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Worse Than a War: "Disappearances" in Chechnya—a Crime Against Humanity

A Human Rights Watch Briefing Paper

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It's worse than a war. During the war, we weren't so scared... We knew, of course, that we might be hit by a bullet – no one was safe from that. But now, how can one sleep through the night? They wake people, take them away, shoot them... I'm terrified to talk, the prosecutor's office is terrified – we're all scared! At any moment [the security forces] might come after anyone of us. Ask anyone here – we are all weeping from fear. –A father of a young man who was summarily executed in June, 2004, Chechnya, February 4, 2005.

Executive Summary

Enforced disappearances in Chechnya are so widespread and systematic that they constitute crimes against humanity. Human Rights Watch urges the United Nations Commission on Human Rights to take urgent measures commensurate with the extreme gravity of the phenomenon. It should adopt a resolution condemning enforced disappearances in Chechnya, urging the Russian government to immediately adopt measures to stop the practice and requiring the government to issue an urgent invitation to the Working Group on Enforced and Involuntary Disappearances.

The conflict in Chechnya, now in its sixth year, is a dire human rights crisis. The Russian government has gone to great lengths to persuade the international community that the situation is steadily "normalizing," even as in the past year the conflict has shown no sign of abating. Rather, it has increasingly spread to other areas of the Northern Caucasus. Russia contends that its operations in Chechnya are its contribution to the global campaign against terrorism. But the human rights violations Russian forces have committed there, reinforced by the climate of impunity the government has created, have not only brought untold suffering to hundreds of thousands of civilians but also undermined the goal of fighting terrorism.

Chechen fighters have committed unspeakable acts of terrorism in Chechnya and other parts of Russia. Russia's federal forces, together with pro-Moscow Chechen forces, have also committed numerous crimes against civilians, including extrajudicial executions, torture, arbitrary detention and looting.

But it is their involvement in enforced disappearances that is an enduring feature of the six-year conflict. With between 3,000 and 5,000 "disappeared" since 1999, Russia has the inglorious distinction of being a world leader in enforced disappearances.[1] This briefing

[1] Estimate by the Memorial human rights center, "Chechnya, 2004: Abductions and 'Disappearances' of People," February 7, 2005 [online], http://www.memo.ru/hr/hotpoints/caucas1/index.htm (retrieved February 25, 2005).

paper argues that the pattern of enforced disappearances in Chechnya has reached the level of a crime against humanity. It shows that, as part of Russia's policy of "Chechenization" of the conflict, pro-Moscow Chechen forces have begun to play an increasingly active role in the conflict, gradually replacing federal troops as the main perpetrators of "disappearances" and other human rights violations.[2] It reflects forty-three cases of enforced disappearances that occurred in 2004, which Human Rights Watch documented during a two-week research trip to Chechnya in January-February 2005.[3] Human Rights Watch has submitted thirty-six of these cases to the Russian government, requesting that it disclose information on the whereabouts or fate of the "disappeared" individuals and hold the perpetrators responsible.[4] We have also submitted the cases to the U.N. Working Group on Enforced and Involuntary Disappearances, asking that they raise these cases with the Russian government. These cases are appended to this briefing paper.

Background: The Current Situation in Chechnya

While active combat in most areas of Chechnya clearly subsided several years ago, the civilian population has experienced little relief. Witnesses repeatedly told Human Rights Watch that the current situation is "worse than a war," referring to the atmosphere of arbitrariness, intimidation, and vulnerability to the ongoing abuses that prevail in the republic.

In Grozny, the capital of Chechnya, the situation during the daytime appears relatively stable and quiet, with few sounds of gunshots or skirmishes. As night approaches, however, a self-imposed curfew goes into effect. Grozny freezes, as few people dare to leave their houses; they particularly avoid the numerous checkpoints on the roads leading in and out of Grozny. The city's relative calm merely masks what many have termed Chechnya's "dirty war," in which abuses, including numerous arbitrary detentions that often result in "disappearances," continue to occur in a climate of lawlessness and impunity. With the city in ruins and virtually no signs of reconstruction, most people in the city center live in the partial ruins of apartment buildings damaged by

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[2] Most of these forces are led by Vice Prime Minister of Chechnya Ramzan Kadyrov, who is responsible for the republic's law enforcement structures.

[3] In the course of its research, Human Rights Watch conducted more than sixty interviews with witnesses and victims of abuses in Grozny, Gudermes, Urus-Martan, Argun, Samashki, Semovodsk, Starye Atagi and many other towns and villages in Chechnya

[4] In the remaining cases, witnesses asked Human Rights Watch not to release any information, since the families are still trying to find their "disappeared" relatives though private channels. In addition to the forty-three cases that occurred in Chechnya in 2004, Human Rights Watch documented one "disappearance" that occurred in December 2003, and two 2004 "disappearances" that took place in Ingushetia. These are not included in the appendix.

relentless bombing campaigns. There is no running water and power outages are frequent.

In southern Chechnya, active conflict continues. In Vedeno, Nozhai-Yurt, and other districts in the south, ambushes and clashes between rebel forces and federal or pro-Moscow Chechen troops are a daily occurrence. A typical example of open combat in the region was a large-scale operation launched in February 2005, when forces under the command of Ramzan Kadyrov pursued a group allegedly consisting of sixty rebels through the mountainous region of southern Chechnya, with both sides incurring significant losses.[5]

In areas under the effective control of the Ramzan Kadyrov, the fear-stricken atmosphere is astounding. People who have survived the chaos of two wars and actively protested the abuses perpetrated in their villages are now too terrified to open the door even to their neighbors, let alone to complain. In some cases, people choose not to report the "disappearances" of their relatives to the authorities, hoping that their silence might protect their remaining family members. One of the witnesses, a woman who chose not to file a formal complaint about the recent "disappearance" of her son, told Human Rights Watch:

> I searched [for him] everywhere, but did not write a petition [to the prosecutor]... Here, many who write petitions [themselves] "disappear"... I was afraid... I have two other sons at home. If I were to tell someone, [they] might take them away as well.[6]

People are also increasingly reluctant to talk to human rights workers or journalists, fearing further persecution. For example, a representative of the Memorial Human Rights Center told Human Rights Watch that about a year ago, when she visited Kurchaloi district—an area in eastern Chechnya largely controlled by Ramzan Kadyrov's forces—she was surprised to find that witnesses and victims of abuses there were scared to talk to her and that they took extreme precautions, such as concealing their identities and not sharing the details of their cases. The representative, who has visited Chechnya

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[5] "Vehement Fights Continue in Mountainous Chechnya: Conflicting Reports on Losses," Newsru.com, February 26, 2005 [online], http://www.newsru.com/russia/26feb2005/operac.html (retrieved February 27, 2005).

[6] Human Rights Watch interview, a village in the Shali district of Chechnya, February 3, 2005. The names of the victim and witnesses as well as the exact location of the interview are withheld to protect the safety of witnesses.

regularly throughout the past four years, added that during her recent visit to Chechnya she found that this tendency "has spread to the entire republic."[7]

The relatives of thirteen victims of "disappearances" who spoke to Human Rights Watch insisted that we not publicize or otherwise use the information about their cases in any way. This is unprecedented in Human Rights Watch's four years of research on enforced disappearances. In almost all cases where the "disappeared" person was subsequently released or the relatives found his body, the families either refused to be interviewed or asked not to disclose the names of the victim and his relatives, their place of residence, or any other details that may allow the authorities to identify the witnesses.

"Disappearances" in Chechnya as a Crime against Humanity

An enforced disappearance takes place when a person is taken into custody by state agents, and the authorities subsequently deny that the victim is in their custody or conceal the victim's whereabouts or fate in a way that places the victim beyond the protection of the law.[8] Often victims of "disappearances" also suffer torture or are summarily executed. Typically those responsible for "disappearances" will try to avoid being called to account through cover-ups and by spreading misleading information about the facts.

International law recognizes that a widespread or systematic pattern of enforced disappearances constitutes a crime against humanity— an act or series of acts that outrage the conscience of humankind.[9] A human rights violation may be classified as a crime against humanity in the context of an armed conflict or in times of peace. In modern jurisprudence the elements of "widespread or systematic" include the scale of the crime, the existence of specific patterns as to the identity of the perpetrators and the

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[7] Human Rights Watch telephone interview with a representative of the Memorial Human Rights Center, March 9, 2005.

[8] Declaration on the Protection of all Persons from Enforced Disappearances, United Nations, G. A. res. 47/133, U.N.Doc. A/RES/47/133, December 18, 1992, Preamble.

[9] The U.N. Declaration on the Protection of All Persons from Enforced Disappearance also terms "the systematic practice" of enforced disappearances to be "of the nature of a crime against humanity." Declaration on the Protection of all Persons from Enforced Disappearances, Preamble. Although a non-binding standard, the Declaration reflects the consensus of the international community against this type of human rights violation and provides authoritative guidance as to the safeguards that must be implemented in order to prevent it. The Rome Statute of the International Criminal Court (ICC) also provides that enforced disappearances are a crime against humanity "when committed as a part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack." See, Rome Statute of the International Criminal Court, U.N. Doc. No. A/CONF. 183/9 (July 17, 1998), 37 I.L.M. 999, Article 7(1). Russia has not ratified the Rome Statute, but many of the definitions of crimes contained in the ICC are considered part of customary international law.

victims, the authorities' knowledge about the crime or obligation to have such knowledge, and the actions taken by the authorities in response to this knowledge.

The available evidence shows that enforced disappearances in Chechnya are both widespread and systematic. According to government statistics, at least 2,090 people have "disappeared" since the conflict started in 1999; human rights groups estimate the figure to be between three thousand and five thousand.[10] As this briefing paper shows, the victims are always civilians or individuals who, when taken from their homes, checkpoints or other locations, are unarmed—they are *hors de combat*. They are predominantly men between eighteen and forty years old, although, after several Chechen female suicide bombers targeted civilians in Russia, women have also increasingly become victims of "disappearances." In two of the forty-three cases reflected in this briefing paper the victims were minors under eighteen years old.

In the vast majority of cases, the perpetrators are unquestionably government agents—either federal forces or, as is increasingly the case, local Chechen security forces who are ultimately subordinate to the Russian federal Ministry of Internal Affairs or the Ministry of Defense. According to a Chechen official, 1,814 criminal investigations were opened into enforced disappearances, yet not a single one has resulted in a conviction.[11] This demonstrates the Russian government's awareness of the scale of the problem, even if it denies responsibility, and its utter lack of commitment to ending "disappearances" and holding their perpetrators accountable.

Under principles of international law, when a pattern of enforced disappearances amounts to a crime against humanity, any state may prosecute their perpetrators regardless of their nationality, the nationality of victims, or the place where the offense was committed.[12] International law states that neither a head of state nor responsible

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[10] Memorial human rights center, "Chechnya, 2004: Abductions and 'Disappearances' of People," February 7, 2005 [online], http://www.memo.ru/hr/hotpoints/caucas1/index.htm (retrieved February 25, 2005).

[11] Chechen State Council Chairman Taus Jabrailov cited this figure in "1,800 People Disappear in Chechnya over 5 Years," ITAR-TASS, February 25, 2005.

[12] Resolution 3074 (XXVIII) of the General Assembly of the United Nations clearly provides for universal jurisdiction over crimes against humanity or war crimes. See Principles of International Co-Operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes and Crimes Against Humanity, General Assembly resolution 3074 (XXVIII), UN doc. A/9030/Add.1 (1973). The principle of universal jurisdiction is now part of customary international law, and is also reflected in international treaties and national legislation. Moreover, in certain circumstances, according to a rule known as *aut dedere aut judicare* (extradite or prosecute), a state is obligated to either exercise jurisdiction over a perpetrator or to extradite the person to a state able and willing to prosecute, or to surrender the person to an international criminal court with relevant jurisdiction. States are obliged not to extradite to countries where the individual would be at risk of torture. The ICC Statute emphasizes that "it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes." Rome Statute of the International Criminal Court, Preamble.

government officials enjoy immunity from criminal prosecution for crimes against humanity.[13]

The Declaration on Enforced Disappearances reaffirms this principle, known as universal jurisdiction, providing that "all States should take any lawful and appropriate action available to them to bring to justice all persons presumed responsible for an act of enforced disappearance, who are found to be in their jurisdiction or under their control."[14]

A Widespread Pattern

Enforced disappearances have become an enduring hallmark of the conflict in Chechnya. In previous reports, Human Rights Watch documented hundreds of cases in which federal forces detained people during large-scale sweep operations or targeted raids, with authorities then denying any responsibility or knowledge of the detainees' whereabouts.[15]

Official figures on "disappearances" in Chechnya are inconsistent and contradictory, and yet even the most modest official figures demonstrate the appalling scale of the problem.

- At the end of December 2004, a representative of the Office of the Prosecutor General of the Russian Federation claimed that since the beginning of the counterterrorist operation in 1999, 2,437 persons were abducted, and of those, 347 were released by the law enforcement agents, which suggests that 2,090 of them "disappeared."[16]

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[13] As was noted in the Judgment of the International Military Tribunal at Nuremberg, "the principle of international law, which under certain circumstances protects the representative of a state, cannot be applied to acts which are condemned as criminal by international law. The authors of these acts cannot shelter themselves behind their official position in order to be freed from punishment in appropriate proceedings." Judgment of the International Military Tribunal for the Trial of German Major War Criminals (with the dissenting opinion of the Soviet Member) - Nuremberg 30th September and 1st October 1946, Cmd. 6964, Misc. No.12 (London: H.M.S.O 1946), p. 41. The Tribunal applied the principle at least once to the perpetrator of enforced disappearances, Field Marshal Wilhelm Keitel, who was convicted of committing this particular crime.

[14] Declaration on the Protection of all Persons from Enforced Disappearances, Article 14.

[15] See: Human Rights Watch "Into Harm's Way: Forced Return of Displaced People to Chechnya," *A Human Rights Watch Report*, Vol. 15, No. 1(D), January 2003; Human Rights Watch "Last Seen: Disappearances in Chechnya," *A Human Rights Watch Report*, Vol.14, No. 3 (D), 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.

[16] "Almost One Third of All Abductions of People in Russia are Committed in Southern Federal District," ITAR-TASS, December 27, 2004. Russian authorities consider these incidents to be abductions, as provided for under article 126 of the criminal code.

- In another December 2004 statement, Russian Ombudsman Vladimir Lukin said that "disappearances" remain "the main problem in the republic" and that, according to the Chechen Prosecutor's Office, there were 1,700 abductions in the first eleven months of 2004.[17]
- Chechen President Alu Alkhanov stated in October 2004 that "according to the prosecutor's data, up to seven people a day… 'disappear' in the republic."[18]
- Despite some official allegations that the number of "disappearances" declined in 2004, on January 16, 2005, Secretary of Economic and Public Security Council of Chechnya Rudnik Dudaev stated that "the past year in Chechnya has shown the greatest spike in the numbers registered of this type of crime."[19] He added that in 2004, about 500 people were abducted, and that the whereabouts of the majority of them are still unknown.

These official statements provide irrefutable evidence that the authorities—both local and federal—are fully aware of the problem of "disappearances" in Chechnya and its actual scale.

The Memorial Human Rights Center, a local human rights organization that has had offices in Chechnya since 2001, maintains a database on "disappearances" in Chechnya that currently contains 1,450 cases documented by its staff since the beginning of the conflict in 1999.[20] While the "disappearances" rate has fluctuated over the years, Memorial has found that the rate did not decrease in 2004. In 2004 Memorial's staff documented the abductions of 396 people, 207 of whom "disappeared."[21] Memorial

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[17] "Vladimir Lukin: During the Last Year, 1,700 Persons Were Abducted in Chechnya," Lenta.ru, December 10, 2004 [online], http://www.lenta.ru/vojna/2004/12/10/kidnap (retreived March 14, 2005). Mr. Lukin restated this statistics in a conversation with a Human Rights Watch researcher on February 11, 2005. This figure, however, appears to differ significantly from the figures released earlier by the Office of the Prosecutor General. In September 2004, the office told the Council of Europe's High Commissioner for Human Rights that over the last three years, 1,749 criminal cases were opened into the abductions and subsequent "disappearances" of almost 2,300 people, see "Council of Europe Commissioner for Human Rights Alvaro Gil Robles: 'Visits to Chechnya are Always Painful,'" *Izvestia*, September 30, 2004.

[18] Cited in I. Sukhov, "Stern, But Kind," *Vremia Novostei*, October 26, 2004.

[19] "About 500 Persons Abducted in Chechnya over the Last Year: Secretary of Security Council Dudaev," ITAR-TASS, January 16, 2005.

[20] Memorial Human Rights Center, "Incomplete List of Persons, Detained by Representatives of Federal Forces in the Zone of Armed Conflict in the Northern Caucasus and Subsequently 'Disappeared,'" [online], http://www.memo.ru/hr/hotpoints/caucas1/prop/index.htm (retrieved February 25, 2005).

[21] Memorial Human Rights Center, "Chechnya, 2004: Abductions and 'Disappearances' of People," February 7, 2005 [online], http://www.memo.ru/hr/hotpoints/caucas1/index.htm (retrieved February 25, 2005). Memorial uses the term "abduction" when a person is "either walked or driven away, most often by armed men in masks and camouflage uniforms," who do not identify themselves and do not inform the family of the person's whereabouts. Memorial suggests that such incidents cannot be qualified as detentions since the perpetrators,

monitors the situation in approximately one-fourth of the territory of Chechnya, so the actual number of "disappearances" may be several times higher, since circumstantial evidence suggests the situation is similar in areas not monitored by Memorial. Further, the organization emphasizes that the total number for 2004 is likely to increase, since many families report the "disappearance" of their relatives to Memorial months after their detention, after their own efforts to find the detainee have proven futile.

A Systematic Pattern: Perpetrators

Throughout the past four years, Human Rights Watch research has shown that "disappearances" are not random acts of criminality but rather follow a systematic pattern, whereby the victims are either civilians or *hors de combat.* The Russian government frequently claims that Chechen rebel forces are responsible for "disappearances," but Human Rights Watch found clear evidence that federal or pro-Moscow Chechen law enforcement, military, or security agents and forces are responsible for the vast majority of these crimes.

In approximately one-third of the forty-three cases recently documented by Human Rights Watch, Russia's federal forces carried out detentions that resulted in the "disappearance" of the victims. In many of these cases, witnesses indicated that the perpetrators ferried off their victims in armored personnel carriers (APCs), which are used only by Russian forces, spoke unaccented Russian, and, in cases when they did not wear masks, were of Russian appearance as well, all of which demonstrate involvement of Russia's federal forces.

Some of these detentions were carried out in a manner reminiscent of the notorious sweep operations that happened throughout Chechnya in 2001-2002. For example, on the night of July 3, 2004, a large group of soldiers in two APCs arrived at the village of Assinovskaia in western Chechnya. The soldiers, who witnesses said were drunk, searched the house of the Ilaev family and took away all the males who had been staying in the house that night—Adlan Ilaev (b.1987) Inver Ilaev (b.1982), Rustam Ilaev (b. 1974), and Kazbek Bataev (b. 1983). The soldiers also took money, jewelry, a spare tire, and a car battery that they found in the house. Relatives learned through unofficial sources that the servicemen who carried out the operation were members of "military intelligence unit no. 12," and that the four missing men had been seen in August 2004 by other detainees at the Khankala military base, located just outside Grozny. Although the

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presumed to be government agents, do not follow the procedure prescribed by the law. On the contrary, their actions constitute a crime provided for in the article 126 of the Russian criminal code.

local prosecutor's office opened a criminal case into the abduction, so far the family has received no official information of the detainees' fate or whereabouts.[22]

While in previous years, Russian forces were the main perpetrators of "disappearances," over the last year they seem to have largely been replaced by Chechen security forces. Approximately two-thirds of the "disappearances" documented by Human Rights Watch in 2005 were perpetrated by or with the participation of Chechen security forces, most of which are effectively under the command of Ramzan Kadyrov, the son of the assassinated president of Chechnya.[23] In addition to Kadyrov's forces, there are at least two other Chechen units—the Ministry of Defense special forces battalions *Vostok* ("East"), under the command of Sulim Yamadaev, and *Zapad* ("West"), under the command of Said-Magomed Kakiev. According to Memorial, the latter two are also responsible for human rights abuses, including enforced disappearances.[24]

Recently, Kadyrov publicly denied his units' involvement in abductions and even threatened to sue human rights groups accusing them of such crimes.[25] But in a number of cases documented by Human Rights Watch, the forces carrying out the detentions did not try to conceal their identity as members of Kadyrov's forces. For example, in December 2004 a group that detained eight relatives of Aslan Maskhadov (see the case description below) openly claimed that they were acting under Ramzan Kadyrov's orders.[26] As the group was leaving the Krasnaia Turbina settlement in Grozny after detaining Maskhadov's elderly sister, they were stopped at a checkpoint by a military

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[22] Human Rights Watch interview with the relatives of Adlan, Inver and Rustam Ilaev, and Kazbek Bataev, Assinovskaia, February 8, 2005. For more details, see Appendix, the "disappearance" of Adlan Ilaev, Inver Ilaev, Rustam Ilaev and Kazbek Bataev.

The Ilaev family home is on 50 Years of October Street. Military intelligence is known in Russian as GRU, the acronym for *Glavnoe Razvedyvatelnoe Upravlenie,* or main intelligence directorate.

[23] These forces include special police units of the Ministry of Interior of Chechnya and the Operative-Investigative Bureau of the North Caucasus Operational Department of the Chief Directorate of the Ministry of Interior in the Southern Federal District (ORB-2). Previously these forces were united under the Security Service of the President of the Chechen Republic. Formally, Kadyrov's Security Service was disbanded by President Alkhanov in the beginning of 2005, leaving Kadyrov only the units of the so-called Special Regiment of Patrol Police, which is under the Ministry of Internal Affairs of Chechnya. However, this regiment has only 1,000 servicemen, while the Security Service had at least 3,000 men, and the Security Service de facto still has its units in dozens of Chechen villages. Moreover, many of the 15,000 Chechen policemen are effectively under the control of Ramzan Kadyrov, rather than the Russian Ministry of Internal Affairs. According to the former prime minister of Chechnya, Mikhail Babich, the overall strength of Chechen forces may currently be up to 30,000 servicemen. The figures are cited in I. Sukhov, "Real Hunters for Terrorists," *Vremia Novostei*, February 25, 2005.

[24] Memorial Human Rights Center, "Chechnya, 2004: Abductions and 'Disappearances' of People."

[25] "Ramzan Kadyrov Will Sue Human Rights Activists," *Novye Izvestia*, February 14, 2005.

[26] Aslan Maskhadov was elected president of Chechnya in 1997 and was the leader of Chechen rebel forces. He was killed on March 8, 2005, by a joint group of Russian and Chechen security forces.

intelligence unit. The commander of the unit later told the woman's relatives that after he stopped the cars, he had called Ramzan Kadyrov on a portable radio, who told him that he himself had sent the group and ordered the unit to let them through.[27] Ramzan Kadyrov, however, publicly denied his forces' involvement in the abduction.[28]

In another case, relatives of eighteen-year-old "Suleiman S." (not his real name), who was taken away from one of the villages in Gudermes region of eastern Chechnya in December 2004, told Human Rights Watch that they had recognized the unmasked men who carried out the detention as representatives of a local unit of Kadyrov's Security Service.[29]

In many other cases, witnesses testified that the abductions were perpetrated both at night and during the day by large groups of armed men, arriving in several vehicles (including, on many occasions, silver VAZ-2199 cars, notorious in Chechnya as the cars used by Kadyrov's forces) and speaking Chechen. It is inconceivable that ordinary criminals or Chechen rebel groups could so freely and openly stage the abduction of hundreds of people without interference of the authorities in areas of Chechnya that have been under Russian control since early 2000. Thus, direct and circumstantial evidence points to forces under Kadyrov's command and other pro-Moscow Chechen units as the perpetrators of a great many "disappearances."

Chechen troops seem to enjoy increasingly broad independence in Chechnya, but they are still under the formal control of the federal center, and oversight and responsibility for their actions ultimately lies with the Ministries of Defense and Internal Affairs. Moreover, by recently awarding Ramzan Kadyrov the title "Hero of Russia," the leadership in Moscow has confirmed that it supports and approves of Kadyrov's policies and methods in Chechnya.

Several statements by Russian and local Chechen authorities make clear that they are aware of the involvement of federal forces in abductions and "disappearances" in

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[27] Human Rights Watch interview with the families of the "disappeared" relatives of Maskhadov, Grozny, January 31, 2005.

[28] See, e.g., I. Sukhov, "We Are at War, After All," *Vremia Novostei*, February 18, 2005; V. Barinov, "Maskhadovs Are Missing," *Gazeta*, February 1, 2005.

[29] Six days after the detention, the local prosecutor's office gave the young man's body back to the relatives, saying that the office had received it from members of Kadyrov's security forces. They claimed that "Suleiman S." was killed while setting an ambush, and provided no explanation to the family regarding his prior detention. His body bore bullet wounds. Human Rights Watch interview with the relatives of "Suleiman S," Gudermes, February 3, 2005. The victim's real name is withheld to protect his relatives.

Chechnya, even as officials have often tried to attribute these crimes to Chechen fighters.

- In March 2003, Prosecutor of Chechnya Vladimir Kravchenko reported to a closed meeting of military and security forces that he had concluded that of the 565 investigations opened into abductions in 2002, "about 300 cases included data on federal force involvement in 'disappearances.'"[30]
- Akhmad Kadyrov, the president of Chechnya assassinated in 2004, also repeatedly cited the involvement of federal forces in "disappearances." In an interview in late March 2003, he stated that in December 2002 and January 2003 those committing abductions were most often people "who drove around in APCs and Urals," and added, "I don't think Basaev drives an APC these days, does he?"[31]
- In late January 2005, the commander of the Regional Operational Headquarters in Chechnya maintained that "unfortunately, besides the bandits, representatives of federal forces and law enforcement agencies also take part in the abductions of residents of the republic."[32]

Perpetrators of crimes against humanity such as "disappearances" are criminally responsible for their acts. Given the particular seriousness of these crimes, international law sets out special rules of responsibility for them. Thus, criminal responsibility cannot be avoided by invoking that the suspect holds an official position including that of head of state. Military commanders or others with command authority are considered criminally responsible for "disappearances" carried out by their subordinates if they were aware—or should have been aware—of the abuses and failed to take effective measures to prevent them. The exception of due obedience to superior orders is not accepted as a justification for the commission of crimes against humanity. Finally, statutes of limitations do not run in the cases of crimes against humanity and those responsible do not benefit from refuge in third countries.

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[30] S. Ofitova, "Scandalous Confession of the Prosecutor of the Republic," *Nezavisimaia Gazeta*," April 16, 2003.

[31] Akhmad Kadyrov's radio interview on Echo of Moscow, March 26, 2003. Shamil Basaev is a leader of the most radical wing of Chechen rebel fighters and has acknowledged responsibility for such acts of terrorism as the massive seizure of hostages at the Dubrovka theater in Moscow in October 2002 and the seizure of school children, their parents, and teachers as hostages in Beslan in September 2004

[32] Cited in V. Barinov, "Maskhadovs Are Missing," *Gazeta*, February 1, 2005.

A Systematic Pattern: Victims

The victims of "disappearances" in Chechnya fall into three main categories described below.

Most victims of "disappearances" in cases documented by Human Rights Watch previously and during our 2005 research trip were males between the ages of eighteen and forty, from a variety of social and educational backgrounds, whom the authorities presumably believed were affiliated with or had information about rebel fighters.[33]

In a typical case, on the night of November 7, 2004, federal forces arrived on several APCs and UAZ jeeps in the village of Starye Atagi in central Chechnya. The soldiers broke into two houses in the village, and, holding the families at gunpoint, took away twenty-two-year-old Adam Demelkhanov and forty-four-year-old Badrudin Kantaev, without even checking the men's documents. Both men have not been seen or heard from since then. The families of the men denied their involvement with rebel fighters. Demelkhanov was a second-year student at the Chechen State University, and Kantaev had worked as a carpenter, but during the month before his "disappearance" was at home, ill with serious tuberculosis. A neighbor later told the Demilkhanov family that he had led the forces to the house.[34]

Recently Russian and Chechen security forces have also increasingly targeted women—a trend that may be linked to the fact that a number of women were among the perpetrators of recent terrorist attacks in Russian cities.

For example, at the dawn of September 12, 2004, a large group of armed men detained thirty-seven-year-old Khalimat Sadulaeva, a mother of four, in her house in the town of Argun, about ten miles east of Grozny. Since then, the family has not received any official information about her whereabouts, although a contact at the Khankala military base told the family he had seen Sadulaeva there in January 2005. The family believes that the Federal Security Service, or FSB, was behind the "disappearance," since shortly

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[33] Of the eighty-seven cases documented in the Human Rights Watch report "Last Seen," thirty-eight were males aged eighteen to thirty-five (in thirty-four cases the age of the victim was unknown). See Human Rights Watch, "Last Seen."

[34] Human Rights Watch interview with a relative of Adam Demelkhanov, Grozny, January 29, 2005. For more details, see Appendix, the "disappearance" of Adam Demelkhanov.

Human Rights Watch interview with a relative of Badrudin Kantaev, Grozny, January 29, 2005. For more details, see Appendix, the "disappearance" of Badrudin Kantaev.

before the detention an FSB official at a local commandant's office had asked Sadulaeva's brother about her.[35]

On October 9, 2004, forty-seven-year-old Zalpa Mintaeva, also a mother of four, was taken from her house in Argun by a group of armed men speaking unaccented Russian. According to witnesses, the armed men first asked about male members of the household, and, having heard that there were no men in the house, told Mintaeva: "Then you'll go with us, since you are the oldest." Since then, the relatives have had no information about the woman's fate or whereabouts despite their tireless efforts to find her.[36]

Finally, at least twelve people who "disappeared" over the last six months were relatives of rebel fighters. In October 2004, Russia's prosecutor general suggested the adoption of a new antiterrorist law that would allow "counter-hostage-taking"—detaining rebel fighters' relatives in order to force them to surrender.[37] The initiative was supported by Chechen President Alu Alkhanov, who promised the implementation of such a law, should it be adopted.[38] While the prosecutor general subsequently retracted his proposal, made at the State Duma in the aftermath of the Beslan atrocity, he sent a strong signal of approval for such a policy. Several cases documented by Human Rights Watch during the 2005 research trip to Chechnya provide evidence that security forces have adopted a policy of "counter-hostage-taking."

The most renown "counter-hostage" operation occurred in December 2004, when members of Kadyrov's forces abducted and "disappeared" eight of Aslan Maskhadov's relatives.[39] One of the eight, Maskhadov's nephew Movlid Aguev, "reappeared" in January 2005 in the Nozhai-Yurt District Department of Internal Affairs (ROVD), being

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[35] Human Rights Watch interview with a relative of Khalimat Sadulaeva, Argun, January 30, 2004. For more details, see Appendix, the "disappearance" of Khalimat Sadulaeva.

[36] Human Rights Watch interview with the relatives of Zalpa Mintaeva, Argun, January 30, 2004. For more details, see Appendix, the "disappearance" of Zalpa Mintaeva.

[37] "Prosecutor General Suggested Fighting Terrorism by 'Counter-hostage-taking,'" NEWSru.com, October 29, 2004 [online], http://www.newsru.com/russia/29oct2004/contrzahvat.html (retrieved February 28, 2005).

[38] "Alkhanov Supported the Prosecutor General's Idea to Take Terrorists' Relatives as Hostages," NEWSru.com, November 1, 2004 [online], http://www.newsru.com/russia/01nov2004/support.html (retrieved February 28, 2005).

[39] These include his sister Buchu Abdulkadyrova (b.1937), two of his brothers, Lecha Maskhadov (b.1936) and Lema Maskhadov (b.1949), his niece, Khadizhat Satueva (b. 1964) and her husband Usman Satuev (b. 1957), his nephew Ikhvan Magomedov (b. 1969), and two other relatives, Adam Rashiev (b.1950) and Movlid Aguev (b. 1969).

charged with participation in an "illegal armed formation," but to date the whereabouts of the other seven remain unknown.[40]

While initially the authorities denied reports of the "disappearance" of Maskhadov's relatives, and would not even acknowledge that they were missing, on February 18, 2005, Chechen President Alu Alkhanov confirmed the fact of the abductions. He announced that the prosecutor's office had launched a criminal investigation, but has not thus far publicized any findings.[41]

In another illustrative case, on February 25, 2004, a group of armed men, some of whom spoke Russian and some Chechen, took fifty-two-year-old Aset Dombaeva and her fifty-eight-year-old husband from their house in Urus-Martan, in central Chechnya. Before they reached their destination, however, the men pushed Dombaeva's husband out of the car and drove away. He returned home, but Dombaeva herself has been neither heard from nor seen since then. Several months earlier, in October 2003, Dombaeva's son, who was, according to the relatives, a rebel fighter, also "disappeared" after he had been detained by federal forces. Dombaeva's relatives believed that the elderly woman's "disappearance" was linked to the "disappearance" of her son.[42]

Evidence of torture and killings in custody

Many of those who "disappear" in the custody of Russian or pro-Moscow Chechen forces also become victims of torture and extrajudicial executions. Bodies of people who had been previously taken into custody and then "disappeared" are regularly found in Chechnya. In one of the cases documented by Human Rights Watch in 2004, eight men "disappeared" after they were taken away during a large-scale sweep operation conducted by Russian forces on March 27, 2004, in the village of Duba-Yurt. Two weeks later the bodies of these men, bearing gunshot wounds to their heads and torsos, were found in a ravine fifteen miles northeast of Duba-Yurt. The criminal investigation opened into the case has so far produced no results.[43]

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[40] Human Rights Watch interviews with the relatives of the "disappeared," Grozny, January 30 and 31, 2004. For more details, see Appendix, the "disappearance" of eight relatives of Aslan Makhadov.

[41] "President of Chechnya Confirmed the Fact of Abduction of Maskhadov's Relatives," RIA-Novosti, February 18, 2005.

[42] Human Rights Watch interview with a relative of Aset Dombaeva, Urus-Martan, February 1, 2005. For more details, see Appendix, the "disappearance" of Aset Dombaeva.

[43] For more information, see "Russia: Nine Civilians Extrajudicially Executed in Chechnya," Human Rights Watch press-release, April 13, 2004. Over the last year, Human Rights Watch has been monitoring the developments in the case.

In a more recent case, a joint group of Russian and Chechen security forces "disappeared" two residents of Grozny in September 2004. The relatives' search proved futile, but several months later they recognized the men among three bodies found on the outskirts of the city. The bodies bore gunshot wounds, and the victims' hands were tied with metal wire.[44]

The testimony of detainees who were eventually released after being held in unacknowledged detention strongly suggests that torture in custody is rampant in Chechnya.

Human Rights Watch interviewed one such former detainee on the day following his release. The young man had been detained at the end of January 2005 by Russian security forces at a so-called mobile checkpoint and held for six days, during which time his relatives actively sought but received no information of his whereabouts. While in detention, the young man was held on the concrete floor of a tiny, unheated cell. He was handcuffed and had a plastic bag over his head the entire time.[45] At the time of the interview he was in a state of shock, had difficulty speaking clearly and focusing his eyes; he said that his perpetrators had injected him with an unknown drug. He had bruises on his face and arms, and he could not move several of his fingers, which were heavily swollen. Notably, the family decided not to report the unlawful detention and torture to the authorities—as one of the relatives said, "In whatever state he is, since we found him alive I revoked my appeal [about the 'disappearance']."[46]

A Systematic Pattern: Impunity

Not a single person has been held fully accountable for a "disappearance" since the conflict began in 1999. The Russian government has utterly failed to establish a meaningful accountability process for abuses by Russian and pro-Moscow Chechen forces. Notably, after his visit to Chechnya in September 2004, Alvaro Gil Robles, the Council of Europe's Commissioner for Human Rights dismissed Russian authorities' assurances of their commitment to accountability, characterizing the situation as one of

[44] Human Rights Watch interview with two relatives of one of the victims, Grozny, February 7, 2005. Names of witnesses and victims withheld to protect the witnesses.

[45] The witness said that the plastic bag had been tied to his neck with tape, leaving a small slit at the bottom of the bag through which he could breathe.

[46] Human Rights Watch interview, February 1, 2005. Location of the interview and names of the victim and his relatives withheld to protect their safety.

"complete impunity."[47] The overwhelming impunity enjoyed by perpetrators of "disappearances" has doubtless encouraged others to commit them.

In recent years, the civilian prosecutor's office has begun opening criminal investigations into most of the abductions reported by victims' relatives.[48] In mid-February 2003, the prosecutor of Chechnya stated that his office was conducting 1,163 criminal investigations into the abductions of approximately 1,700 individuals in Chechnya.[49] Two years later, on February 25, 2005, Chechen State Council Chairman Taus Jabrailov stated that the prosecutor's office had opened 1,814 criminal cases into the abductions of 2,540 people that occurred in the period from 1999 to 2005.[50]

The large number of criminal investigations of "disappearances" serves as yet further proof of the authorities' awareness of the scale of the problem, especially since these figures are regularly made public and reported to the prosecutor general and Russian leadership.

The absolute lack of progress made in these investigations, however, is indicative of the authorities' resistance to bringing perpetrators to justice. According to a list of convictions of servicemen for crimes against civilians, compiled by the Office of the Prosecutor General in 2004, not a single person has been convicted in relation to a "disappearance."[51] In January 2005, the prosecutor of Chechnya stated that "in the last year, seven members of law enforcement agencies were found criminally responsible for crimes related to abductions;" however, no details were provided and it is unclear whether even these seven were sentenced.[52]

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[47] "Council of Europe Commissioner for Human Rights Alvaro Gil Robles: 'Visits to Chechnya are Always Painful,'" *Izvestia*, September 30, 2004.

[48] Previously, in some cases documented by Human Rights Watch, after a "disappearance" was reported to law enforcement officials, they opened "searches" qualifying the "disappeared" as "missing persons," despite clear evidence that the person had been detained. In these cases, officials use the applicants' ignorance of legal technicalities to avoid opening a criminal investigation, which would require decisive action. The civilian prosecutor's office has jurisdiction over the police, but has no legal authority to investigate abuses by members of the armed forces. The military prosecutor's office has jurisdiction over crimes committed by those serving in the armed forces, such as the army, as well as by those serving in the Ministry of Internal Affairs' armed forces, and Spetsnaz forces.

[49] Statistics cited in I. Maksakov, "Peace is Good, Says Alvaro Gil Robles," *Izvestia*, February 13, 2003.

[50] "1,800 People Disappear in Chechnya over 5 Years," ITAR-TASS, February 25, 2005. The title of this article is illustrative of the official media's efforts to understate the scale of the problem, even if it means misstating their sources.

[51] Letter to V.P. Lukin, Ombudsman of the Russian Federation, from S. N. Fridinskii, Deputy Prosecutor General of the Russian Federation, No. 46/2-1535-04, August 20, 2004. A copy of the letter is on file with Human Rights Watch.

[52] Cited in V. Barinov, "Maskhadovs are Missing," *Gazeta*, February 1, 2005.

Most of the criminal cases are closed or suspended after several months, "due to the impossibility of establishing the identity of the perpetrators." According to Memorial, this happens in four-fifths of all cases opened by the prosecutor's office. In December 2004, the head of the Southern Federal District Department of the Office of the Prosecutor noted that of the 1,783 criminal cases opened into abductions in Chechnya since the beginning of the counterterrorist operation, 1,469 had been suspended.[53]

In what is also a long-standing pattern, law enforcement agencies usually make no effort to conduct even the most rudimentary investigative actions, such as questioning witnesses or searching for a particular car that had allegedly been used by the perpetrators.[54] Even in cases where the victims or witnesses have information that could easily lead to establishing the perpetrators, such as the names of unit commanders or the license plate number of the cars, the investigators take no action to utilize this information.

For example, after a group of Russian forces took away twenty-three-year-old Aslan Tazurkaev from the village of Novye Atagi in July 2004, his relatives noted the license plate numbers of the three cars and an APC used in the operation, and later on found out that at least some of the officials were from an FSB unit stationed near the village. However, when they tried to inquire at the FSB together with the head of the local administration, an officer there threatened to detain them should they show up again. A criminal investigation was opened into the abduction, but despite the substantial evidence and the availability of witnesses who had seen Tazurkaev in detention, the prosecutor's office failed to establish the identity of the perpetrators or find the "disappeared" man.[55]

In some cases, when the evidence strongly suggests the involvement of Russian forces, the civilian procuracy tries to hand the case over to the military prosecutor, who in turn usually refuses to take it, and the case becomes stalled between the two institutions.

Even when detainees held in unacknowledged detention are released and the perpetrators established, no accountability process takes place. For example, according to Memorial, a few of the 189 persons released after being detained in 2004 were

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[53] "Almost One Third of All Abductions of People in Russia are Committed in Southern Federal District," ITAR-TASS, December 27, 2004.

[54] See Human Rights Watch, "Last Seen," pp. 37-42; Human Rights Watch, "The 'Dirty War' in Chechnya," pp. 22-27.

[55] Human Rights Watch interview with the relatives of Aslan Tazurkaev, Grozny, February 5, 2005. For more details, see Appendix, the "disappearance" of Aslan Tazurkaev.

released due to the efforts of law enforcement officials or representatives of the Chechen administration.[56] In all of these cases, the perpetrators were members of Russian or Chechen security forces; however, none of the cases resulted in security force members being held responsible for the "disappearances."[57]

Russia's Efforts to Block the Draft Convention on Enforced and Involuntary Disappearances

In 2001 the U.N. Commission on Human Rights established an intersessional open-ended working group to elaborate a draft legally binding instrument for the protection of all persons from enforced disappearances. This was the culmination of a process started by the international community as long ago as the late 1980s, in an effort to find the legal means to help eradicate the scourge of "disappearances" that had ravaged societies in all regions of the world. Since then the Working Group has been holding two sessions per year and making substantial progress towards the completion of this treaty. The current text contains important protections as well as innovative mechanisms for the prevention of "disappearances".

While initially mildly supportive of the initiative, Russia has become increasingly hostile to the idea of an international treaty aimed at preventing enforced disappearances. During the last session of the Working Group, Russia insisted that the definition of "disappearances" should include private actors as perpetrators on the same footing as governments. The Russian proposal would represent a fundamental departure from the principles of international human rights law, which imposes certain legal obligations on states to ensure that the rights of individuals are protected and prohibits states from engaging in activities that would violate those rights. The particular horror of "disappearances" is that they are a mechanism used by state agents to bypass their own legal institutions and obligations when they find these obligations inconvenient.

The terrifying abuses committed by the Chechen rebels deserve the most energetic condemnation, but it is clear from this report that the responsibility for enforced disappearances in Chechnya lies mainly with the Russian government. Attempts to disguise such crimes as rebel abuses are reprehensible; parallel efforts to distort the measures aimed at providing legal protection and remedy for such crimes further undermines both the moral and legal authority of the government.

Unfortunately a number of proposals aimed at compromise, and at accommodating Russia's concerns, have led nowhere. Beyond this specific issue Russia has not engaged

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[56] The vast majority either had ransoms paid by their relatives or were released by the perpetrators.

[57] Memorial Human Rights Center, "Chechnya, 2004: Abductions and 'Disappearances' of People."

in substantive debate on the provisions of the draft treaty. At the same time it has become one of the major obstacles to the completion of the treaty through the systematic introduction of procedural issues aimed at delaying and derailing the debate.

Recommendations

The United Nations Commission on Human Rights should:

- Adopt a resolution condemning ongoing violations of human rights and humanitarian law by both sides of the conflict, and specifically condemn the widespread and systematic pattern of enforced disappearances in Chechnya as a crime against humanity. The resolution should call on the Russian government to immediately end the practice of enforced disappearances and take measures for their prevention in the future;
- Call on Russia to invite key U.N. thematic mechanisms, particularly the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Torture, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions;
- Insist on accountability. The resolution should call on the Russian authorities to ensure meaningful investigations into all reported crimes by Russian and pro-Moscow Chechen forces against civilians in Chechnya, and specifically require the prosecution of the perpetrators of enforced disappearances; it should call on the Russian authorities to publish a detailed list of all current and past investigations into such abuses and indicate their current status;
- Renew its call for a national commission of inquiry to document abuses by both sides of the conflict and make clear that Russian authorities' continued failure to make progress on accountability will result in the establishment of an international commission of inquiry to document and produce an official record of abuses;
- Encourage individual member states to prosecute the perpetrators of enforced disappearances in Chechnya under the principle of universal jurisdiction over crimes against humanity;
- Ask all member states to cooperate towards the prompt completion of a strong international treaty to prevent and punish enforced disappearances.

APPENDIX

CASES OF ENFORCED DISAPPEARANCES DOCUMENTED BY HUMAN RIGHTS WATCH DURING FIELD RESEARH IN CHECHNYA, JANUARY-FEBRUARY 2005

Enforced disappearance of Salambek Alapaev (b. 1982)[58]

Salambek Alapaev lived in Grozny, but visited his family regularly in his home town of Sernovodsk. On December 27, 2004 he was staying at his house in Sernodovsk on Demiana Bednogo Street, with his pregnant wife, child, and elderly grandfather.

At about 3:00 a.m. two cars, a white Gazel minivan and an UAZ jeep, stopped near the house. A large group of armed men, all of whom spoke unaccented Russian, entered the house. A relative told Human Rights Watch:

> They just asked, "What's your name?" He said, "Salambek." They did not even let him to put his socks, or shoes, or shirt on— they took him away half-naked. They told him to show his passport. He showed his passport to them, told them that he had a job, and asked them, "Why are you taking [me]?" They did not say a word [in response].

According to the witnesses, the armed men pushed Alapaev's grandfather away and kicked him when he tried to protest the detention. They searched the house, turning everything upside down. The men then took Alapaev away, and his family has received no information about his fate or whereabouts since.

One of the relatives visited Ramzan Kadyrov's headquarters in the village of Tsentoroi, but found no information about Alapaev there. The relative decided not to ask the local prosecutor's office to open a criminal investigation. She told Human Rights Watch:

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[58] The case description is based on a Human Rights Watch interview with relatives and neighbors of Salambek Alapaev, Sernovodsk, February 4, 2005.

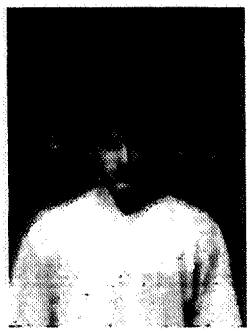
> I asked [the prosecutor] if it wouldn't harm my son if I wrote a petition, and they told me, "We are not responsible for that." I was afraid [for my son] and so I did not write [the petition].

The family reported the "disappearance" to the secretary of the Chechnya Security Council, Rudnik Dudaev, who apparently passed the appeal on to the Chechnya prosecutor's office. The latter ordered the local prosecutor's office in Achkhoi-Martan to look into the case and inform the Chechnya prosecutor's office of the results by January 25, 2005.[59] At the time of the interview, however, the family had still not received any information from the Achkhoi-Martan prosecutor's office.

Alapaev worked in the Nalchik office of *Medintel*, a company that sells medical equipment since July 2004. In November 2004, he was transferred to the company's Grozny office and lived in the city since then. His family is adamant that Alapaev was never involved with the rebel fighters.

[59] Copies of the documents are on file with Human Rights Watch.

Enforced disappearance of Alis Zubiraev (b. February 5, 1986)[60]



At about 5:30 a.m. on December 21, 2004, several APCs closed off Lenin Street in the village of Chechen-Aul, and a group of at least six uniformed, armed men approached house number 8, where the Zubiraev family lived. When Alis Zubiraev heard the knock at the door and opened it, the armed men knocked him down with a blow from the butt of a submachine gun. According to witnesses, the men spoke Russian without an accent.

The men checked the passports of all the males in the house. According to a relative, when they looked at Alis Zubiraev's passport, a soldier said, "That's him," and took Zubiraev away, providing no explanation to the family. Zubiraev's relative told Human Rights Watch:

> When they led him away, I started screaming, "Let him dress at least!" They allowed me to bring his shoes and coat. I said, "Why [are you taking him]? He is just a kid! Where are you taking him? Where should we look for him?" They didn't say anything.

The men put Alis Zubiraev in a grey minivan ("tabletka") that had no license plate and drove off with him.

The same night a group of armed men also came to a house adjacent to the Zubiraev home and detained the older son of the family that lived there. This man was released several days later and told Zubiraev's relatives that he was detained by the Grozny Regional District Department of Internal Affairs (ROVD). He explained that he was kept in detention as a hostage until his younger brother surrendered to the ROVD. He also mentioned that the ROVD group first put him into in an APC and then moved him into a minivan ("tabletka"), where he was blindfolded, but could feel that "someone was at [his] feet." While questioning him, the ROVD investigators also asked him about Alis Zubiraev.

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[60] The case description is based on a Human Rights Watch interview with a relative of Alis Zubiraev, Nazran, January 27, 2005.

Alis Zubiraev's family appealed repeatedly to the Grozny Regional ROVD, being convinced that they were behind his detention as well. The officials there confirmed that the grey minivan belonged to them, but denied having any knowledge of Zubiraev's detention or whereabouts. They initially suggested that the group that had detained Zubiraev came from a military base near Staryе Atagi, and allegedly looked for him there with no success. The ROVD then opened a criminal investigation into the abduction, which so far has yielded no results. The family also petitioned the Chechen president and the chief prosecutor of Chechnya about the "disappearance," but has received no further information.

Alis Zubiraev graduated from high school in the summer of 2004 and was helping his uncles with some construction work while preparing to apply to a university.

Enforced Disappearance of Rasul Mukaev (b. 1979)[61]

At about 5:00 a.m. on December 3, 2004, a group of eight to ten armed men in masks and green military uniforms burst into the Mukaev family house in the village of Duba-Yurt, waking up Rasul Mukaev, his younger brother, and their parents. According to Mukaev's relative, the men spoke Russian without an accent. One of Rasul Mukaev's relatives described the incident to Human Rights Watch:

> We were sleeping. They broke the doors, burst in, yelling, and pointed their submachine guns at us, [shouting], "Everyone get down! We'll shoot!"... I leaped up, started showing them our papers, asking whom they wanted, and why, and who they were—they were all in masks. I was begging them, "Why are you [doing this]?"... They did not explain anything.

The armed men searched the house but did not take any valuables. They took Rasul Mukaev's passport, handcuffed him, and put a T-shirt over his head. They walked him away by foot, but later the villagers told the family that the men had taken Mukaev to cars (a so-called *tabletka* minivan and VAZ-2107) parked on a nearby street and drove away.

Mukaev's relative told Human Rights Watch that the local prosecutor's office had opened a criminal investigation into the abduction, and that investigators had come to their house, questioned them, and looked for footprints in and outside the house. At the time of the interview, however, the family was unaware of any results from the investigation and has received no information on Mukaev's whereabouts.

Rasul Mukaev was wounded in the head during the first Chechnya war, when Duba-Yurt was shelled by Russian artillery. A fragment from the bomb was still lodged in his head, and he also suffered from epilepsy. According to his relative, in 2000 he ran away "into the woods" to join the rebel fighters because he wanted to take revenge for his trauma. After his relatives found him and brought him home, the family immediately fled Chechnya. They returned home shortly before the constitutional referendum in March 2003. During a sweep operation in Duba-Yurt three weeks later, Russian soldiers detained Mukaev. After two months of searching, the family found him at the Khankala military base. Shortly thereafter Mukaev was released and, according to his relative, "apparently amnestied."

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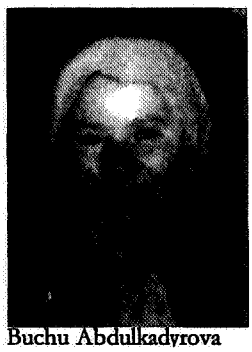
[61] The case description is based on a Human Rights Watch interview with a relative of Rasul Mukaev, Grozny, January 29, 2005.

Enforced disappearance of Buchu Abdulkadyrova (b. 1937), Lechi Maskhadov (b. 1936), Lema Maskhadov (b. 1949), Ikhvan Magomedov (b. 1969), Adam Rashiev (b. 1950), Khadizhat Satueva (b. 1964), and Usman Satuev (b. 1957).[62]


Buchu Abdulkadyrova


Khadizhat Satueva

As part of their policy of "counter-hostage taking" in Chechnya, aimed at apprehending the relatives of rebel leaders and fighters in order to make them surrender, in December 2004 forces under the command of Ramzan Kadyrov detained eight relatives of Aslan Maskhadov, seven of whom subsequently "disappeared." While Ramzan Kadyrov publicly denied his forces' involvement in the abductions, the case descriptions below clearly point to their implication in these "disappearances." The first five of Maskhadov's relatives "disappeared" after they were detained on December 3, 2004.

On December 3, 2004, Buchu Abdulkadyrova, Aslan Maskhadov's older sister, was alone at her house, 62 Turbinaia Street in Staropromyslovski district of Grozny. The neighbors later told her relatives that at about 9:00 p.m. that night eight or nine cars—VAZs and UAZ jeeps—entered the neighborhood. The neighbors saw that the armed men went into Abdulkadyrova's house, led her out of the house and put her into one of the cars. As the cars were leaving the neighborhood, they were stopped at a checkpoint by a military intelligence unit. The commander of the unit later told Abdulkadyrova's relatives that after he stopped the cars, he had called Ramzan Kadyrov on a portable radio, who told him that he himself had sent the group and ordered the unit to let them through.

The same night, twelve cars, VAZs and UAZ jeeps, arrived at the house of Aslan Maskhadov's brother, Lechi Maskhadov, who lived on Mostovaia Street in the Staropromyslovski district of Grozny. According to Maskhadov's relatives, a large group

[62] The case descriptions are based on Human Rights Watch interviews with family members of the "disappeared," Grozny, January 30 and 31, 2005.

of armed men burst in and without explanation demanded that Lema Maskhadov hand over his son, Solman. When he answered that his son was not home, the soldiers searched the entire house, and then left, taking Lema Maskhadov with them.

Also on the night of December 3, 2004, a group of armed men detained another of Aslan Maskhadov's brothers, Lema Maskhadov, at his house, 125 Sovetskaia Street, in the Pervomaiskaia settlement (*stanitsa*) in Grozny. Witnesses say the soldiers conducted a search of the house and took him away without allowing him to put his coat on. At the same time, another group of forces came to house no. 87 on the same street, and detained Aslan Maskhadov's nephew, Ikhvan Magomedov. According to a relative, the forces detaining him explicitly said that they were acting under Ramzan Kadyrov's orders.

At nearly the same time, on the evening of December 3, 2004, a large group of armed men arrived in eleven cars, UAZs and Nivas, at the house of Adam Rashiev, a distant relative of Aslan Maskhadov, 26 Sovkhoznaia Street, in the Staropromyslovski district of Grozny. The armed men took Rashiev away, telling his relatives that they would take him to the Oktyabrskii District Department of Internal Affairs. However, when the relatives went there, they found out that Rachiev had not been brought there.

Another three relatives of Aslan Maskhadov were detained on night of December 28, 2004; two of them subsequently "disappeared."

At about 2:00 a.m. on December 28, 2004, a group of armed men arrived in two cars, a VAZ and a Niva, at 62 Turbinnaia Street in the Staropromyslovski district of Grozny, where Aslan Maskhadov's niece, Khadizhat Satueva, was staying with her relatives. The armed men told Satueva that they were looking for her husband and ordered to her to go with them to show the way to his house. As the relatives found out later, the armed men had tricked Satueva into coming with them, since by that time the armed men had already detained Satueva's husband.

Earlier that night they had arrived at the Satuev family home, 3 Doprizyvnikov Street, apartment 4. According to relatives, the armed men first apprehended Satuev's sixteen-year-old son, but then, realizing he was a minor, let him go. Instead, they detained Khadizhat Satueva's husband, Usman Satuev, and drove him away.

The same night, another group of forces detained Aslan Maskhadov's son-in-law Movlid Aguev, who lived in the same area in the "Avtotrest" housing complex. In January 2005,

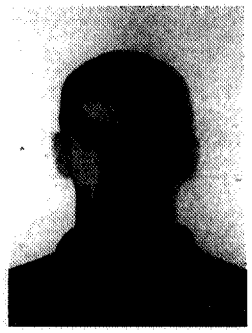
his relatives found out that Aguev was in detention in the Nozhai-Yurt District Department of the Internal Affairs, charged with "participation in an illegal armed formation."

The relatives did not manage to get any official information on the fate or whereabouts of the other seven persons. Through unofficial channels they found out that the "disappeared" were held in the village of Tsentoroi, Ramzan Kadyrov's headquarters, but were unable to confirm this information.

While initially the authorities refused to take any action in response to the families' appeals, in late January, 2005, the Staropromyslovski district prosecutor's office opened criminal investigations into the abductions: cases no. 43009 (Buchu Abdulkadyrova); no. 43012 (Lechi Maskhadov); no. 43011 (Khadizhat Satueva), and no. 43010 (Usman Satuev).[63] The relatives believe that criminal cases were opened into the abductions of the other three of Maskhadov's relatives, however did not have the documents confirming this. So far, the investigations have yielded no results.

[63] Copies of the documents are on file with Human Rights Watch.

Enforced disappearance of Adam Demelkhanov (b. 1983)[64]



At about 3:00 a.m. on November 7, 2004, the sound of approaching APCs awoke the Demelkhanov family in their home at 73 Nagornaia Street in the village of Starye Atagi. The two APCs broke through the gates into the yard; later the relatives also saw two UAZ jeeps parked within a short distance of the house. About thirty soldiers surrounded the house, and part of the group burst in. According to Demelkhanov's relatives, the men spoke Russian without an accent; some wore masks, while others did not. They did not identify themselves.

One of the soldiers forced Demelkhanov's mother to the floor and stepped on her. He cursed at her and threatened to shoot her should she attempt to move. Another group bound and gagged Demelkhanov's father. The soldiers then dragged him out of the house to an APC outside. The men also badly beat an elderly relative, who had been sleeping in another room at the time.

The soldiers then went to Adam Demelkhanov's room, where his mother heard a gunshot fired. Later, after the soldiers had left, she found a pool of blood in the room. The soldiers dragged Demelkhanov by the feet down the stairs and out to the cars parked near the house. His relative told Human Rights Watch:

> I could even hear the knocking of his head against the stairs. He showed no signs of life. If at least he had moaned! But nothing, he was unconscious. And the trail of blood went on for about 100 meters where they had dragged him. They dragged him like a dog.

Without looking at the men's documents, the soldiers drove off with Adam Demelkhanov and his father, but then released the father on the way. He returned home several hours later. He was blindfolded while inside the APC and unable to see his son. When the vehicle had stopped and the soldiers removed his blindfold, he noticed several people in black uniforms—different from the camouflage uniforms that his abductors wore—near the APC.

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[64] The case description is based on a Human Rights Watch interview with a relative of Adam Demelkhanov, Grozny, January 29, 2005.

The morning following the detention, a neighbor of the Demelkhanovs' told the family that he had led the soldiers to their house, but when the family tried to question him further, he just said that he "must have confused the houses." He also mentioned that at least some of the soldiers were from a local commandant's office in Staye Atagi.

The family reported the incident to the prosecutor's office in Tolstoi-Yurt, which opened a criminal investigation into the abduction and then forwarded the case to the prosecutor's office in Grozny. The relatives also wrote to the President of the Chechen Republic, Alu Alkhanov, and to Vice Prime Minister Ramzan Kadyrov. The investigators told the family that soldiers from the Khankala military base had taken part in the operation, but did not provide any details. To date the family has received no further information on Demelkhanov's whereabouts. Demelkhanov was a second-year student at the Chechen State University.

One other person, Badrudin Kantaev, was also detained the same night and subsequently "disappeared" (see the case description below).

Enforced Disappearance of Badrudin Kantaev (b. October 21, 1960)[65]

On the night of November 7, 2004, several APCs drove up to 293 Nuradilova Street in Starye Atagi, where the Kantaev family was renting a room. A group of soldiers, one of whom was masked, broke down the door and burst into the room. They did not introduce themselves and did not provide any explanations, but roused Badrudin Kantaev from his bed and led him away, wrapping a blanket over his head. His wife told Human Rights Watch:

> I told them "Please, don't scare my small children," and then they cursed in Russian and one [of them] hit me. They did not search anything, did not even say a word. I told them they could check [his] passport—maybe he is innocent. But they took him away with his passport. He only had his [pajama bottoms] and a T-shirt on.

Based on some of the soldiers' remarks, Kantaev's wife believes that the soldiers might have been looking for some young men who lived in the house previously, but whom the family did not know.

Kantaev has not been seen or heard from since the day of his detention. His relatives went to the local police and prosecutor's office and wrote to Chechen President Alu Alkhanov about the "disappearance," but have not received any information on Kantaev's whereabouts. They are unsure whether the prosecutor's office has launched a criminal investigation into the abduction.

Badrudin Kantaev worked as a carpenter, but during the month before his detention was at home ill with serious tuberculosis.

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[65] The case description is based on a Human Rights Watch interview with a relative of Badrudin Kantaev, Grozny, January 29, 2005.

Enforced disappearance of Bakar Khutiev (b. March 6, 1986)[66]

Bakar Khutiev was a first-year law student at the Argun branch of Moscow Humanitarian Academy. On October 27, 2004, at about 1:30 p.m., he was walking home from the university with three of his friends. As he approached his house on Titova Street in Argun, three armed men in camouflage uniforms, one of whom was wearing a mask, called him over to them.

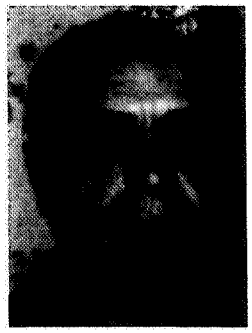
Several of Khutiev's friends and neighbors witnessed the incident and later told Khutiev's relative that the three men, who were speaking Chechen, almost immediately forced Khutiev into a white Volga car parked nearby (license plate no. 278, region 99). The men then left with Khutiev, accompanied by two other cars, both silver VAZ-2199s, which are known in Chechnya to be used by Ramzan Kadurov's forces. Khutiev has not been seen or heard from since then.

A relative of Khutiev reported his abduction to the head of the Argun administration, the local prosecutor's office, the District Department of Internal Affairs, the Federal Security Service, and the president of the Chechen Republic. A Federal Security Service official told the family that that agency had checked the Volga license plate number and established that the car was not registered in Chechnya.

The prosecutor's office in Argun conducting the criminal investigation into the abduction (case no. 48047) informed the family that the investigation had been suspended on January 26, 2005, due to the impossibility of establishing the perpetrators. At the time of the interview, the family was planning to appeal the suspension of the investigation.

[66] The case description is based on a Human Rights Watch interview with a relative of Bakar Khutiev, Argun, February 7, 2005.

Enforced disappearance of Adam Baizatov (b.1945)[67]



At about 11:30 a.m. on October 22, 2004, Adam Baizatov left his house, 17 Sheripova Street, in the village of Gikalo. According to his family, he was going to a local mosque to participate in the Friday prayer. When Baizatov did not return that day, his family started searching for him.

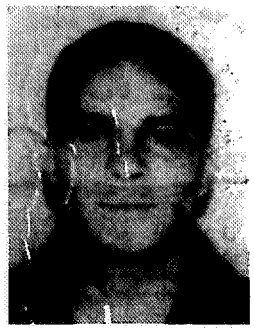
Villagers told the family that Baizatov did not make it to the mosque that day. A group of elderly men who were also heading to the mosque told the family that they saw Baizatov walking down Rabochaia Street, which leads to the mosque, and saw him being stopped by a group of armed men in military uniforms, who put a sack on his head and threw him in one of two cars parked nearby. The eyewitnesses told the family that both cars were light-green VAZ-2107, region no. 23.

Baizatov's relatives reported the abduction to the local village police, who took no action. The relatives also reported the case to the prosecutor's office in Tolstoi-Yurt. Investigators from that office visited the family, picked up some documents and photographs, and opened a criminal case into the abduction, but the investigation has not produced any results, and the family has not received any further information on Baizatov's whereabouts.

According to his family, Adam Baizatov fought on the Chechen side during the first war, but was amnestied, never took part in the second war, and was working as a welder. In 2000, the family fled Chechnya but returned in late 2003. In 2004, federal forces checked Baizatov's documents twice during passport checks in the village but never questioned him.

[67] The case description is based on a Human Rights Watch interview with the relatives of Adam Baizatov, Gikalo, February 6, 2005.

Enforced disappearance of Rasul Tutaev (b. 1981)[68]



On October 22, 2004, at 8:45 p.m., a group of about ten soldiers burst into the family home of Rasul Tutaev at 135 Kommunisticheskaia Street in Grozny. According to Tutaev's relatives, there were several Chechens among them, but most of the soldiers spoke Russian without an accent, were wearing grey military uniforms, and carried automatic weapons and other special armaments, such as laser target-indicators. The soldiers arrived in two Gazel minivans, one white (license plate no. 798 AKh, region 95) and one light blue, without license plates.

Tutaev's relative told Human Rights Watch:

> [Rasul] had just come home, had dinner and was watching TV. Just as he sat down, a twelve-year-old boy from a neighboring yard ran into our house; he said masked Russians had come and beat him up—he was covered in blood. I asked him "Why did you come here?" One of my sons works in the security forces, [the boy] apparently thought he would help him. But as I asked him, I heard a voice say in Chechen, "Open the gates!" I opened, and they burst in... The boy then ran away—they did not follow him.

According to the relative, when the soldiers, who were shining their laser target-indicators at the family, came upon Rasul Tutaev, a Russian soldier asked the masked Chechen accompanying him, "Is this him or not?" The masked man replied, "It's not him." Just then, one of the soldiers brought out a uniform belonging to Rasul's brother that he had found in one of the closets. He held the uniform up and said, "Never mind—we'll take him." The relatives tried to explain that the uniform belonged to Rasul's older brother, who was serving in one of Ramzan Kadyrov's units (so called *Neftepolk*, which guards oil installations in Chechnya), but the soldiers ignored them.

The soldiers took Rasul Tutaev away without asking his name or demanding his passport. The relative told Human Rights Watch that she tried to prevent the detention,

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[68] The case description is based on Human Rights Watch interview with a relative of Rasul Tutaev, Grozny, February 2, 2005.

holding the gates, but the soldiers hit her and she fell unconscious. Since then, Tutaev has "disappeared."

The Lenin district prosecutor's office in Grozny opened a criminal investigation into the abduction of Rasul Tutaev (case no. 30136). Since then, Tutaev's relatives, who also petitioned various other authorities about the "disappearance," have received written responses from the Chechen regional branch of the Federal Security Service and Grozny-based army unit no. 6836, both denying having any knowledge of the case. The State Council of Chechnya passed the family's appeal to the Chechen prosecutor's office, and the latter in turn passed it back to the local prosecutor, informing the family that the local prosecutor would keep them informed on any progress with the investigation.[69] So far, however, the family has received no information on Tutaev's fate or whereabouts.

[69] Copies of the documents are on file with Human Rights Watch.

Enforced disappearance of Zalpa Mintaeva (b. 1957)[70]

At about 6:00 a.m. on October 9, 2004, a group of about ten or fifteen armed, masked men, all of whom, according to the witnesses, spoke Russian without an accent, burst into the home of the Mintaev family at 29 Stepnaia Street in Argun.

A relative of Zalpa Mintaeva told Human Rights Watch that the men first asked if there were any male family members at home. When the relatives answered that there were no men in the family, the armed men told Zalpa Mintaeva, "Then you'll go with us, since you are the oldest." The relative added:

> We were all very scared, and kept asking them, "Why, why [are you taking her]?" but they did not respond. They said they would "find out" and then bring her back. I grabbed her and was holding her, not to let them take her away, but they told me, "If you continue resisting, we'll take you and the kids away as well." And then they threw me to a sofa and hit me with the butt of a submachine gun.

The armed men searched the house and took away Minateva's earrings, her cell phone, and the 30,000 rubles (about U.S. $1,000) the family had received when Mintaeva's son-in-law, who served in Kadyrov's forces, was killed in the line of duty. The armed men then led Mintaeva to the street and put her in one of the cars parked near the house. According to the witnesses, one of the cars was a white Gazel minivan (license plate no. 517), and the other one was a silver "Volga" (license plate no. 214).

The family tried unsuccessfully to find Mintaeva through unofficial channels and searched for her in local prisons. The relatives then reported the "disappearance" to the local prosecutor's office. They said that an investigator had come once to question the family, but they were not sure if the prosecutor's office had opened a criminal investigation into the abduction. To date the family has received no information about Mintaeva's fate or whereabouts.

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[70] The case description is based on a Human Rights Watch interview with the relatives of Zalpa Mintaeva, Argun, January 30, 2005.

Enforced disappearance of Arbi Isiev (b. 1985)[71]

On September 29, 2004, at about 12:50 p.m., Arbi Isiev left his home, 8 Starozavodskaia Street, in Argun. He intended to pick up his aunt, return home briefly, and then go with her to Grozny.

When several hours passed and he had not yet returned, his relatives began to worry. When they learned from the aunt that Isiev never made it to her house, they started searching for Isiev in Argun. They found several eyewitnesses who told them that Isiev had been abducted. The witnesses said that shortly after 1:00 p.m. two men approached Isiev on the corner of Vygonnaia and Gudermesskaia Streets. One of the men wore the black T-shirt of a Special Police Force (OMON) uniform and a mask. The other one was not masked and was dressed in camouflage; he was short and stocky and had red hair. According to witnesses, Isiev talked to the men in Chechen, asking them to let him go. The men forced Isiev into a white Volga car (model GAZ-3110) with black stripes on the doors and without license plates.

The relatives immediately reported the incident to the local prosecutor's office, and on September 30, 2004, an investigator told the relatives that the prosecutor's office had opened a criminal case into Isiev's abduction. However, to date the family has received no documents confirming a criminal case was opened, and no information on Isiev's whereabouts. A relative of Isiev told Human Rights Watch:

> Three or four days ago [in the beginning of February 2005], I talked to the investigator. He asked for [Isiev's] photo, and told me they had sent inquiries everywhere, but everybody was saying, "We don't have him." He said, "Do you know anything or not? Have you found out anything?" They are asking us!

In the summer of 2004 Isiev was admitted as a first-year law student to the Argun branch of Moscow Humanitarian Academy. His family is adamant that he was never involved with the rebel fighters. They suspect that a young man detained from their neighborhood in August 2004 and who knew Isiev had mentioned his name to the authorities. The man was later released, but his relatives did not allow Isiev's family to talk to him.

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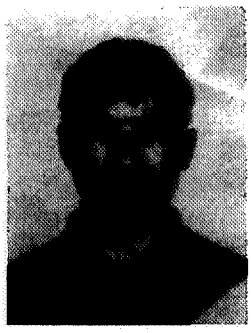
[71] The case description is based on a Human Rights Watch interview with two relatives of Arbi Isiev, Argun, February 7, 2005.

Enforced disappearance of Shamkhan Tumaev (b. 1982)[72]



On September 19, 2004, at 2:00 a.m., a group of about twenty armed men wearing camouflage uniforms and speaking unaccented Russian, and all but one masked, burst into the yard of Shamkhan Tumaev's family home at 13 Titova Street in the village of Valerik. A family member who was at home at that time said that as the men were breaking in, they shouted, "Open up, police!" (*militsia* in Russian).

The armed men first searched the house where Tumaev's relatives lived. They demanded Tumaev's passport, which was not there, and confiscated some videotapes with commercial movies and a phone. The men then locked the relatives in the house and proceeded to the neighboring house, also at 13 Titova Street, where Tumaev lived with his wife and child. They forced Tumaev's pregnant wife to the ground, holding her at gunpoint while they searched the house. Then they took Tumaev outside, and the relatives heard a gunshot, which they believed to be a signal, since at that point a UAZ jeep pulled up to the house. The men drove away with Tumaev. A relative tried to follow the jeep in his car, but did not manage to keep up with the military vehicle.

Relatives immediately began a search for Tumaev, seeking information through both official and unofficial channels. A Federal Security Service official in Nalchik whom the family reached through personal contacts told them that the operation was carried out by the Regional Operative Headquarters and military intelligence, but he did not provide any additional information. One of Tumaev's relatives told Human Rights Watch:

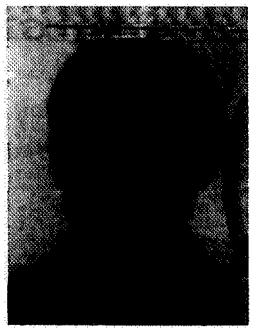
> We also went to a [local] commandant—he said [that Tumaev] was not listed [as wanted] anywhere in the computer. We say, if he is guilty, let them bring him to trial, but just let us know where he is, so that we could at least deliver a parcel for him. But there is no trace and no response...

The prosecutor's office in Achkhoi-Martan opened a criminal investigation into Tumaev's abduction (case no. 38043), and an investigator came once to question the family. In December 2004, the prosecutor's office informed the family that the time

[72] The case description is based on a Human Rights Watch interview with three relatives of Shamkhan Tumaev, Urus-Martan, February 1, 2005.

period for the investigation was extended till January 29, 2005, but at the time of the interview the family was unaware whether the case had been suspended or extended further. So far, the investigation has yielded no results, and Tumaev's fate remains unknown to the family.

Enforced disappearance of Aslan Inalov (b. 1977)[73]



On September 15, 2004, Aslan Inalov, a resident of the village of Sernovodsk, flew from the Magas airport in Ingushetia to Moscow with his sister and his younger brother. The three were going to proceed to Kiev, Ukraine, where the younger brother, who is blind, was scheduled to have surgery.

Upon arrival in Moscow, Aslan Inalov was detained at customs by airport security and then transferred to one of the pretrial detention centers (SIZO) in Moscow. His sister and brother then left for Kiev, having informed the family of Inalov's detention. Inalov spent five days in the detention center and was released without charge.

On September 23, 2004, he returned to Ingushetia, and from the airport went to his aunt, who lives in the town of Sleptsovsk, Ingushetia, just across the administrative border from Sernovodsk. His aunt tried to persuade him to stay overnight, but he decided to walk back home. Inalov left her house at about 4:00 p.m., taking the shortest road to Sernovodsk. He never made it home.

The next morning, Inalov's relatives in Sernovodsk contacted his aunt in Ingushetia and, having learned that he had left her house the previous afternoon, started their search for Inalov. Through unofficial contacts in the local branch of Federal Security Service in Magas, Ingushetia, they found out that on the night of September 23, 2004, Inalov had been detained on his way to Sernovodsk at a mobile checkpoint, and that the soldiers had then delivered him to the main Kavkaz checkpoint on the main road from Ingushetia to Chechnya. The relatives also managed to learn that for the first two months after his detention, Inalov was held by the Federal Security Service in Magas, and then transferred to the Federal Security Service in Grozny on November 12, 2004. The contact also told the family that Inalov was detained in connection with the June 2004 rebels' raid on Ingushetia but did not know whether official charges had been brought against him.

The authorities, however, never officially confirmed this information. The family reported the "disappearance" to the local prosecutor's office in Achkhoi-Martan and to the district department of internal affairs and sent a written request for information to

[73] The case description is based on a Human Rights Watch interview with a relative of Aslan Inalov, Sernovodsk, February 4, 2005.

the Federal Security Service in Grozny. They have received no response from any of these authorities.[74]

[74] Copies of the documents are on file with Human Rights Watch.

Enforced disappearance of Khalimat Sadulaeva (b.1967)[75]

At about 6:00 a.m. on September 12, 2004, armed men arrived in three cars (a Gazel minivan, VAZ-2199 and a VAZ-2106) at 31 Novaia Street in the town of Argun, where the Sadulaev family lives in two adjacent houses. As the armed men, wearing camouflage uniforms, jumped over the gates into the yard, Khalimat Sadulaeva ran to the house where her brother lived with his family. According to her mother, Sadulaeva feared that the men would take her brother away, as he was the only adult male relative who was at home at the time. Sadulaeva's family believes the group had both Russian and Chechen forces, since some of the men spoke Russian and some spoke Chechen.

According to Sadulaeva's relatives, the armed men forced her brother to the floor. When Sadulaeva entered the house, one of the armed men pointed at her and said, "That's her." The men then grabbed Sadulaeva and dragged her out of the house. They also searched the house and took a purse containing 2,900 rubles (about U.S. $100).

Sadulaeva's mother told Human Rights Watch:

> I thought they were taking my son away. I ran out and shouted, "Where are you taking him?" I couldn't really see--they just clustered around her. But the children started crying, "They are taking mommy away!"... I ran up with her passport, but they did not take it. As they were leading her away, I rushed [toward them], but they threw me off. [One of them] pointed his gun at me, and I told him, "Go ahead, shoot me if you are that kind of a man." He did not shoot, they just dragged her away.

The armed men then put Sadulaeva in one of the cars and drove her away, providing no explanation to the family.

The family petitioned the local administration in Argun, the Federal Security Service in Grozny, and the local military commandant's office. The relatives believed that the Argun prosecutor's office had opened a criminal investigation into Sadulaeva's

[75] The case description is based on a Human Rights Watch interview with the relatives of Khlaimat Sadulaeva, Argun, January 30, 2005.

abduction; however they did not receive any papers confirming this. An employee at Khankala military base told the family that she had seen Sadulaeva there in January 2005, but the relatives were unable to get an official response from military authorities at the base.

Khalimat Sadulaeva is a housewife who was raising her four children. In August 2004 a fire destroyed the apartment where she lived with her husband and children, and she and her children temporarily moved in with her mother and other relatives. About two weeks prior to Sadulaeva's detention, a guard at the local administration, where she went to renew the documents that had been destroyed by the fire, told her that the Federal Security Service had been inquiring about her, but did not provide any details. Two days before Sadulaeva's detention, a Federal Security Service official at the local commandant's office asked Sadulaeva's brother about her, and the brother told him that his sister had just renewed her papers, that she was living with the rest of the family, and was not hiding from anyone. These encounters led the family to believe that the Federal Security Service was involved in the detention and "disappearance" of Sadualeva.

Enforced disappearance of Aslan Tazurkaev (b. August 7, 1981)[76]

At about 5:00 a.m. on July 4, 2004, a group of uniformed, armed and masked men burst into the family home of Aslan Tazurkaev, 3 Ordzhonikidzhe Street, in the village of Novye Atagi. The men forced Tazurkaev and his brother, who were sleeping in the same room, onto the floor, and then led both men outside. The masked men then showed the two brothers to someone sitting in one of the UAZ jeeps with blacked-out windows, parked in the street. After that they took Alsan Tazurkaev with them, but let his brother return home, providing no explanation.

According to Tazurkaev's relative, the men arrived in an APC (license plate no. 181), a green Gazel minivan (license plate no. 347 SS—the witness did not manage to see the third letter—region 95), and two UAZ jeeps with black (military) license plates (nos. 0808 and 0886). The witness said it was hard to see the numbers, since they were partially smeared with mud, but was convinced he had written them down accurately. Tazurkaev's relatives then followed the vehicles and saw them entering a military base near the village, located at an abandoned grain milling complex known to locals as "the mill." Federal Security Service and military intelligence units are based there along with regular Ministry of Defense troops.

Two other villagers, also taken away the same night, were released two days later. Tazurkaev, however, "disappeared" without a trace. When Tazurkaev's relatives asked the released detainees about his whereabouts, they refused to answer, saying they did not know where they had been held, because they were blindfolded the entire time, and that they were released only after they had "promised to cooperate." The relatives also spoke to three detainees from a neighboring village who believed they had been held either at the Khankala military base or at the mill, where they had seen Tazurkaev shortly before their release on August 3 or 4, 2004.

A relative of Tazurkaev told Human Rights Watch about his efforts to inquire about him at the mill:

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[76] The case description is based on a Human Rights Watch interview with the relatives of Aslan Tazurkaev, Grozny, February 5, 2005.

> They told us, "Search somewhere else; we don't have him." When we staged a protest and blocked the roads to Shali and to Atagi, a commandant of the Shali district joined us, and we went to the [military base at the] mill together. A [Federal Security Service] official came out to see us and warned the commandant, "If you show up here once more, I'll jail you too."

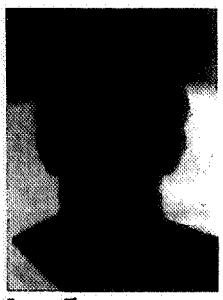
At the relatives' request, the prosecutor's office in Shali opened a criminal investigation into Tazurkaev's abduction (case no. 36084). On December 1, 2004, the case was handed over to the military prosecutor's office attached to military unit no. 20116, based in Shali district.[77] As of this writing, however, the family has received no further information on Tazurkaev's whereabouts or any progress in the investigation.

During the three years before his abduction, Aslan Tazurkaev had been studying at a medical college in the city of Kislovodsk. He graduated from the college on June 30, 2004, and returned to Chechnya just days before his abduction.

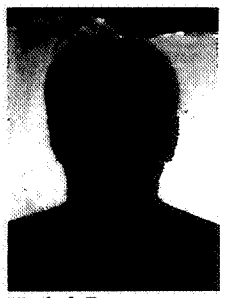
[77] Copies of the documents are on file with Human Rights Watch.

Enforced disappearance of Adlan Ilaev (b. October 8, 1987), Inver Ilaev (b. April 4, 1982), Rustam Ilaev (b. May 9, 1974), and Kazbek Bataev (b. January 6, 1983)[78]


Adlan Ilaev


Inver Ilaev


Rustam Ilaev


Kazbek Bataev

On July 3, 2004, Rustam Ilaev, Adlan Ilaev and Kazbek Bataev spent the night at the home of their cousin, Inver Ilaev, in the village of Assinovskaia. They did so because they had just repainted their own house, also in Assinovskaia, and could not stay there.

According to their relatives, at around 4:00 a.m. that night, two APCs arrived at Inver Ilaev's home at 95 Fifty Years of October Street and about thirty soldiers in camouflage uniforms burst into the house. Villagers told the relatives that they saw that the soldiers had arrived in two APCs, which they parked not far from the house. Most of the men wore black uniforms, some some green camouflage, and all of them spoke unaccented Russian. One of the relatives told Human Rights Watch:

> They burst in and just asked, "Where are your men?" They pushed all women and children into a corner here, and went to the bedroom, and started beating [the men] mercilessly. Everything was [covered] with blood in that room, their beds, and the curtains. They did not even ask for their names or documents...

The soldiers searched and looted the house, taking money and jewelry; they also took a spare tire and a car battery and from the yard. They walked all four men out of the house and drove them away in the APCs.

The relatives have received no official information about the four men's fate or whereabouts since their detention. A released detainee told the family that he had seen

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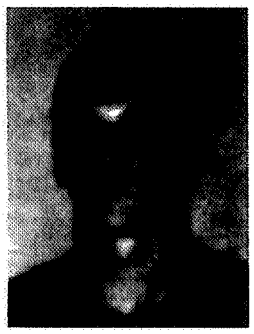
[78] The case description is based on a Human Rights Watch interview with the relatives of the "disappeared," Assinovskaia, February 8, 2005.

the four men at Khankala military base in August 2004, and that they had told him that for the first nineteen days after their detention they had been held at the military intelligence (GRU) base in Achkhoi-Martan. Unofficial sources told the family that the operation had been carried out by "military intelligence unit no. 12, stationed in Achkhoi-Martan.

The prosecutor's office in Achkhoi-Martan opened a criminal investigation into the abduction (case no. 49002), and the family has made regular inquiries to the investigator assigned to the case, but so far he has not provided them with any information on the "disappeared" or their perpetrators. In October 2004, the family was received by a deputy minister of internal affairs of Chechnya, who, according to the relatives, told them: "The APCs were identified, we know who took [the men away], we know [who they are]. I'll call and the [detainees] will be released." His promise, however, remains unfulfilled.

Enforced disappearance of Sukhrat Tokhtarov (b.1981)[79]



On the evening of June 24, 2004, Sukhrat Tokhtarov was walking back to his house, 100 Nagornaia Street, in the village of Staryi Atagi. He had spent the day gathering stones for construction purposes near the Argun River.

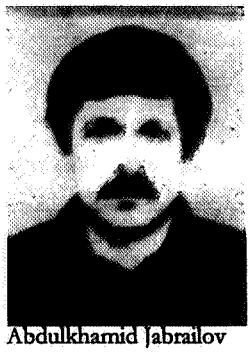
As he was approaching his street, two men jumped out of a parked car that stood in his way. They grabbed Tokhtarov, handcuffed him, put a sack over his head, threw him into the trunk, and drove away. Four elderly people, one a relative of Tokhtarov's, witnessed the abduction and said that the car—a VAZ-2199 without license plates—had been parked in the street for a while, apparently waiting for Tokhtarov. There were four men in camouflage uniforms in the car. When Tokhtarov was approaching the car, the witnesses heard one of the men saying in Chechen, "Here, he is coming," into a portable radio.

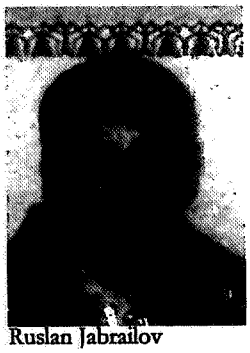
Tokhtarov has been neither heard from nor seen since his abduction. His relatives made inquiries at a military base located at the abandoned grain milling complex near the village ("the mill"), and in the village of Tsentoroi, where Ramzan Kadyrov's forces are believed to hold their detainees. At both places, officials denied having Tokhtarov. Investigators from a local prosecutor's office in Tolstoi-Yurt visited the family once and questioned them about the abduction, but the family was not sure whether the prosecutor's office had opened a criminal case.

Sukhrat Tokhtarov had been detained twice prior to his abduction. His youngest brother, who, according to the family, was a rebel fighter, was killed in March 2003. After his brother's death, federal forces detained Tokhtarov twice in 2003. The first time they held him somewhere in Grozny, and the second time, at the mill. According to his relatives, both times Tokhtarov was interrogated and badly beaten, but promptly released. The relatives told Human Rights Watch that when they were asking about Tokhtarov at the mill, officials there confirmed that they had taken him twice before, but denied having any information about the June 2004 abduction.

[79] The case description is based on a Human Rights Watch interview with the relatives of Sukhrat Tokhtarov, Starye Atagi, February 6, 2005.

Enforced disappearance of Abdulkhamid Jabrailov (b. January 13, 1957); enforced disappearance or possible extrajudicial execution of Ruslan Jabrailov (b. 1985)[80] and Adam Khamzatov (b. 1983).


Abdulkhamid Jabrailov


Ruslan Jabrailov

At about 3:00 a.m. on June 23, 2004, about thirty soldiers, who arrived in an APC, an Ural truck and a so-called *tabletka* minivan, burst into the home of the Jabrailov family at 46 Kooperativnaia Street in the village of Samashki. The soldiers, according to the witnesses, spoke Russian without an accent.

The soldiers asked Abdulkhamid Jabrailov to show his passport and then took him away bare foot, without asking any questions or providing any explanations. According to a relative, the soldiers put Jabrailov into the Ural truck and drove him away.

Jabrailov's relatives said that they believe it was a mistake, since the security forces had been regularly conducting passport checks in the village, but had never questioned Jabrailov. The local prosecutor's office in Achkhoi-Martan opened a criminal investigation into the abduction of Abdulkhamid Jabrailov. It also sent inquiries regarding Jabrailov's detention and "disappearance" to various civilian and military authorities, including the district department of internal affairs in Achkhoi-Martan, the local military commandant's office, the local branch of the Federal Security Service, and the United Group of Forces' military prosecutor's office. The latter responded that "the involvement of Russian servicemen in the abduction has not been established," and that "Russian forces did not conduct any security or other special operations" in the area on that date.[81] The family does not know whether other authorities provided any response to the prosecutor. On October 8, 2004, the criminal investigation was suspended, and

[80] The case description is based on a Human Rights Watch interview with two relatives of Abdul-Khalid Dzhabrailov and Ruslan Dzhabrailov, Samashki, Febrauary 8, 2005.

[81] Copies of the documents are on file with Human Rights Watch.

the family does not know whether it has been reopened since. As of February 8, the family had no information about Abdulkhamid Jabrailov's fate or whereabouts.

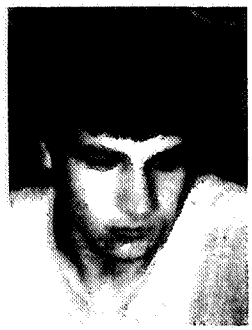
Less then a month after Abdulkhamid Jabrailov's detention, his nephew, Ruslan Jabrailov, also "disappeared." At about 10:00 p.m. on August 10, 2004, a female friend came to Jabrailov and invited him to a party. He went outside, where another friend of his, Adam Khamzatov, was waiting.

A female relative of Ruslan Jabrailov followed him outside, worried that he was going out so late. There she saw two silver VAZ-2199 cars in the street. Later other villagers told the relative that the cars—known in Chechnya to be used by Ramzan Kadyrov's forces—had been driving back and forth through the village since morning. As the two men walked to the street, Jabrailov's relative heard Khamzatov saying, "Ruslan, let's hurry up." At that moment, the armed men sitting in the cars started shooting in the direction of Jabrailov and Khamzatov, and both men fell on the ground.

According to Jabrailov's relative, the soldiers then threw both men into one of the cars and drove away. As they were leaving, the villagers who witnessed the incident heard them saying on a portable radio, "Caught two devils [*shaitany*] one wounded, one killed." The witness explained that *shaitany* is the common term for "rebel fighters" used by Kadyrov's forces. The relatives did not know which of the two men had been killed, although later they found Ruslan's cap with a hole from a bullet at the site of the incident.

Jabrailov's family did not inquire about Ruslan, suspecting that he had been killed and that their efforts may undermine their search for Abdulkhamid. However, Jabrailov's relative told Human Rights Watch that the Khamzatov family was actively searching for Adam Khamzatov and making inquires regarding the "disappearance" of both men with various local authorities, but has not received any information about the two men's fate or whereabouts.

Enforced Disappearance and possible summary execution of Yusup Bargaev (b. January 25, 1985)[82]



On June 13, 2004, Yusup Baragev, a resident of the village of Novye Atagi, went to the town of Shali to receive his welfare payment. At around 4:30 p.m. that day he returned to Novye Atagi by bus and got out on Lenin Street.

According to a witness who was at the bus stop at that time, a Gazel minivan stopped near the bus, and masked, armed men jumped out. As Bargaev was getting out of the bus, the men shouted "Stop!" but Bargaev got frightened and started to run. The armed men then fired three shots in his direction, and he fell to the ground. The men then picked him up and threw him into their minivan, holding the witnesses at the bus stop at gunpoint. The witness did not know whether Bargaev had been killed or wounded, but after the soldiers had left, she saw blood on the ground.

Bargaev's family, whom the witnesses immediately informed of the incident, reported the case to the prosecutor's office in Shali. The office opened a criminal investigation (case no. 36088) into the abduction, but so far it has yielded no results, and neither Bargaev's whereabouts nor the identity of the perpetrators has been established. On August 27, 2004, the prosecutor's office gave Baragev's mother a document certifying her status as a victim who suffered moral harm as a result of her son's abduction. The document stated that "unidentified perpetrators in camouflage uniforms and armed with automatic weapons detained Yusup Baragaev and drove him away in an unknown direction."

Since then, the family has received no further information about Bargaev from the prosecutor's office or from any other sources.

A relative of Baragev's told Human Rights Watch that three or four days before Bargaev's detention, Russian security forces were conducting passport checks in Novye Atagi. At the time, Bargaev was not at home. The men asked about Bargaev and checked his passport, which he had left at home, and left. The family believed that Bargaev's subsequent detention was linked to this incident and might have been carried out by the same forces that conducted the passport checks.

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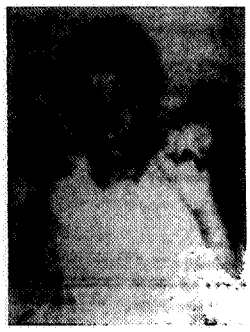
[82] The case description is based on a Human Rights Watch interview with a relative of Yusup Bargaev and a witness to his detention, Grozny, January 29, 2005.

Yusup Baragev was unemployed. According to his relative, Bargaev had been suffering from mental illness for a number of years. Since May 2004, he was receiving outpatient treatment at Grozny Hospital No. 2, diagnosed with paranoid schizophrenia.[83]

[83] Copies of the medical documents are on file with Human Rights Watch.

Enforced disappearance of Sarali Seriev (b.1980)[84]



At about 5:00 p.m. on June 1, 2004, nine cars arrived at the Seriev family home at 41 Kirov Street in the village of Belgatoi. One of the cars was a UAZ "*tabletka*" and the other eight were VAZ-21099s. A large group of armed men in camouflage uniforms burst into the house. According to Seriev's father, the men spoke Russian, but he believed that some of them were Chechens who had directed the soldiers to his house. The men grabbed Sarali Seriev and took him away, ignoring the protests of his elderly father. Seriev has not been seen or heard from since.

Seriev's father reported the incident to the local police the same day, and an investigator arrived at his house to question the witnesses. The Shali prosecutor's office opened a criminal investigation into the abduction (case no. 36076), and Seriev's father believes that so far the case had not been suspended. The investigation, however, has yielded no results.

Several days after Seriev was taken away, his father met with Ramzan Kadyrov, and, according to the father, Kadyrov ordered the head of the Shali administration to look into the case immediately. The head of the administration later informed the family that he had included Seriev's name "in the list of persons abducted by unknown perpetrators in 2004," which he had submitted to the president and the government of Chechnya, and that he would inform the family should he find anything out about Seriev's fate. So far he has provided no information to the family. The family also received a response from the commander of *Vostok* special forces battalion, who denied having any information about Seriev. In October 2004, the United Group of Forces military prosecutor's office informed Seriev's father that the prosecutor's office had established that "Federal forces' servicemen were not involved in the abduction" of Sarali Seriev.

Sarali Seriev was disabled—in 2000, he lost his right hand and three fingers from his left hand as a result of a mine explosion. In 2002, his mother was killed during artillery shelling in the village, and an older brother, who worked as a policeman after the first war, died in the line of duty. Seriev's elderly father was taking care of his son. After Seriev was taken away, six hundred villagers signed an appeal for his release, testifying that Seriev was never involved with the rebel fighters.

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[84] The case description is based on a Human Rights Watch interview with the father of Sarali Seriev, Grozny, January 30, 2005.

Enforced disappearance of Murad Maaev (b.1983)[85]

On March 25, 2004, Murad Maaev was visiting his sick mother in his home village of Starye Atagi. Maaev had lived in Ingushetia as an internally displaced person since 2001, but visited his parents regularly.

At about 8:00 p.m. Maaev left the house, 12 Uchitelskaia Street, and went outside, apparently to visit a friend in the village. He never returned home. Maaev's father told Human Rights Watch:

> His mother was very sick then. She was waiting for him for so long. She passed away recently... [In March] he just came for one day, to visit her. He spent the day with her, and was going to leave [in the morning]. In the evening he told us he would go out just for a minute... We were waiting, we thought he would come back, maybe he went to visit friends. And now I just know I don't have a son anymore.

Alerted by Maaev's long absence, his relatives started looking for him in the village. They learned that federal forces were conducting targeted raids in the village that evening, and that villagers had seen four APCs and several other military vehicles in the streets. Maaev's relatives concluded that the soldiers must have run into the young man either in the street or at a friend's house and taken him away.

One other person, who was also detained in the village that night but released two days later, said that he had been held at a military base located at the abandoned grain milling complex ("the mill") near the village and that he had seen Maaev there as well.[86] The man left Chechnya immediately after his release.

The Grozny District Department of Internal Affairs opened a search for Murad Maaev, labeling him missing, rather than abducted. On April 8, 2004, an interim military commandant of Chechnya requested information about Maaev's whereabouts from a Grozny district military commandant. Five days later the district commandant responded

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[85] The case description is based on a Human Rights Watch interview with a relatives and a neighbor of Murad Maaev, Starye Atagi, February 6, 2005.

[86] These details supplied by an article in *The Chechen Times* newspaper. See "'Disappeared' at the Mill," *The Chechen Times*, December 16, 2004.

that "at the time in question neither the [Federal Security Service], nor the military commandant's office, nor the military units under the commandant's command have conducted any operations in the given locality."[87] On April 22, 2004, the Office of the Prosecutor of Chechnya sent another request to the Grozny district military commandant; however, it apparently remained unanswered. To date, the family has received no further information about Murad Maaev's whereabouts.

[87] Copies of the documents are on file with Human Rights Watch.

Enforced disappearance of Aset Dombaeva (b. June 26, 1952)[88]

On the afternoon of February 25, 2004, nine armed men arrived in a Gazel minivan at the Dombaev family's home, 39 Kuibysheva Street, in the town of Urus-Martan. The men wore masks and camouflage military uniforms. According to a family member, all of them spoke Russian, although there were some Chechens among them.

When the armed men arrived, two male relatives from the Dombaev family and two friends of theirs were in the yard, doing some construction work. The men forced all four of them and a small child, who was in the yard as well, into a barn. About fifteen minutes later, when the two soldiers who were guarding them left, the men left the barn and discovered the armed men had taken away Aset Dombaeva and her husband, fifty-three-year-old Khasan Dombaev. The armed men had also taken three hundred rubles (about U.S. $10), which they had found in the house.

Khasan Dombaev, who returned home after soldiers released him the same day, told the family the armed men had pushed him out of the car near the Baku—Rostov Highway, despite his protests and demands to let his wife go as well. Aset Dombaeva has not been seen or heard from since then.

One of Dombaeva's relatives reported the "disappearance" to a local human rights organization and made a written appeal to the local prosecutor's office. Afterward, an investigator from the prosecutor's office who came to speak with the relative promised that he would personally make inquiries into Dombaeva's whereabouts, but he made no progress. Over the last eight months the family has not heard anything from the prosecutor's office.

In October 2003, several months prior to Aset Dombaeva's detention and "disappearance," her son, who was, according to a relative, a rebel fighter, also "disappeared" after he had been detained by federal forces. Dombaeva's relatives believed that the elderly woman's "disappearance" was linked to the "disappearance" of her son.

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[88] The case description is based on a Human Rights Watch interview with a relative of Aset Dombaeva, Urus-Martan, February 1, 2005.

Enforced disappearance of Luisa Mutaeva (b. October 1984)[89]

At around 2:30 a.m. on January 19, 2004, three vehicles (a UAZ jeep, a RAF minivan and a VAZ-2199) arrived at the house of the Mutaev family, 60 Bershanskaia Street, in the village of Assinovskaia. A group of about fifteen armed men, some of them masked, entered the house announcing that they were conducting a passport check. The men spoke Russian without an accent.

The family produced their passports, and after checking them the men ordered Luisa Mutaeva to go with them. They told the family that there was nothing wrong with the passport, but that they would take Mutaeva to a local commandant's office for an interrogation and then would let her go. Mutaeva's relative told Human Rights Watch:

> They told her, "Dress up warm, it will be cold." [Her] mother asked where they were taking her. They said, "It's nothing, mamma, don't worry, we'll interrogate her now and will let her go." And they did not explain anything—what interrogation and why [they had to interrogate her].

The men initially ordered Mutaeva's sister to go with them as well, but then let her stay, apparently realizing from her passport that she was only fifteen years old.

Mutaeva never came back, and to date the relatives do not know where she is. The relative interviewed by Human Rights Watch was not sure whether a criminal investigation had been opened into the abduction, but said that an investigator had visited the family several times, and that one of the relatives was inquiring regularly at the local prosecutor's office, but have not received any information on Mutaeva's fate or whereabouts.

A year before Muateva's detention, on January 21, 2003, her older step-brother, Isa Firzauli (b.1977) had also been taken away from the same house and "disappeared." Mutaeva's relative denied that any of the family members were involved with the rebel fighters.

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[89] The case description is based on a Human Rights Watch interview with a relative of Luisa Mutaeva, Assinovskaia, February 8, 2005.