainees heard the rape of a woman in a neighbouring cell.¹² He told Amnesty International that a cellmate saw a woman brought in on 10 October 2000, aged about 30, through the eyehole of his cell door. Magomed stated that:

She was brought in to cell 4. We heard everything clearly. They really got to her, they did everything possible; they gang-raped her. You could hear them say "kak ona khorosha"[how good she is] and things like that ... You could hear the screams, words like "please I can't" ... We didn't sleep all night. She was released the following day before dawn.

Rape of pregnant women by Russian forces

In November 2001, Amnesty International representatives gathered corroborating witness testimony regarding recent cases of rape by Russian forces of pregnant Chechen women, who had been detained following military raids on their homes.

The case of "Zainap"

A number of civilians reported to Amnesty International the case of 30-year-old "Zainap" from the village of Kurcheloy (her real name is concealed for her protection). According to witnesses, on 18 October 2001 Russian Federal forces came to the home of "Zainap" intending to detain her husband. When they did not find him in the house, the soldiers allegedly detained "Zainap", who was eight-months pregnant. She was taken to the Temporary Department of Internal Affairs(VOVD) located along with the military command post in the village of Kurcheloy.

Two women witnesses, who were detained along with "Zainap", stated that she was later repeatedly gang-raped and ill-treated by Russian soldiers and, as a result, suffered a miscarriage. "Zainap" was released in mid-November in exchange for 10 machine-guns, requested by the Russian forces from her relatives. Upon her release from detention, "Zainap" reportedly underwent surgery in relation to injuries she suffered as a result of the rape. In line with the strong cultural taboo against rape in Chechen society, "Zainap's" husband refused to take her

¹² Name withheld. "Internat" in Russian, generally refers to a boarding school. Before the current conflict, the "Internat" in Urus Martan was reportedly used as an orphanage and religious school. Russian forces later converted it into a law enforcement and detention facility.

back; witnesses reportedly quoted him as saying: "After them, I do not need her. She is dirty now..."

The case of "Fatima"

According to reports, on 26 June 2001, three Russian soldiers came to a house in the village of Shali. They found a married couple and the wife's sister, "Fatima", who was nine months' pregnant. The soldiers allegedly began beating the man, while keeping his wife in a separate room. When "Fatima" tried to stop the beating, the three soldiers reportedly gang-raped her. During the rape, the "Fatima" began to give birth. "Fatima's" sister was then called into the room to help deliver the baby. Reports state that two of the soldiers wanted to kill the baby, but one of the soldiers, who had received a telegram stating his own wife had given birth early the same day, intervened.

According to witnesses, "Fatima" was immediately hospitalized with severe injuries incurred while she was raped. Released from hospital three weeks later and fearing further persecution, the whole family moved to another region of the Russian Federation. The family reportedly filed a complaint with the District Office of the Procurator, but reportedly has not received a written reply or formal confirmation that a criminal investigation had been initiated. They were, however, verbally informed that the three soldiers were disciplined by the military command.

Impunity for perpetrators of torture

Chechens who remain in the republic remain deeply suspicious of the authorities and have little faith that any complaint that they bring will result in a prosecution. Indeed, many are fearful that any interaction with the authorities could lead to renewed detention and concomitant torture and ill-treatment. The climate of impunity was also noted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe in a 10 July 2001 public statement about torture in Chechnya. With regard to the notorious detention facility of Chernokozovo, the site of wanton torture and ill-treatment of detainees, particularly in the early months of the current conflict, the CPT stated that the Russian authorities currently deny that there ever was such a facility in the period December 1999-February 2000, an assertion the CPT describes as "clearly untenable and constitutes a failure to cooperate with the CPT".

The CPT also stated that they wrote to the Russian authorities on 10 May 2001, asking them to detail actions taken to counter the "climate of fear" in Chechnya among victims of torture and ill-treatment at the hands of the authorities and to encourage such victims to come forward and register complaints. In its 10 July 2001 statement, the CPT wrote that "the Russian authorities indicate that they are not willing to provide the information requested or to engage in a discussion with the CPT" on their request.

As the CPT noted in its statement:

It is axiomatic that one of the most effective means of preventing ill-treatment of persons deprived of their liberty lies in the diligent examination by the relevant authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong deterrent effect. Conversely, if the relevant authorities do not take effective action upon complaints referred to them, those minded to ill-treat persons deprived of their liberty will quickly come to believe that they can act with impunity.

The case of Alaudin Sadykov

The climate of impunity in which violations of the human rights of detainees are committed by Russian forces is clearly demonstrated by the case of 51-year-old Alaudin Sadykov. A school teacher from Grozny, Alaudin Sadykov remained in the city during the conflict to assist in the distribution of humanitarian aid; he worked with the Russian Emergency Services (MChS) to this end. On 5 March 2000, he was arbitrarily detained by Russian special police (known in Russian by the acronym, "OMON"). This marked the beginning of a three month ordeal in which he was reportedly repeatedly tortured and ill-treated.

Alaudin Sadykov told Amnesty International delegates that on 5 March 2000, while helping to distribute water to local residents, brought by MChS personnel, OMON officers in camouflage uniforms arrived asking for directions to Pavel Musorov Street. Alaudin Sadykov offered to travel with them to show them the way. However, Alaudin Sadykov stated that when they arrived and he pointed to the street, the men hit him with their rifle butts and placed a black hood over his head.

The officers then took Alaudin Sadykov to the Oktiabrsky District Temporary Department of Internal Affairs (VOVD) and beat him for about two hours. Alaudin Sadykov told Amnesty International how the policemen forcibly cut off his hair, and forced him to eat it. The policemen then forced red-hot pieces of metal into his hand; the scars said to result from this injury were still visible to an Amnesty International researcher almost two years later. Reportedly, the policemen then pushed Alaudin Sadykov's tongue back into his mouth with a piece of red-hot metal into his mouth and forced it up his nose; another officer wrote "Chichik", a derogatory term for an ethnic Chechen, on his forehead with a knife. One of the men reportedly told Alaudin Sadykov that he wouldn't leave the police station alive. Following a prolonged beating, Alaudin Sadykov was dragged to a cellar where up to six men used him like a "live football", breaking his teeth and ribs and kicked him until he was unconscious.

Later that day, the men took Alaudin Sadykov back to his home, where they conducted a search of the premises. Mr. Sadykov stated that the policemen "found" some plasticine-like material that he believes they planted themselves and which they claimed to be explosives. The policemen proceeded to loot Mr. Sadykov's home, taking carpets, a television, a video-recorder, winter coats and paint. The men took Mr. Sadykov back to the Oktiabrsky VOVVD where he was

accused of blowing up a house. Up to three men proceeded to beat him with their rifle butts. Mr. Sadykov told Amnesty International "I thought it would be better to die quickly to escape the pain".

Four days later, men in camouflage uniforms beat Sadykov again, and cut off his ear. An Amnesty International researcher photographed the injury.¹³ He told Amnesty International:

They beat me again and said, "Lets cut off his head". They took a large knife for slaughtering animals and cut off my left ear completely. Then they said "We'll cut your head off later". While I was lying on the floor, there was blood everywhere and my ear was lying next to me. Then one of the men who was guarding me came in and photographed me lying there. He and the others were from Khanty-Mansisky Region police, OMON.

Mr. Sadykov stated that other detainees were brought to an adjacent cell; two of them were tortured to death. The soldiers cut both ears off one of these men whom Mr. Sadykov identified as Magomed Uvaesovich Dzhabaev, aged 47, from the district of Aldi in Grozny. Mr. Sadykov told Amnesty International that the following morning, persons from an international organization, believed to be from the OSCE visited the station. He stated that:

The following morning there was a lot of screaming and shouting. A commission came that morning and [the officers] took me and another detainee, a Russian, to a different cell and hid us. I was there for about five or six hours. When I came back I saw that the cells were cleaned and the other two men [including Magomed Dzhabaev] didn't survive until morning. They were so badly beaten that they could no longer stand. They were spitting blood. They were just thrown out.

Mr. Sadykov described to Amnesty International in detail instruments used to torture detainees, including ice-picks, hammers, surgical instruments, dental instruments, instruments for removing fingernails, spades, and saws. He also stated that he saw human fingers, hair and jawbones in the cell where he was brought to be tortured.

Mr. Sadykov claimed that the head of the detention facility ordered that he be hidden when the commission came. Mr. Sadykov also believes that prosecutor knew that he had been subjected to torture but acted to conceal this from the commission.

¹³These injuries were also confirmed by a medical examination by a Medecins Sans Frontieres doctor in Nazran, Ingushetia on 13 July 2001.

Mr. Sadykov was released from custody on 24 May 2000. At time of writing, Amnesty International is unaware of the prosecution of any individuals for, or indeed any investigation into the torture of Alaudin Sadykov.

*The case of "Akhmed"*¹⁴

"Akhmed", aged 51 lived in Grozny, but moved to the village of Tangi-Chu after his Grozny home was destroyed during the conflict. On 18 October 2000, OMON units, reportedly from the Russian city of Penza, raided the village and took "Akhmed" and his teenage son, to the notorious "Internat" in Urus Martan.

On 21 October, "Akhmed" was taken for interrogation and was asked whether he was a "Wahhabist" and which Chechen fighter commanders he knew.¹⁵ He told Amnesty International that during this interrogation, the interrogators beat him unconscious. "Akhmed" stated that his cellmates told him he was brought back unconscious that day. Over the course of the 11 days he was held in detention, "Akhmed" estimates he was beaten on seven or eight occasions.

"Akhmed" also described to an Amnesty International researcher how he was subjected to torture by electric shock. On two occasions, approximately five guards, who were drunk, took him from his cell to the basement of the building. His hands were cuffed behind his back, his neck forced upright and three metal-clips attached to his body; one to his right foot and two to his chest. The power was then switched on for a few seconds at a time. The pain from these brief bursts was so great he believed that longer shocks would have proved fatal.

"Akhmed" was not able to talk to his son in detention, although he later heard that he too, had been beaten. "Akhmed" told AI:

I saw my son outside but I couldn't talk with him, they pushed us with their guns. He looked ok, but they don't beat you in the face – they beat you on the kidneys or on the knees so it doesn't show.

On 29 October 2000, "Akhmed" and his son were released following the reported intervention of a local administrator. Amnesty International is unaware of any official investigation into the alleged torture of "Akhmed" or his son.

On 24 March 2001, "Akhmed" was detained again, this time by officers of the Federal Security Services (the FSB), who detained him at a refugee camp in Ingushetia on narcotics related

¹⁴ Name withheld for his protection.

¹⁵ Wahhabism is an orthodox form of Islam widely practiced in Saudi Arabia. The term "Wahhabist" is used in Chechnya to describe fighters or persons perceived to be more extremist and connected to foreign groups alleged to participate in the conflict.

charges.¹⁶ The FSB took "Akhmed" back to the "Internat" in Urus-Martan, however, this time, the guards treated him humanely. "Akhmed" told Amnesty International that the guards at the facility were from Bashkortostan and permitted him to pray and gave him a mattress to sleep on.¹⁷ According to the investigator working on the case, the charges against "Akhmed" were dropped. However, "Akhmed" claimed that an intermediary reportedly arranged for his release after his younger brother bought two Kalashnikov rifles for 9,000 rubles each and gave them to the intermediary; on 25 March, he was released. Before his release, "Akhmed" stated that the OMON guards warned him not to speak publicly about his torture in detention or else he might "disappear".

"Disappearance"

Chechen civilians continue to "disappear" following military raids on towns and villages, often conducted in response to acts of violence by or in pursuit of Chechen fighters. Amnesty International receives consistent accounts of detained persons last seen alive in Russian forces' custody whose fate and whereabouts remain unknown. It is likely that "disappeared" persons are subjected to torture and ill-treatment and, some ultimately, extrajudicial execution. This supposition was strengthened by the discovery, in March 2001, of 51 bodies dumped in Dachny Poselok, many with their hands bound, some blindfolded, their bodies bearing signs of torture and violent death.¹⁸ Many of the bodies have been identified by relatives who claim that their loved ones had "disappeared" after being taken into custody by Russian forces.

The case of Shamil Mandykhadzhiev

"Still not found your husband? Then look for him in a pit!"

Said a Russian soldier to Zura Mandykhadzhieva

At 3:00 a.m. on 6 November 2001 in the village of Tsotsin-Yurt, Kurchaloy district, masked and armed soldiers in camouflage uniforms, broke down the door of the home of 40-year-old Zura Mandykhadzhieva. Her husband, 45-year-old Shamil Mandykhadzhiev together with Zura and their 16-year-old son, Imam, went downstairs to investigate. The soldiers reportedly then beat them with their rifle butts. Zura Mandykhadzhieva told Amnesty International that the soldiers knocked her son to the ground and hit her in the head. The soldiers forced them to lie on the floor. Her husband was severely beaten, to the extent that she noticed blood starting to seep from his ear. Zura Mandykhadzhieva told Amnesty International that the soldiers wanted to take her husband away. She begged them not to, and she held on to her husband. She stated that one

¹⁶ Location withheld.

¹⁷ Bashkortostan, or Bashkiria, is a constituent republic of the Russian Federation and is predominantly Muslim, which may explain their more humane treatment of the mostly-Muslim Chechen detainees.

¹⁸ For more information, see, for example, Human Rights Watch, Russia/Chechnya -- Burying the Evidence: The Botched Investigation into a Mass Grave in Chechnya, May 2001.

of the soldiers hit her on the head, leaving her dazed. She then heard the soldier say "On the count of three, I'm going to shoot". She heard two shots as her husband was shot in both legs.

Before they left, Zura Mandykhadzhiyeva stated that the soldiers set alight her brother's car, (the car was parked outside) and took her husband's passport. Zura Mandykhadzhiyeva took her husband to the local hospital for treatment. The following day, soldiers came to the hospital, along with the Russian military commandant of Kurchaloy district and the head of the Kurchaloy district FSB. As Zura Mandykhadzhiyeva returned home to her son, her husband was reportedly taken away on a stretcher to the local detention facility at the edge of the village in a former flour mill. She believes that there were men from the FSB and police at this post. Zura Mandykhadzhiyeva told Amnesty International that she brought food to the post every day for six days, but that on the sixth day, she was told that her husband was no longer there. Zura told Amnesty International that one officer at the facility told her that her husband was still alive but that he had been taken away, possibly to a detention facility in Kurchaloy. However, when she went to Kurchaloy, officials at the VOVD there told her to look in Khankala, site of the main Russian military base. The deputy commander of the Kurchaloy VOVD reportedly told Zura Mandykhadzhiyeva "if [your husband] is alive, he will come home".

The Kurchaloy procuracy has since opened a criminal investigation into Shamil Mandykhadzhiyev's "disappearance". Zura Mandykhadzhiyeva showed an Amnesty International researcher the scar left on her head following her beating by Russian soldiers. She still complains of dizziness following the attack.

As of this writing, there has been no further information as to the welfare, fate or whereabouts of Shamil Mandykhadzhiyev.

The case of Aset Yakhiaeva and Milana Bertirgirieva¹⁹

At 4:00 am on 9 November 2001, masked Russian soldiers raided a house in Serzhen-Yurt. In one room, five girls were sleeping, in the other, two women named Aset Yakhiaeva, aged 45 and Milana Bertirgirieva, aged 21, were sleeping. The two women were staying in the village at the house of Aset Yakhiaeva's sister, Zalpa Iblueva to assist in preparations for the wedding of a neighbour's daughter.

According to witnesses, the soldiers switched off the electricity in the house and, when the girls began to cry, threatened to shoot them if they did not keep quiet. The soldiers shone torches into the girls' faces, discussing loudly which were the more pretty and threatened to rape them. One of the girls, whose name has been withheld for her protection, told Amnesty International that an officer then entered the room and ordered the soldiers not to touch them. The soldiers then

¹⁹ Aset Yakhiaeva is also known as "Zargan"; Milana Bertirgirieva is also known as "Ainat".

proceeded to search the house, demanding money; they reportedly continued to make threats against the girls' lives. Having ordered the girls to lie still, the soldiers then left.

When the girls left their bedroom, they found that Aset Yakhiaeva and Milana Bertirgirieva were missing. In the street, they found some of the women's clothes, including Milana Bertirgirieva's skirt and a blouse. There has been no further information as to the fate and whereabouts of the two women.

Amnesty International is continuing to investigate the circumstances surrounding the "disappearance" of Aset Yakhiaeva and Milana Bertirgirieva and is gravely concerned for their welfare. The manner in which Aset Yakhiaeva and Milana Bertirgirieva were apparently taken away is consistent with previous reported incidents of "disappearance" in which people detained by Russian forces have been subjected to torture, including rape, and in some cases extrajudicially executed.

The case of Kazbek Vakhaev

On 1 August 2000, Russian soldiers came to the home of Rebaat Vakhaeva in town of Urus Martan and detained her 25-year-old son, Kazbek Vakhaev. The soldiers took Kazbek Vakhaev to the "Internat" detention facility in Urus Martan. From other detainees held with Kazbek Vakhaev, Rebaat learned that her son was beaten during interrogation. Rebaat Vakhaeva stated that she visited the "Internat" every day from 1-13 August, bringing with her food and clothes for her son. She told Amnesty International that a man who she believed to be the deputy-head of the facility, told her that her son would be released without the need to pay a ransom.

However, on 13 August 2000, when Rebaat Vakhaeva went again to the "Internat", another man named Volodya, told her that her son was no longer there. According to official papers, Kazbek Vakhaev had been released on 11 August 2000. However, according to men detained with Kazbek Vakhaev, was taken from his cell on 13 August 2000. On 21 August 2000 Rebaat Vakhaeva learned that some bodies had been found near a cemetery in the village of Goiskoe. At the cemetery, she found a decapitated body, wearing the clothes she had brought to her son, including a grey t-shirt. She showed an Amnesty International researcher a photograph of the body, wearing the clothes she described. The body of a man named Aslanbek, who was reportedly detained at the same time as Kazbek Vakhaev, was also found at the cemetery. Aslanbek's wife and mother positively identified his body.

The local procuracy began an investigation and later claimed that Kazbek Vakhaev had been released on 14 August 2000, but was kidnapped, without stating who was believed responsible. Amnesty International is unaware of the current status of any investigation of this case. However, Rebaat Vakhaeva was informed that the investigation was later closed, because the investigators were unable to determine who had detained Kazbek Vakhaev in the first instance and who had subsequently kidnapped him following his release.

The case of Zelimkhan Murdalov

On 2 January 2001, Zelimkhan Murdalov the 24-year-old son of Astemir Murdalov, left his home on Tversky street, Grozny, saying he would be back in an hour. He did not return.

The following morning, Astemir Murdalov went to the Leninsky military command post, located about 1.5 km from his home to ask about the whereabouts of his son. However, Zelimkhan Murdalov was not on the list of detained persons held at the facility. Astemir Murdalov learned from two women who were among the crowd looking for their relatives, that a young man matching his son's description had been seen being detained near the central Minutka Square in the city. Astemir Murdalov went to the Temporary Department of Internal Affairs (VOVD) at the central Minutka Square and met with the deputy head of the VOV, Major Alexander Sergeevich Prelepin, (who was also head of the criminal investigation department), who he believed was from the Khanty-Mansisky Region of the Russian Federation. Major Prelepin stated that Zelimkhan Murdalov was being held at the station on charges of possession of cannabis and that they were waiting for a lawyer to come in order to release him.

Astemir Murdalov left the station to fetch a lawyer; when they returned a policeman did not allow them into the station, stating that it was "bath-day". Astemir Murdalov stated that he and his family remained outside the station until nightfall. They returned the following morning, 4 January 2001, with neighbours and friends and again waited in vain until nightfall. On 5 January 2001, Astemir Murdalov went to the Grozny procuracy. The procurator there reportedly agreed to accompany Murdalov to the VOV; the Grozny city procurator, Ponomarev, along with the city commandant, Colonel Golovin, also came. They reportedly searched the cells of the VOV but did not find him. Staff at the VOV claimed that Astemir Murdalov's son had been released that morning at 9:00 a.m. However, Astemir Murdalov claimed that he had been outside the VOV from 8:00 a.m. that day and, since there was only one entrance and exit to the station, if his son had been released, he would have seen him.

Concrete news of Zelimkhan Murdalov came from released detainees who were reportedly held in the same cell. They reportedly told the procurator they saw him on 3 January 2001 with a broken right arm – the bone was reportedly protruding from the skin – that his genitals had been torn off, an ear had been cut off and that he was suffering from concussion. These detainees reportedly stated that a doctor treated Zelimkhan Murdalov that night. This doctor reportedly gave testimony stating he treated Zelimkhan Murdalov, but that his wounds were light; the ear was torn but not cut off and that the injuries were sustained in a "fall".

The fate and whereabouts of Zelimkhan Murdalov remain unknown. On 7 January 2001, a criminal investigation was opened into his "disappearance". As of this writing, Amnesty International is not aware of any arrests or prosecution in relation to Zelimkhan Murdalov's "disappearance".

Recommendations

In light of this report's findings, Amnesty International respectfully submits the following recommendations to the Council of Europe.

Amnesty International urges the Council of Europe to:

- condemn and demand an immediate halt to ongoing human rights violations and breaches of international humanitarian law;
- urge the Russian government to treat all those in their custody humanely and in accordance with international human rights law, in particular they should refrain from torture, including rape, and other forms of cruel, inhuman or degrading treatment;
- urge the Russian government to release all those detainees not suspected or charged with a recognisable offence;
- urge the Russian government to redouble its efforts vigorously and transparently to investigate and prosecute those responsible for these violations;
- maintain and increase its monitoring by the Joint Working Group of the situation in Chechnya, focusing in particular on the matter of prosecutions for human rights violations and violations of international humanitarian law;
- urge the Russian government not to grant amnesty to those held to have committed human rights violations and breaches of international humanitarian law;
- express concern that, notwithstanding the presence of prosecutors during raids, as mandated by decree no. 46 of July 2001 of the General Procurator of the Russian Federation, human rights violations and violations of international humanitarian law continue unabated; investigations and prosecutions of these violations remain inadequate;
- urge the Russian government to take steps to build confidence among the civilian population and the authorities. These steps should include the appointing of gender-integrated teams of prosecutors specifically to investigate incidences of torture involving sexual violence and rape against the civilian population, including detainees;
- urge the Russian government to set up a special team of prosecutors specifically to address the question of "disappearances";
- urge the Russian government to make routine and free of charge autopsies on all deceased persons to determine the cause of death, whether injuries and bodily disfigurement occurred prior to death and to determine the identity of the deceased;
- ensure dissemination of information among the Chechen population on the bringing of individual complaints against the Russian government to the European Court of Human Rights;
- continue to monitor and report on the situation of internally displaced persons and refugees.
- urge the Russian government to publish the European Committee for the Prevention of Torture report on Chechnya from April 2000 and March 2001;

- call upon the Russian government to co-operate with all international governmental organizations, human rights and humanitarian mechanisms, including the Council of Europe Committee for the Prevention of Torture;
- call upon the Russian government without delay to grant full and unfettered access to Chechnya to all international human rights organizations

