

# **Parliamentary Human Rights Group (PHRG) Report**

## **Chechnya Fact-Finding Mission**

**15-19 February 2010**



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Jo Swinson MP (Liberal Democrat)*

**All-Party Parliamentary Human Rights Group (PHRG)  
Houses of Parliament  
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## **Foreword**

Shiny new schools, cranes busy with construction, a gleaming and impressive new Mosque – at first glance Grozny appears to be getting back on its feet after the appalling civil war of the 1990s.

However the distressed mother in front of us told a very different story. Clad in a thick black woollen coat and dark pink patterned headscarf, speaking through tears, she placed three photographs in our hands – her brother, her son and her daughter. Three of Chechnya's "disappeared". No information, no investigation, no justice.

Sadly this is far from an isolated example. As this report details, we met with many people who described house-burnings, enforced disappearances, beatings, forced marriages, and torture. A culture of impunity, especially for President Kadyrov's Chechen security forces, means most people are too afraid to report such crimes, and even those reported do not generally result in thorough investigation and prosecution.

There is no real Parliamentary scrutiny or transparency over what President Kadyrov and his Government are doing, not helped by the fact that 37 of Chechnya's 41 MPs belong to the same party (United Russia). Chechnya's own Human Rights Ombudsman is hostile to the concept of independent NGOs holding the Government to account.

President Kadyrov has created a cult of personality and an image of being all-powerful within Chechnya - even many of the victims we met have great faith in his ability to put a stop to the human rights abuses perpetrated on a daily basis. We were extremely disappointed therefore that President Kadyrov cancelled his planned meeting with us – and we were concerned about the message that this sends about his commitment to improving the human rights situation in Chechnya. The atmosphere of fear and terror created by the security forces' scant regard for human rights is counter-productive, and undermines efforts to tackle terrorism. If President Kadyrov is truly in control, he needs to take responsibility for what is happening to his people.

One Chechen told us: "Russian laws do not protect me". If Chechnya is to remain an integrated part of Russia in the future, then President Medvedev and Prime Minister Putin need to grasp the nettle and ensure Chechens are entitled at the very least to the same legal protections as other Russian citizens. Turning a blind eye to human rights abuses under the misplaced assumption that Chechnya is stable under Kadyrov's iron regime only stores up problems for the future.

Condoned by the Russian Federal Government, the Kadyrov regime still provokes extremism which provides a recruiting base for the extremist cause across the region and the world. It is a direct challenge to us all in the UK in our concern for security.

We hope this report will make plain the dire state of human rights in Chechnya and how important it is for the UK Government and others to act.

***Lord Frank Judd & Jo Swinson MP***

***10 June, 2010***

## Acknowledgements

Following the PHRG Mission to Chechnya from 15 to 19 February, this report will set out the findings of the PHRG delegates, Lord Frank Judd, Labour Peer and former Council of Europe Parliamentary Assembly Special Envoy on Chechnya 1999-2003, and Jo Swinson MP, Liberal Democrat and former Foreign Affairs Spokesperson, on the current human rights situation in Chechnya under the Presidency of Ramzan Kadyrov, as well as their recommendations for action by the international community.

The PHRG would like to thank: the delegates for their commitment and contribution to the Mission, particularly over the course of the busy programme in Chechnya and Moscow; the PHRG Officers, for their efforts over many years to get the Mission off the ground; the PHRG Co-ordinator, Nicole Piché, for liaising with Russian and FCO officials over many years on this matter, for organising extensive preliminary briefings and for assisting with the logistics before and during the Mission; the Foreign Office in Moscow and London for their logistical and financial support, in particular, the former Minister for Europe, Chris Bryant MP, and his staff in London, and Iain Frew and Elena Agranat in Moscow; the Chechen and Russian administrations for arranging meetings with officials and providing security; and all interlocutors in Chechnya and Moscow, many of whom have taken a personal risk in speaking out.



*This report is dedicated to the memory of the human rights defender Natalia Estemirova who was kidnapped in Grozny and brutally murdered on 15 July 2009.*

*Her courage and dedication to the people of Chechnya continues to inspire members of the All-Party Parliamentary Human Rights Group, with whom she worked before her death, to raise awareness of the terrible human rights violations and systemic impunity which blights the lives of so many in Chechnya today.*

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## **Executive Summary**

### ***Reconstruction, Public Services and the Economic Situation***

**Physically, the contrast between Grozny following the intense bombardment by Russian Federal forces in 1999 and 2000 and in early 2010 was striking: the centre of Grozny had been transformed.**

The delegates welcomed the opportunity to visit a number of state-run facilities, including a hospital, school and orphanage. Public sector employees were generally very co-operative about answering questions, though it was difficult to ascertain from these discussions to what extent the needs of the Chechen population as a whole were being met.

**It was felt by some, however, that too much of the funds earmarked for reconstruction were being spent for the benefit of the elite in Chechnya.**

**There was considerable concern and frustration about the lack of employment opportunities.**

### ***Political Environment***

**A growing personality cult around President Kadyrov was certainly evident:** his portrait was displayed everywhere in Grozny, as were slogans championing his achievements and his aspirations for the future of the Republic, particularly on and in public buildings.

The “surprise” Question and Answer session at the Chechen State University was packed with students, but served only to illustrate the restrictions on freedom of thought and speech. The concept and language of political rights, mentioned or alluded to repeatedly by the delegates, was either totally alien to the audience or too dangerous for them to acknowledge in any way.

**The delegates concluded that the ordinary Chechen had no recourse to any mechanism, whether political or judicial, to hold President Kadyrov’s administration to account.**

A prominent Russian interlocutor characterised Kadyrov’s administration as a “post civil-war authoritarian regime”, which had the “features of a covert separatist regime”. Another commented that political institutions and parties in the region “are becoming secondary players, mechanisms in the hands of the executive authorities.”

### *Divide Between Chechen and Federal Authorities*

**It remained unclear to many whose dependence was greater: that of President Kadyrov or the Kremlin. Both sides were resentful of their dependence on the other, and had taken steps to redress the perceived imbalance.**

Despite the reliance on Russian Federal funding, the Kadyrov administration wanted to retain ultimate control of what happened in Chechnya. President Kadyrov also seemed to be trying to take on the role of the Republic's religious protector. As well as raising questions about the incompatibility with Federal legislation, not to mention the Chechen constitution, this process of enforced Islamisation should come under closer scrutiny.

The Russian Federal Government, on the other hand, wanted stability in Chechnya, and in the region more generally. President Kadyrov appeared to be the only person able to deliver on this. Yet the Russian Government was aware that it needed to retain some control over what President Kadyrov was doing: at times, he had to be reined in.

### *NGO Environment*

**There was a divide between “official” NGOs, those prepared to work with the Government, and whose activities were supported or at least tolerated by the Chechen administration, and “independent” NGOs, those refusing to be directed by Government officials.**

**The real difference between the two was who could be criticised. It was also becoming increasingly challenging, and dangerous, for organisations which refused to be co-opted to operate.**

It was important for Chechen human rights defenders and victims to maintain and strengthen ties with Moscow-based organisations, as that provided Chechens with an important outlet, and safety valve.

In the meeting with the Chechen Human Rights Ombudsman Nurdi Nukhazhiyev, it became apparent that there was considerable ill-feeling on the part of the Chechen administration towards “Memorial”, and particularly its Moscow-based Chairman Oleg Orlov. For instance, Mr. Nukhazhiyev stated that Oleg Orlov had “benefited” from the publicity generated by Natalia Estemirova's death.

It was difficult to be convinced by Mr. Nukhazhiyev's assertion that, as Ombudsman, he “was independent of other authorities”. He seemed irritated that the delegates wished to raise specific concerns and cases, which could involve President Kadyrov's administration, despite the obvious connection with his mandate.

### ***Systemic Problems with Investigations into Human Rights Violations***

**There was no apparent understanding among officials that counter-terrorism operations could negatively impact on the civilian population.**

**Officials also seemed to find it difficult to see the difference between initiating an investigation into an alleged violation and following through with a prosecution.**

**If witnesses were to provide testimony which could result in the conviction of members of the Chechen and/or Federal security services and state officials, serious consideration had to be given to witnesses' safety, and that of their families, before, during and after the trial. Investigators and prosecutors said that witnesses could be protected; however, the very state authorities and security forces offering the protection were often those allegedly connected with the crime in question.**

**The result of the current judicial system was that there appeared to be virtually blanket impunity for Federal and Chechen security officials. And even though victims and their families were able to take their cases to the European Court of Human Rights, ECHR judgments had so far not resulted in a single prosecution of an individual for serious human rights violations within Chechnya or Russia.**

### ***Human Rights Violations and Cases***

**Almost all NGO representatives and relatives of victims felt that continuing disappearances and impunity were the most significant human rights concerns. After a decrease in abductions and extrajudicial executions in 2007 and 2008, the number of cases was again rising. There were likely to be many unreported cases as well.**

**Another concern raised was the continuing persecution of families of suspected rebels, particularly the house-burnings.**

**A serious complaint raised by "official" NGO representatives was the mistreatment of Chechens serving prison sentences outside the Republic.**

**There were a number of specific cases discussed with NGOs and officials, which illustrate the many problems outlined in the report. These are detailed in Annex III.**

### *Delegates' Conclusions*

**The security policies being implemented in Chechnya have ultimately been counter-productive. Stability remains elusive there, and in the region as a whole.** As officials in Chechnya and the Russian Federation are prepared to concede, after a lull, attacks by illegal armed actors within the Republic are again on the increase. And for some time, terrorist violence in the neighbouring Republics of Ingushetia and Dagestan has been causing considerable concern.

**In the absence of any positive political dynamic in Chechnya or the possibility of legal redress, some of the young, in particular, will continue to be attracted to the insurgents' cause.**

**In addition, because the boundaries have become so blurred between those who are truly radical and those who are merely critical, there is a fundamental lack of understanding about the nature and scale of the terrorism problem and the way in which it could be dealt with most effectively.**

**The international community cannot therefore continue to ignore Chechnya and the suffering of Chechens any longer.**

**The international community's reluctance to get involved already explains, at least in part, why a secular separatist conflict had mutated into a pan-regional radical Islamic struggle. Further indifference by the outside world could result in a regional problem further mutating, into a global problem, with local terrorists linking up with others elsewhere in the promotion of a radical pan-Islamic cause.**

**Though President Kadyrov's regime is unlikely to welcome outside involvement, the delegates would welcome any meaningful attempt by President Kadyrov's administration to engage with the international community, and a future opportunity to meet with President Kadyrov himself to discuss the situation in Chechnya.**

**In addition, there are some very capable people in Chechnya, including those who had been co-opted and are now working in the public sector or on social and rights-related issues; efforts should be made to support them.**

There may also be a window of opportunity to engage with the Russian Federal Government.

EU member states and other like-minded international actors may not believe they have much leverage. There are obviously other important policy considerations to take on board; the international community views Russian co-operation on a number of issues as vital. Many Russian, not to mention Chechen, Government officials refuse to accept that a freer society is ultimately a safer society.



**Given the potentially catastrophic consequences of not exerting whatever leverage they have, however, EU member states, and others in the international community, have to drive home to Russian and Chechen officials the need for more politically and institutionally sophisticated ways of addressing conflict and providing redress in Chechnya and in the region.**

If the Russian and Chechen Governments refuse to be convinced that genuine engagement with the international community is in everyone's long-term interests, the international community will have to take measures to clarify what is really going on, to help the victims and to take the matter of impunity more seriously.

**Finally, the international community has to realise that where human rights are central to Government, administration and front-line security, the opportunities for extremist recruiters are greatly diminished and the global terrorist threat likely to recede.**

### ***Delegates' Recommendations***

#### **I. To the Russian and Chechen authorities:**

- 1) to ensure that there is more transparency and accountability in terms of the allocation of Federal monies earmarked for the Chechen Republic, and of other funds spent by the Chechen administration;
- 2) to allow for greater and more meaningful public consultation within Chechnya, particularly to enable a review of public spending priorities and social programmes;
- 3) to ensure that Chechen laws are applied in line with Russian Federal legislation;
- 4) to create a freer and safer environment for NGOs within Chechnya, including allowing Chechen human rights defenders and victims to maintain and strengthen ties with Moscow-based and international organisations;
- 5) to tackle the climate of impunity in Chechnya, and particularly to ensure that there are effective mechanisms to hold security forces to account, including:
  - i. more political support to embed the rule of law within Chechnya and to build effective judicial mechanisms, to enable human rights violators to be tried and punished;
  - ii. more rigorous analysis of the scale of the terrorist threat facing Chechnya and neighbouring Republics, to enable more effective counter-terrorism operations to be carried out;
  - iii. further protection to be afforded to witnesses and their families, to ensure that key witnesses are able to give testimony;
  - iv. to review ECHR judgments, with a view to re-opening cases where the Court has identified further lines of enquiry or specific perpetrators;
  - v. further action to resolve cases of enforced disappearances and to end the continuing persecution of families of suspected rebels;

- 6) to address the alleged mistreatment of Chechen prisoners, including those serving sentences outside of the Republic;
- 7) to allow foreign Government and Parliamentary delegations, international Governmental organisations, independent media and NGO representatives increased access to Chechnya;
- 8) to facilitate further dialogue with the international community about the situation in Chechnya.

## **II. To the UK and EU Member State Governments, and the wider international community:**

- 1) to become more actively engaged with the Russian and Chechen administrations on the security and human rights situation in Chechnya and the region;
- 2) to consider the current and future impact of the Chechen situation on the wider region and internationally, and encourage better independent media coverage in the region;
- 3) to assist the Russian and Chechen authorities with the exhumation of mass graves and identification of bodies, not least in connection with the two previous Chechen wars;
- 4) to consider how best to support civil society and human rights organisations in Chechnya;
- 5) to review requests by the Chechen administration to set up offices in their countries;
- 6) to review the asylum and returns policy, ensuring that Chechens in danger are protected.

## I. Setting the Scene

### *Background to the Mission*

The All-Party Parliamentary Human Rights Group was set up in 1976 to raise awareness of international human rights issues within the UK Parliament, and more widely; to investigate and publicise human rights abuses occurring outside the UK; and to campaign for an end to such abuse and redress for the victims. Its Officers and members, from across the political spectrum in the House of Commons and the House of Lords, work with a wide range of organisations to fulfil its mandate.

The PHRG first raised its concerns about the human rights situation in Chechnya in 2000, after hearing both from commentators and NGOs reporting from the region and Chechen citizens exiled in Europe. Media reports of Grozny being completely razed to the ground by the Russian military in 1999 and 2000, as well as the Human Rights Watch Report *"Welcome to Hell": Arbitrary Detention, Torture, and Extortion in Chechnya*, dated 1 October 2000, which detailed appalling human rights violations against Chechen civilians by Russian soldiers, and BBC reporter John Sweeney's terrifying dispatches from the Republic, caused considerable consternation among PHRG members. It was felt that the international community was not doing enough to address the plight of Chechen civilians.

After discussions with the UK Foreign Office, four PHRG members were able to go to Moscow to meet Russian Government officials in 2002 to discuss general human rights concerns in Russia and specific concerns in Chechnya. During that visit, the PHRG were invited by senior Russian Government officials, Mr. Vladimir Kalamanov, the then President's Special Representative on Chechnya, and Mr. Oleg Mironov, the then Ombudsman for Human Rights, to go to Chechnya to see the situation first-hand.

Once the UK Foreign Office then agreed to a PHRG Mission to Chechnya in principle, the PHRG liaised with the Russian Embassy in London to make the necessary arrangements. After repeated requests for specific dates, the PHRG was informed by the Russian Ambassador, His Excellency Yuri Fedotov, in February 2008, that a visit could go ahead. Subsequent attempts to agree specific dates proved difficult, but finally it was agreed that the Mission would take place in mid-February this year.

Between the first and second visits, the PHRG remained in contact with a number of organisations and individuals working in and on the human rights situation in Chechnya, including Lord Judd, particularly in his role as the Council of Europe Parliamentary Assembly Special Envoy to Chechnya, Amnesty International, Human Rights Watch, European Human Rights Advocacy Centre (part of the Human Rights and Social Justice Institute at London Metropolitan University), Natalia Estemirova (Memorial), Chechen exiles and media reporters, and continued therefore to keep up to date with developments in the region.

*For ease of reference, a more general timeline of significant events in Chechnya is provided at Annex I.*

### ***Human Rights Concerns Highlighted Prior to the Mission***

Before the PHRG Mission to Chechnya took place, the PHRG received information from a number of NGOs working in and on the human rights situation there. Their concerns can be summarised as follows.

First, it was widely acknowledged that the recent reconstruction in Chechnya had been impressive. In a 2007 report, “On the Situation of Residents of Chechnya in the Russian Federation”, the NGO “Memorial” and the “Migrant Rights Network” had stated that “the intensity and speed of the reconstruction without exaggeration can be called the Chechen miracle”. Undoubtedly, as had been the case with previous foreign delegations, the delegates would be shown the improvements made by President Kadyrov’s administration, supported by the Russian Federal authorities, such as the building of new hospitals, schools and the mosque. The delegates would also be shown Chechens now going about their daily business largely undisturbed.

However, it was argued that President Kadyrov had only managed to create an illusory sense of stability in Chechnya. Violence by insurgents, including suicide bombings, was increasing again, and had also spread to other parts of the region such as Dagestan and Ingushetia, both of which were currently experiencing serious instability.

Such stability as there was came at a high price: by generating a climate of fear among ordinary Chechens and brutally crushing any dissent.

In general terms, the defining characteristic of President Kadyrov’s administration was its authoritarianism. A cult of personality had been built around him, as was evident from the numerous portraits on display and programmes on Chechen state television. Like in Stalinist times, most of the broadcasts focused on the President’s day-to-day activities, to showcase his many achievements. It was also evident that there was no meaningful form of political accountability which could be exercised by the ordinary Chechen.

President Kadyrov’s administration justified some of its acts, such as killings, on the grounds that it was still fighting a small number of terrorists, who themselves used brutal means. Undoubtedly, insurgents were responsible for killing and other serious abuses of civilians. However, it was unclear on what grounds a person could be deemed a “terrorist”, or to what extent “terrorists” were accorded their legal rights or due process.

A worrying allegation made repeatedly was that family members and friends of suspected insurgents were viewed as legitimate targets by the regime. Examples were given of how they were persecuted, particularly by burning down their homes. The delegates had already been made aware of a number of public statements made by Chechen officials, including President Kadyrov himself, which appeared to encourage the targeting of such family members and friends. It was also alleged that many of those who criticised or offended officials were targeted.

More specifically, Chechen security forces and officials were believed to have been involved in murders, kidnapping, disappearances, torture, particularly in an attempt to extract confessions, as well as massive corruption.

A number of specific cases were also raised, such as those involving Anna Politkovskaya, Natalia Estemirova, Zarema Sadulayeva, Zarema Gaisanova, Rizvan Albekov, and the leek pickers from Achkhoy-Martan district. *Case details are provided at Annex III.*

Another issue raised repeatedly was the total impunity of the security forces; cases were sometimes opened but rarely led to prosecution.

Cases involving Russian Federal forces were easier to discuss openly within Chechnya, though few of these had actually resulted in the punishment of the perpetrators. It was noted that with the Chechen administration taking on increasing responsibility for security matters, these alleged crimes tended to have been committed in the past, although there had been one or two notable incidents recently. In addition, there remained considerable tensions between Russian and Chechen security officials. As a result, and also to deflect attention from allegations made against its own security officials, the Kadyrov administration was prepared to allow public criticism of the activities of Federal forces.

The majority of cases involving Chechen security forces or officials, however, could not be discussed without the risk of persecution or more serious retribution. Where there were known witnesses to certain crimes, they were usually unwilling to talk, acutely aware of the possible repercussions for themselves and their families. Also, in many instances investigators and prosecutors actively dissuaded individuals from bringing complaints against alleged perpetrators with official connections.

Two other issues were raised: the enforced Islamisation of Chechen society and continued economic hardship.

Though most Chechens were Muslims, it remained uncertain to what extent they supported President Kadyrov's attempts to enforce certain Islamic practices, such as the wearing of headscarves by women, particularly those working in the public sector and attending state institutions, the banning of alcohol and the promotion of polygamy. There was particular concern that many of these initiatives made the situation of women within the Republic increasingly difficult.

Arrested economic development continued to be very problematic, as the high rate of unemployment was likely to fuel further unrest and instability. In addition, many believed that Russian and Chechen officials were enriching themselves at the expense of the ordinary Chechen, many of whom continued to be internally displaced or forced to live in sub-standard housing, with few opportunities to better themselves.

Finally, it was feared that less and less information about Chechnya was now available to outsiders. Over the years it had become harder for independent NGOs and media to operate in the area. The Kadyrov administration was also more aggressive in promoting a more positive image of the Republic. Whether as a result of these developments or not, it would seem that the international community, particularly foreign Governments, rarely raised their concerns about the current situation in Chechnya.

## II. Findings of the PHRG Mission to Chechnya

### *Access*

The delegates would like to record their appreciation of the work undertaken by Chechen and Russian officials to help facilitate meetings with a wide range of officials, organisations and individuals in Chechnya and Moscow. The delegates would also like to thank representatives from “Memorial” and other NGOs for meeting with them and making information about cases available to them. Finally the delegates would like to acknowledge the courage of the victims of alleged human rights violations, and their families and other representatives, whom they were able to meet. The delegates, and the PHRG, would remain vigilant about the possibility of reprisals.

*The detailed programme in Chechnya and Moscow is attached at Annex II.*

The delegates must, however, also record their disappointment at the cancellation of the meeting with President Kadyrov, which was never satisfactorily explained. The delegates had hoped to discuss their concerns with him directly, and to hear his views. Following the dissemination of this report, the delegates would welcome a future opportunity to meet with President Kadyrov to initiate a serious dialogue about the situation in Chechnya.

### *Reconstruction, Public Services and the Economic Situation*

The contrast between Grozny following the intense bombardment by Russian Federal forces in 1999 and 2000 and in early 2010 was striking: the centre of Grozny had been transformed. The main thoroughfares, Putin and Kadyrov avenues, were lined with impressive-looking apartment blocks and shops. Though not having been able to inspect the buildings closely, the delegates were unable to comment on the quality of the reconstruction. Reconstruction was also evident in Gudermes, with a number of new high-rise apartments having been built.

The delegates also welcomed the opportunity to visit the Republican Clinical Hospital (A&E Department); School No. 12; Educational Institution No. 2 for orphans and children in care; the Chechen State university; the “Berkat” market area; the Parliament; and the “Heart of Chechnya” mosque; and to speak to public sector employees about how the needs of the Chechen people were being addressed, particularly in the health and education sectors.

Public sector employees were generally very co-operative in answering questions, though it was difficult to establish from these discussions to what extent the basic needs of Chechens were being met. It was interesting to note, however, that the one mainstream school visited employed a psychologist to deal with the continuing trauma experienced by some children who had lived through previous fighting.

One Chechen interlocutor asked the delegates, however: “For the sake of which people is the reconstruction being done?” It was felt by some at least that too much money was being spent for the benefit of the elite in Chechnya. The big apartment complex being built by the “Heart of Chechnya” Mosque, which was visited by the delegates, was certainly impressive, and included a helipad on the top of one of the towers. It was doubtful, however, that the complex would benefit the ordinary Chechen.

There was also concern about the quality of some of the rebuilding. It was noted that many windows in the new apartment blocks in Grozny, which were occupied, were lined with plastic sheeting. In Gudermes, an interlocutor was worried that some of the new buildings might not be able to withstand an earthquake, and “would fall like a pack of cards.”

In discussions with other interlocutors, there was considerable concern and frustration about the lack of employment opportunities. The situation had been made worse by the numbers of internally displaced, many of whom had made a living in the agricultural sector. Some remained in hostels in cities and towns, and were too frightened to return to their homes because of the risk of getting caught up in the continuing fighting between state security forces and insurgents.

### ***Political Environment***

The predominant view was that President Kadyrov wanted to have total control within Chechnya. A personality cult was certainly evident: his portrait was displayed everywhere in Grozny, as were slogans championing his achievements and his aspirations for the future of the Republic.

For instance, in every public building visited, there were numerous photographs or posters of the President, and sometimes also of his father, the previous Chechen President Akhmad Kadyrov, and the former and current Russian Presidents Vladimir Putin and Dmitry Medvedev. Senior officials and employees also had photographs of themselves with President Kadyrov prominently displayed in their offices. At the hospital, officials made clear that President Kadyrov himself was responsible for instigating and overseeing improvements. In the one mainstream school visited, youngsters, both boys and girls (though separated) were playing basketball in t-shirts with his photograph. At the airport, a slogan proclaimed something along the lines of “I have the truth and that will defeat all military forces.”

Though probably just a misguided attempt to give another positive impression of Chechnya under President Kadyrov, the “surprise” Question and Answer session at the Chechen State University served only to illustrate the restrictions on freedom of thought and speech. The atmosphere was not hostile, but rather disconnected; the delegates and the students could not engage in any meaningful manner. The concept and language of political rights, mentioned or alluded to repeatedly by the delegates,



was either totally alien to the audience or too dangerous for them to acknowledge in any way.

The official meeting organised with local NGOs was illuminating in terms of what could be said in public. Whenever problems were raised, the blame was usually directed at the Russian Federal Government.

More generally, the animosity felt by ordinary Chechens towards the Russian Government appeared to be considerable. One NGO representative pleaded that the world be made more aware of the continuing effects that the deportation after the Second World War had on its victims and of the suffering of the Chechen people during the recent wars. He felt that the treatment experienced by the Chechens amounted to genocide. There was also a strong feeling that the Russian Government still had to make amends to the Chechen people, for the terrible destruction and suffering they had inflicted upon them.

No direct criticism was ever made, however, of President Kadyrov in public discussions. A number of complainants specifically asked the delegates to bring their particular problem, concern or case to the President's attention, as they were aware that the delegates were scheduled to meet him. They seemed to truly believe that the President was the only person or institution able to help. In the words of one complainant, whose property had been expropriated by Government officials: "We don't have responsible people to whom we can complain - only President Kadyrov is able to solve this issue. So please hand this letter to him."

The visit to the Parliament also served to illustrate the absence of an outlet for political dissent or a mechanism to hold the Government to account within Chechnya. The Parliamentarians seemed to have the latest technology at their disposal, yet the building, and the equipment, looked almost unused. In response to the delegates' questions, the Chechen Parliamentarians said that Parliament met once a week and Committees no less than once a month. In addition, Ministers came to be scrutinised by the plenary and in Select Committees, though no detail was given as to how this was done.

The Chechens MPs stressed that the most important issue for the Parliament was "local self-governance". Though there were different approaches among MPs in dealing with issues, they said there were no ideological differences, and they did not "fight". It was noted that at the last local Parliamentary elections in October 2008, 88.4% of voters supported the United Russia Party, and 9.2% supported the Just Russia Party, with more than 95% of the population recorded as having participated.

In their view, Chechnya had a promising future, being "one of the most dynamic regions in Russia"; they asked the delegates "to go back and speak the truth about Chechnya."

A number of other interlocutors within the Republic explained that they had become convinced that it was better to work with the regime, than against it. For instance, the delegates met Timur Aliyev, previously a well-known independent NGO representative, now one of President Kadyrov's advisers; he said that by working with President Kadyrov's Government, he felt he would have more impact.

Of course, having the Chechen state media cameras accompanying the delegates virtually at all times (with the exception of one meeting organised by the NGO "Memorial" and a few more informal meetings) did not help create an atmosphere conducive to full and frank discussion. Rather, the constant presence of the Chechen state media was an effective way of ensuring that officials and others would tow, or not stray very far from, the official line.

In addition, and not surprisingly, the very selective editing of the footage ensured that only positive comments made by the delegates were broadcast on Chechen state television; this distorted coverage was obviously an attempt to convince the local population that President Kadyrov's administration was viewed favourably and taken seriously by outsiders.

More generally, the purpose of many Chechen state television programmes seemed to be to reinforce the message that President Kadyrov was in complete control, and to instil a sense of fear among the population. In one programme viewed by the delegates, called something like "Criminal Chronicles – the Latest Information from the Ministry of Interior", Chechen troops were shown capturing "terrorists", who then appeared to be confessing to crimes. Raids resulting in the confiscation of alcohol were also featured. In a transcript of another programme broadcast recently on television, President Kadyrov was recorded as having said: "I am looking for evildoers everywhere. If two people meet, the third among them will always be one of my men. I know everything. I hear everything." It was said by a number of interlocutors that such pronouncements are not uncommon.

Finally, one prominent Russian interlocutor characterised Kadyrov's administration as a "post civil-war authoritarian regime", which had the "features of a covert separatist regime". Another commented that political institutions and parties in the region were "becoming secondary players, mechanisms in the hands of the executive authorities."

At the end of their visit, the delegates concluded that the ordinary Chechen had no recourse to any mechanism, whether political or judicial, to hold President Kadyrov's administration to account.

### ***Divide Between Chechen and Federal Authorities***

A number of interlocutors agreed that the relationship between President Kadyrov's administration and the Federal Russian Government authorities was complex, and that it remained unclear whose dependence was greater.

Though President Kadyrov publicly maintained that his administration had access to other sources of financial and material support, such as donations from Chechens, including free labour to assist in reconstruction, most of the funding to his administration continued to come from the Russian Federal Government. The delegates were also told by many Chechens that, as the Russians were responsible for the destruction of most of the infrastructure during the two Chechen wars, they were obliged to pay up. Despite this reliance on Russian Federal funding, however, President Kadyrov's administration wanted to retain ultimate control of what happened in Chechnya.

The Russian Federal Government, on the other hand, wanted stability in Chechnya, and in the region more generally. President Kadyrov appeared to be the only person able to deliver on this. The delegates were told by some Russian interlocutors that President Kadyrov's standing within the Russian Federation was such that he was the only person who really was untouchable. Yet the Russian Government was aware that it needed to retain some control over what President Kadyrov was doing: at times, he had to be reined in. In fact, in some quarters, it was believed that the patience of the Kremlin was now wearing thin, and that President Kadyrov was increasingly being viewed as a liability.

Both sides were resentful of their dependence on the other, and had taken steps to redress the perceived imbalance. For instance, President Kadyrov ensured he was credited with the reconstruction and tolerated public criticism of the Russian Government. In particular the delegates noted that Stalin's deportation of the Chechen people remained a live issue and its commemoration encouraged. In talks with Chechen officials, alleged violations by Russian Federal forces were also openly discussed, whereas cases allegedly involving Kadyrov's security forces were not.

In addition, the increasing Islamisation of Chechen society, led by President Kadyrov, could be viewed as rather more than an attempt to undercut support for radical Islamic forces within Chechnya, and in the region, benefiting both President Kadyrov and the Russian Federal Government.

Though the Russian Government had always accepted and supported traditional religious leaders, to the extent that the latter were willing to submit to the ultimate authority of the Russian state, President Kadyrov appeared to be doing more than paying token lip service to the Republic's and the region's Islamic heritage.

President Kadyrov seemed to be trying to take on the role of the Republic's religious protector. He had obliged women in public institutions to wear the headscarf, prohibited the consumption of alcohol and gambling, and encouraged polygamy. The building of the "Heart of Chechnya" Mosque, part of a large Islamic centre, complete with a religious library and Islamic Institute, in the heart of Grozny, was also promoted as one of his major achievements.

A transcript of a recent programme broadcast on Chechen state television handed to the delegates by an NGO was also illustrative. In it, President Kadyrov berated local mullahs and imams for not doing enough to instil Islamic values in the young, to stop them from joining the rebels in the forests. He also took personal credit for ending gambling in Chechnya.

As well as raising questions about the incompatibility with Federal legislation, not to mention the Chechen constitution, this process of enforced Islamisation should be subject to closer scrutiny. What was its real purpose: to diminish the appeal of the “Wahhabi” enemy and bring stability to this part of the Russian Federation, or to strengthen President Kadyrov’s hold over the Republic?

For its part, the Russian Federal Government appeared to want to regain at least some control over events in the Republic, and the region, with the creation of the new North Caucasus Federal District and the appointment of its head, Alexander Khloponin. It was also hard to believe that President Kadyrov’s decision to drop the criminal lawsuits against Oleg Orlov, Chairman of the Executive Board of “Memorial”, and others, was not also due, at least in large part, to pressure from the Kremlin, particularly after the very negative publicity and testimony resulting from the civil lawsuit of Mr. Orlov in the autumn, and this despite the fact President Kadyrov won the case.

### ***Corruption***

Massive corruption, involving monies earmarked for the Chechen Republic, particularly by Russian and Chechen state officials, including the security forces, remained a major problem. This was, of course, no secret: President Medvedev, Prime Minister Putin and the Chechen President had all publicly acknowledged it. What was less clear was what was actually being done to address it.

In this connection, the delegates noted a marked sense of resentment among Chechens. In particular, the delegates were informed of a number of alleged cases of the arbitrary expropriation of land by state officials. One interlocutor, who complained about being unable to live in a house allocated to his family, said with weary resignation that his situation was “probably a regular case in Chechen society.”

### ***NGO Environment***

The delegates noted that Chechen officials, and even many Chechens themselves, did not understand what a “non-governmental organisation” was.

Chechen officials, and some Chechen NGO representatives, spoke of the need for the Government and civil society organisations to work together. The officials believed that all NGOs and civil society activists had to be co-opted, that is, their work directed and/or approved by the administration.

In his testimony to the Court on 25 September 2009 in the civil lawsuit brought by President Kadyrov, Oleg Orlov said that during his two meetings with the President, the latter said he did not understand why independent organisations were needed. The President suggested to Mr. Orlov that “Memorial” should change its working methods; instead of making cases public, it should tell him personally about the problems so he could solve them. Mr. Orlov said he felt he was being asked to fit into the established chain of command, to become an adjunct of the Chechen state machine.

The delegates concluded that this divide between “official” NGOs, those prepared to work with the Government, and whose activities were supported or at least tolerated by the Chechen administration, and “independent” NGOs, those refusing to be directed by Government officials, had two significant consequences.

First, the real difference between the two was who could be criticised. “Official” NGOs could not criticise President Kadyrov or members of his administration directly, though they did raise very serious concerns and occasionally would even discuss alleged violations by and concerns about Chechen security forces.

For instance, an NGO representative explained she would be prevented from carrying out her work if she was too confrontational with the administration, particularly the relevant Minister who refused to acknowledge that she was addressing a significant social problem.

In contrast, independent NGOs, such as “Memorial” and those working with the “Joint Mobile Working Group” were prepared to openly discuss well-substantiated allegations involving the Chechen security forces and the Chechen administration, including the President himself.

The second consequence of the divide was that it had become increasingly challenging, and dangerous, for independent organisations to operate.

“Official” NGOs were sometimes supported, but often, simply ignored. One of the representatives of an “official” NGO stated that they were treated by the Chechen administration as an irrelevance and the meeting with the delegates was the “first high-level meeting of grassroots organisations in Chechnya”.

“Memorial”, however, did command the attention of the Chechen authorities, and was subject to their criticism, allegations of impropriety or illegality, and outright hostility. With the death of Natalia Estemirova, a former Memorial representative, and the constant verbal attacks against “Memorial” leadership in Moscow, Chechens were said to be increasingly fearful of approaching Memorial, or any other “independent” NGO.

“Memorial” staff were obviously aware of the dangers facing them, and told the delegates that they had felt safer when the Russian Federal forces were in control. They seemed, however, more concerned about the difficulties they were now having in working with Chechen victims than the possibility of being targeted themselves. They said that their work had almost become “underground”.

This relative lack of concern for their safety might be, at least in part, because they had been reassured by the presence in Chechnya of representatives from the Russian “Joint Mobile Working Group”. The Working Group was set up under the auspices of the Public Commission on Chechnya, a coalition created by 12 Russian human rights organizations, following the killing of a number of local human rights activists in 2009, to work in the region in defence of the legitimacy of human rights work and the victims of serious human rights violations. A number of prominent Russians interlocutors, in fact, stressed the importance of Chechen human rights defenders and victims maintaining and strengthening ties with Moscow-based organisations, as that provided Chechens with an important outlet, and safety valve. These ties also enabled Chechens to build bridges with others outside Russia.

At this point, however, it should be noted that “official” NGO representatives also suffered if they crossed any red lines. One “official” NGO representative told delegates that her son had been taken away and tortured; she was certain this was because some of her public activities did not meet with the approval of President Kadyrov’s administration.

Relations between the various NGOs appeared to be cordial, with a certain admiration expressed by “official” Chechen NGOs toward “Memorial”. Only one or two “official” NGO representatives expressed frustration about “Memorial” receiving more attention, particularly from the international community, and a number specifically asked that the international community make more of an effort to engage with them, and take up their concerns.

It was clear, however, in the meeting with the Chechen Human Rights Ombudsman Nurdi Nukhazhiyev that the Chechen authorities wished to give the impression that Chechen NGOs were unhappy with “Memorial”. Mr. Nukhazhiyev repeatedly implied that “Memorial” was not an indigenous organisation, but one controlled by people in Moscow who did not take the interests of Chechen NGOs on board. He stated that Memorial’s “refusal” to acknowledge Chechen NGOs had offended them.

In fact, what became apparent during this conversation was the ill-feeling that the Chechen administration harboured towards “Memorial”, and particularly its Moscow-based Chairman of the Executive Board, Oleg Orlov. For instance, Mr Nukhazhiyev stated: “The more stable the situation becomes here, the less comfortable Orlov feels back in Moscow.” More provocatively, Mr. Nukhazhiyev stated that Oleg Orlov had in fact “benefited in every way he could” from Natalia Estemirova’s death; when pressed further, he explained that Mr. Orlov had benefited from the consequent publicity.

More generally, Mr. Nukhazhiyev's assertion that as Ombudsman he "was independent of other authorities" was not very convincing. Though he was prepared to discuss problems relating to the exhumation of mass graves and the many disappeared during the two Chechen wars still unaccounted for, where the responsibility clearly lay with the Russian authorities, he would not discuss more recent allegations which could have implicated President Kadyrov. When such a case was raised by the delegates, Mr. Nukhazhiyev explained simply that that President Kadyrov was not in control of Federal forces. He also responded with criticism of other countries, of their double standards. He seemed irritated that the delegates wished to raise specific concerns and cases which could involve President Kadyrov's administration, despite the obvious connection with his mandate.

In addition, the delegates noted many photographs of Mr. Nukhazhiyev with President Kadyrov in the office. Seeing the photographs, victims or NGOs coming to meet the Ombudsman could not help but question where his sympathies really lie.

A number of interlocutors were also critical of the way in which the Ombudsman and his officials worked. Some said that their complaints had been ignored. Others alleged that he had been obstructive.

### ***Systemic Problems with Investigations into Human Rights Violations***

In their discussions with Chechen officials, the delegates found that there was no apparent understanding that counter-terrorism operations could negatively impact on the civilian population. Rather counter-terrorist operations were viewed favourably because they were bound to result in improved security in the Republic. The only concern such operations gave rise to was the risk of death or injury of security force personnel.

The data presented to the delegates by officials related to crimes committed against the security forces, and the numbers of people joining militant groups. The officials told delegates that counter-terrorism operations did not affect civilians and their property because the majority of these operations were carried out in the forest. Where operations were carried out in residential areas, the operations were very targeted. If individuals were detained or killed, it was because they were believed to be militants.

There was some confusion among officials in Chechnya about how many complaints had been made against state officials by civilians in relation to alleged human rights violations committed during "counter-terrorist operations", and on the number of officials brought to Court and subsequently convicted.

The delegates were told by one official that the number of cases in the local courts involving criminal complaints against the security forces was so insignificant that it was not worth bothering with the statistics.

Another official said that in 2009 there were 87 complaints against security forces across the Chechen Republic, a drop of 15% over the previous year. The delegates were then told, however, that these complaints were lodged when the applicant himself was the subject of a criminal investigation. Interestingly, none of the complaints lodged in 2008 and 2009 resulted in criminal prosecutions, though 3 criminal prosecutions resulting in convictions did occur in 2007. In addition, when civilians complained about the actions of security officials, criminal cases of professional misconduct could be opened. Apparently 40 such cases were opened in 2009, with half of the alleged crimes having been committed on duty.

Officials in Moscow provided data on cases opened on disappearances and illegal detention: in 2008, 14 cases involving the abduction of 23 persons were opened, while in 2009, 39 cases involving 43 persons were opened. Similarly, however, they were not aware of how many of these cases involved state security forces, the assumption being that criminal gangs were usually involved, and how many had resulted in convictions. In subsequent correspondence, the delegates were informed that, from 2007 to 2009, “the military courts had considered criminal cases with regard to 131 military men who had committed crimes against the population of Chechen Republic”, though there were no details given about the crimes involved or the judicial outcomes. More generally, they maintained that Chechen officials were always helpful, but that they had problems getting information from the families of those who had been disappeared or killed, as they often left the Republic. Historical tensions between Russians and Chechens, as well as the prevailing mentality among the latter, were believed to be why relations between Russian investigators and Chechen victims were not very constructive at times.

Officials seemed to find it difficult to see the difference between initiating an investigation into an alleged violation and following through with a prosecution. It seemed that opening an investigation was enough, and that matters could then be quietly dropped or left to drag on.

Victims and NGO representatives told the delegates about their attempts to lodge complaints. Complaints could be made to any law enforcement agency and then the Investigation Authority decided whether to open a case. Some victims and NGOs had been successful in getting a case opened. However, when it appeared that the investigation would require an examination of the activities of state officials, particularly those with connections to powerful political players, attempts were often made to dissuade, or even threaten, the victims and their representatives from taking their cases further.

Witness protection was obviously another problem. Sometimes, there were witnesses to a crime; however, if the crime allegedly involved security officials, the witnesses would often refuse to give evidence. Investigators and prosecutors said that witnesses could be protected; however, the very state authorities and security forces offering the protection were often those allegedly connected with the commission of the crime in question. In addition, relocation within Chechnya was often not seen as an effective



protection measure, and relocation within Russia might not even be adequate in some cases.

If witnesses were to provide vital testimony, testimony which could result in the conviction of members of the Chechen and/or Federal security services and state officials, serious consideration had to be given to witnesses' safety, and that of their families, before, during and after the trial.

The delegates were made aware of the challenges inherent in setting up a judicial system in Chechnya virtually from scratch after the two Chechen wars. In ten years, the offices for 15 District Courts had been built, and judges trained and retrained. However, it appeared that it would take much longer to entrench the principle of judicial independence within Chechnya. Officials claimed that the judicial system was free from political interference. Some directly involved in the process stressed how important their professional honour was. The delegates, however, received credible information that Government officials did influence the judicial process, whether overtly or covertly.

The result of the current system then was that there appeared to be virtually blanket impunity for Federal and Chechen security officials; it was noted that some perpetrators were so confident of not being prosecuted, they did not even cover their faces when carrying out their crimes.

And even though victims and their families were able to take their cases to the European Court of Human Rights after exhausting domestic remedies, ECHR judgments had so far not resulted in a single prosecution of an individual for serious human rights violations within Chechnya or Russia. This was despite the fact that some ECHR judgments named specific security forces and personnel as having a case to answer. The delegates were told that some of the alleged perpetrators had even been subsequently promoted. Though judgments had to date dealt only with violations involving Russian Federal forces, there would be cases in future involving Chechen security forces. These judgments were not expected, however, to be dealt with any differently by the Russian Government or the Chechen administration.

### ***Human Rights Violations and Cases***

Despite the end of Russia's counter-terrorism operation against separatist rebels in Chechnya on 16 April 2009, there had been, according to official data, an increase in attacks by illegal armed groups against security forces and civilians. The continuing struggle against these illegal armed groups was obviously the focus of officials.

On the other hand, other interlocutors in Chechnya raised violations committed by illegal armed groups and all the concerns mentioned by NGO representatives before the Mission to Chechnya, as detailed above in Section I.

Almost all NGO representatives and relatives of victims felt that continuing disappearances and impunity were the most significant human rights problems in Chechnya. After a decrease in abductions and extrajudicial executions in 2007 and 2008, the number of cases was again rising. And as there were areas where human rights defenders could not access, there were likely to be many unreported cases.

Most complaints currently brought to “Memorial” involved enforced disappearance, because the victims’ families still hoped that their relative(s) would be returned. Once the victim’s body had been found, however, families would often drop the case. Many other victims of serious human rights violations, such as torture and beatings, were said to be too afraid to complain, and were particularly scared about reprisals against their family members.

In this connection, one NGO interlocutor stated that the methods used to maintain order following the Chechenisation of the conflict had resulted in people going to sleep in fear that they were going to be taken away during the night, and then made to accept responsibility for crimes they did not commit.

Allegations were also made about people being detained to extort money from their families, and of people being extra-judicially executed and their corpses being dumped into the woods, to make it look like they had been killed while fighting for the insurgents.

Another concern raised was the continuing persecution of families of suspected rebels, particularly the house-burnings. In addition, it was alleged that during counter-terrorism operations, relatives of suspected rebels were often detained, until the end of the operation, or then even tortured and/or disappeared. President Kadyrov and his officials were actively encouraging such action to be taken, with public pronouncements that not only Wahhabis should be destroyed, but their relatives also. For instance in one recent television recording, President Kadyrov said: “If you don’t want to take responsibility for your children, then go to the Mosque and denounce them.”

A serious complaint raised by “official” NGO representatives was the treatment of Chechens serving prison sentences outside the Republic. Many Chechens who were sentenced were sent to prisons far away, which made it very hard for their relatives to visit. In addition, representatives from the Chechen Independent Monitoring Board for Places of Detention said that they were often refused permission to visit these convicts to investigate allegations of maltreatment. They explained that the majority of the cases they dealt with, over 90%, involved Chechens serving their sentences in other parts of Russia, and many involved allegations of abuse by prison officials. They also believed that many Chechens had been improperly convicted and/or sentenced. Their attempts to get cases reviewed often “drowned in bureaucracy”. One case they had dealt with involving a prison in Chechnya had resulted in the prison governor being fired for corrupt practices.

Another complaint concerned the treatment of women. The reality for Chechen women was humiliation, discrimination and even abuse. The situation was complicated: the constitution provided rights, yet tradition and sharia law held women back. The continuing traditional practices of bride stealing and forced temporary marriages were seen as particularly problematic, as were other forms of illegal detention. It was felt that there were no effective legal remedies to deal with this.

Some “official” Chechen NGOs were also working on de-mining issues, and criticised the lack of assistance for mine victims. There were still no markings to alert people about the presence of mines in areas known to be dangerous.

An issue which arose of which the delegates had not been aware was the allegedly high cancer rate in the Republic. The factors causing this were unclear. One possibility was that the stress of having lived through two brutal wars, and other traumas, had affected the immune systems of many Chechens. Alternatively it was suspected that “chemical” weapons had been used during the military campaigns.

*There were also a number of specific cases discussed with NGOs and officials, which illustrate the many problems outlined in the report. These are detailed in Annex III.*

### **III. Delegates' Conclusions and Recommendations**

Domestic, regional and international security is undoubtedly very important, and in that context, state authorities have to deal effectively with terrorist threats and common criminality.

However, the security policies being implemented in Chechnya have ultimately been counter-productive. Stability remains elusive there, and in the region as a whole. As officials in Chechnya and the Russian Federation are prepared to concede, after a lull, attacks by illegal armed actors within the Republic are again on the increase. And for some time, terrorist violence in the neighbouring Republics of Ingushetia and Dagestan has been causing considerable concern.

The Republic is also becoming, as one commentator put it, Russia's "internal abroad", with the personality cult around President Kadyrov growing and a separate Islamic and Chechen identity being cultivated.

The suffering of the Chechen people should also be of great concern. Two violent conflicts within the last two decades have left the population traumatised. Now, President Kadyrov has ensured that there are no mechanisms available to hold his regime to account. The Chechen population is held in check largely by fear. There are frequent disappearances and ex-judicial killings, and virtually absolute impunity for the perpetrators.

Having been told that Chechnya is simply an "internal matter", a security problem for the Russian Federation to resolve, the international community has been encouraged to turn a blind eye. In this connection, the efforts of the Russian Government to dissuade EU member state officials from meeting with Chechen "opponents" at international forums are illustrative.

But the international community cannot continue to ignore Chechnya and the suffering of Chechens any longer.

In the absence of any positive political dynamic in Chechnya or the possibility of legal redress, some of the young, in particular, will continue to be attracted to the insurgents' cause.

In addition, because the boundaries have become so blurred between those who are truly radical and those who are merely critical, there is a fundamental lack of understanding about the nature and scale of the terrorism problem and the way in which it could be dealt with most effectively.

The international community's reluctance to get involved already explains, at least in part, why a secular separatist conflict has mutated into a pan-regional radical Islamic struggle. With no one else willing to talk to Chechens, let alone stand up for them, it is not surprising that many of them are tempted by virtually the only alternative on offer, religious fanatics.

Further indifference by the outside world could result in what is now a regional problem mutating once again, into a global one, with local terrorists linking up with others elsewhere in the promotion of a radical pan-Islamic cause.

President Kadyrov's regime is unlikely to welcome outside involvement. The delegates would welcome, however, any meaningful attempt by President Kadyrov's administration to engage with the international community, and a future opportunity to meet with President Kadyrov himself to discuss the situation in Chechnya.

In addition, there are some very capable people in Chechnya, including those who have been co-opted and are now working in the public sector or on social and rights-related issues; efforts should be made to support them.

Although direct support might do more harm than good, endangering the Chechens concerned, the Russian and Chechen Governments should be encouraged to consult and co-operate with them, and other non-violent actors. And the international community should do more to ensure that there are no reprisals against those prepared to criticise President Kadyrov's administration, particularly those who continue to expose serious human rights abuses committed by Government security officials.

There may also be a window of opportunity to engage with the Russian Federal Government. The Russian Federal Government is likely to be increasingly uncomfortable with the negative publicity generated by the deteriorating human rights and security situation in Chechnya. The appointment of Alexander Khloponin as the head of the new North Caucasus Federal District in January could be a manifestation of that. At its most basic, the appointment is an acknowledgement that the problems in Chechnya cannot be tackled by military means, and massive subsidies to President Kadyrov's administration, alone.

EU member states and other like-minded international actors may not believe they have much leverage. There are obviously other important policy considerations to take on board; the international community views Russian co-operation on a number of issues as vital. Many Russian, not to mention Chechen, Government officials refuse to accept that a freer society is ultimately a safer society.

Given the potentially catastrophic consequences of not exerting whatever leverage they have, however, EU member states, and others in the international community, have to think more creatively about how they can initiate a substantive dialogue, and to consider the feasibility and utility of joint action.

Ultimately the international community has to drive home to Russian and Chechen officials the need for more politically and institutionally sophisticated ways of addressing conflict and providing redress in Chechnya and in the region.

If the Russian and Chechen Governments refuse to be convinced that genuine engagement with the international community is in everyone's long-term interests, the international community will have to take measures to clarify what is really going on, to help the victims and to take the matter of impunity more seriously.

The international community needs to ensure that there is more analysis and more media coverage of the situation. It is indefensible that almost the only coverage of Chechnya and the region is in response to terrorist atrocities in Russia. Focusing on the terrorist "spectaculars" to the exclusion of almost anything else plays into the hands of the terrorists, who relish the publicity, and Government officials, who see further brutality as the only response. The situation in Chechnya and the region necessitates a much better understanding of the wider picture, including what the Chechens have suffered over decades.

Until the international community, and that includes the wider public, is better informed about the real level of insurgent activity, who is supporting the insurgents and why; the seriousness of human rights violations committed by Government forces; and the views of the majority of Chechens, including in relation to the current enforced Islamisation process, it will be difficult to do anything constructive.

Therefore those individuals and organisations willing to continue taking considerable risks to document what is happening in Chechnya, including human rights defenders, journalists and civil society activists, should be assisted. Though the international community may not always agree with everything they do, their work, and the right to do their work, has to be robustly defended.

Those in immediate danger have to be protected, and given political asylum, if necessary. More generally, given the situation in Chechnya, the asylum policies of those countries which deem it safe for Chechens to return have to be reviewed as a matter of urgency.

Countries also have to stop allowing the Chechen administration to open offices in their capitals, as these offices appear to be used to enhance the administration's intelligence capacity and to warn off, or even silence, dissenters.

Finally, the international community has to consider what steps can be taken to hold Russian and Chechen officials to account, if the Russian and Chechen Governments continue to absolve themselves of this responsibility.

Though the delegates are unsure how viable, at least for the time being, setting up an International Commission of Inquiry into the violations committed in Chechnya would be, a more feasible option may be to take action against those named in ECHR judgments as having been involved in atrocities, when the Russian authorities refuse to follow up with further investigations, say by putting travel bans in place. More generally, more could be done to get Russia to take its obligations as a member of the Council of Europe more seriously, particularly in relation to the judgments handed down against it by the European Court of Human Rights.

The problems in Chechnya will take time to address. But Chechnya, and the region, is a challenge that the international community had to take on board, sooner rather than later, to make life better for Chechens, who as citizens of the Russian Federation are entitled to the rights under the European Convention of Human Rights, and to stop the contagion of radical Islam from spreading. The international community has to realise finally that these two objectives are inextricably connected: where human rights are central to Government, administration and front-line security, the opportunities for extremist recruiters will be diminished and the global terrorist threat recede.

**The delegates therefore make the following recommendations:**

**I. To the Russian and Chechen authorities:**

- 1) to ensure that there is more transparency and accountability in terms of the allocation of Federal monies earmarked for the Chechen Republic, and of other funds spent by the Chechen administration;
- 2) to allow for greater and more meaningful public consultation within Chechnya, particularly to enable a review of public spending priorities and social programmes;
- 3) to ensure that Chechen laws are applied in line with Russian Federal legislation;
- 4) to create a freer and safer environment for NGOs within Chechnya, including allowing Chechen human rights defenders and victims to maintain and strengthen ties with Moscow-based and international organisations;
- 5) to tackle the climate of impunity in Chechnya, and particularly to ensure that there are effective mechanisms to hold security forces to account, including:
  - i. more political support to embed the rule of law within Chechnya and to build effective judicial mechanisms, to enable human rights violators to be tried and punished;
  - ii. more rigorous analysis of the scale of the terrorist threat facing Chechnya and neighbouring Republics, to enable more effective counter-terrorism operations to be carried out;
  - iii. further protection to be afforded to witnesses and their families, to ensure that key witnesses are able to give testimony;
  - iv. to review ECHR judgments, with a view to re-opening cases where the Court has identified further lines of enquiry or specific perpetrators;
  - v. further action to resolve cases of enforced disappearances and to end the continuing persecution of families of suspected rebels;
- 6) to address the alleged mistreatment of Chechen prisoners, including those serving sentences outside of the Republic;
- 7) to allow foreign Government and Parliamentary delegations, international Governmental organisations, independent media and NGO representatives increased access to Chechnya;
- 8) to facilitate further dialogue with the international community about the situation in Chechnya.

## **II. To the UK and EU Member State Governments, and the wider international community:**

- 1) to become more actively engaged with the Russian and Chechen administrations on the security and human rights situation in Chechnya and the region;
- 2) to consider the current and future impact of the Chechen situation on the wider region and internationally, and encourage better independent media coverage in the region;
- 3) to assist the Russian and Chechen authorities with the exhumation of mass graves and identification of bodies, not least in connection with the two previous Chechen wars;
- 4) to consider how best to support civil society and human rights organisations in Chechnya;
- 5) to review requests by the Chechen administration to set up offices in their countries;
- 6) to review the asylum and returns policy, ensuring that Chechens in danger are protected.



## **ANNEX I - TIMELINE OF SIGNIFICANT EVENTS IN CHECHNYA**

**1991** Just prior to the collapse of the Soviet Union, Dzhokhar Dudayev is elected President of Chechnya and the new Chechen Parliament declares independence.

**1994** Russia sends in the military to crush the independence movement – beginning of the first Chechen war.

**1996** First Chechen war ends with the signing of the Khasavyurt accords. The Chechen Republic Ichkeria is granted substantial autonomy within the Russian Federation, though this falls short of independence.

**1997** Aslan Maskhadov is elected President of the Chechen Republic Ichkeria.

Lawlessness spreads throughout the country.

**1998** Russia ratifies the European Convention on Human Rights, after joining the Council of Europe two years earlier. Under Articles 25 and 46 of the Convention, Russia recognises the right of individual petition and the compulsory jurisdiction of the European Court of Human Rights.

**1999** Chechen fighters cross into the neighbouring Russian Republic of Dagestan to support local Islamists wishing to create an independent Islamic state in parts of Dagestan and Chechnya; the rebellion is crushed by Russian troops.

Russia blames Chechnya for a wave of bombings and sends ground forces into Chechnya at the beginning of October 1999 to mount a counter-insurgency campaign. The second Chechen war begins.

**2000** Islamic cleric Akhmad Kadyrov appointed by Kremlin to head the Chechen administration.

**2003** Referendum in Chechnya results in the adoption of a new constitution giving Chechnya more autonomy but enshrines its position within Russian Federation.

Akhmad Kadyrov elected President.

**2004** President Kadyrov killed by a bomb. Kremlin-backed Alu Alkhanov succeeds him.

**2005** Separatist leader Aslan Maskhadov killed by Russian forces, and is succeeded by Abdul-Khalim Saydullayev.

First six Chechen applicants against Russia win their cases at the European Court of Human Rights in February.

**2006** In March Ramzan Kadyrov, the son of assassinated President Akhmad Kadyrov, becomes Prime Minister.

In June, Government forces kill separatist leader Abdul-Khalim Saydullayev; the warlord Dokka Umarov takes over.

In July, the warlord Shamil Basayev, Russia's most wanted man, having claimed responsibility for, among other attacks, the Moscow theatre hostage attack in 2002 and the Beslan school siege in 2004, dies in an explosion in neighbouring Ingushetia.

**2007** Ramzan Kadyrov becomes president at the age of 30. The rebuilding programme in Grozny and other cities begins in earnest, though it remains unclear where reconstruction funds originate.

**2009** In March, Russia announces that situation in Chechnya 'normalised' and counter-terror operations are officially ended. More reports of a growing personality cult around President Kadyrov, with critics also charging that he has established order through the brutality of his private militia.

In July, Natalia Estemirova is kidnapped from outside her home in Grozny and murdered.

**2010** In January, Russian President Dmitry Medvedev, who dubbed the North Caucasus Russia's principal internal security threat, creates a special North Caucasus Federal District, headed by a Presidential representative, Alexander Khloponin, a former governor of Russia's Krasnoyarsk region.

As of April, the European Court of Human Rights has held Russia responsible in over 100 cases for serious human rights violations in Chechnya, including torture, enforced disappearances, and extrajudicial executions. In nearly every ruling, the court called the Russian Government to account for failing to properly investigate these crimes. In numerous cases, it also faulted Russia for failing to provide requested case files, which amounts to serious non-cooperation with the court.

## **ANNEX II – PROGRAMME: PHRG MISSION TO CHECHNYA**

**Sunday – 14 February:**

*London - Moscow*

**Monday – 15 February**

*Moscow*

09:00 – 11:00: NGO Briefing

To include:

Oleg Orlov – Memorial

Tatiana Kasatkina – Memorial

Grigory Shvedov – Caucasian Knot

Vanessa Kogan – Russia Justice Initiative

Denise Roza – Perspektiva

Svetlana Gannushkina - Civic Assistance

Valery Borschev – Social Partnership (Independent Monitoring Boards)

Liubov Volkova – Social Partnership (Independent Monitoring Boards)

Allison Gill – Human Rights Watch

Friederike Behr – Amnesty International

*Moscow-Grozny*

Dinner with Tanya Lokshina (Human Rights Watch) and Katya Sokiriyanskaya (Memorial)

**Tuesday – 16 February**

*Grozny*

08:45 – 09:15: Visit to Republican Clinical Hospital (A&E)

09:30 – 10:00: Visit to School No.12

10:15 – 10:45: Visit to Educational institution No.2 for orphans and children in care

11:00 – 12:45: Visit to Chechen State University

13:00 – 13:45: Lunch with members of the Public Oversight Commission (for places of detention)

14:30 – 16:00: TBC Meeting with President Kadyrov - CANCELLED  
Substituted with Meeting with Memorial and others.

16:30 – 19:30: Meetings with HR NGOs organized by the Chechen HR Centre (Ezhiev)

To include:

1. Председатель РПОО "Нийсо" - Махаджиева З.А.  
Z.A. Makhadzhieva, "Niiso" NGO
2. Председатель РОО "Союз женщин Чечни" - Омарова М.Ю.  
M.U. Omarova, "Union of Chechen Women" NGO
3. Председатель МОО "Эхо войны" - Гашаева З.Х.  
Z.K. Gashaeva, "Echo of War" NGO
4. Председатель РОО "Люди милосердия" - Сайтханова Л.  
L. Saytkhanova, "People of Mercy" NGO
5. Руководитель РОО "Женское достоинство" - Базаева Л.  
L. Bazaeva, "Women's Dignity" NGO
6. Президент благотворительного фонда поддержки НПО - Аюбова Л.Х.  
L.K. Ayubova, "Charitable fund for support of NGOs"
7. Председатель РОФТИ "Азалия" - Хатаева Т.Р.  
T.R. Khataeva, "Azalia" NGO
8. Председатель РОО "Стимул" - Яркий В.К.  
V.K. Yarkiyev, "Stimul" NGO
9. Председатель РОО "По розыску без вести пропавших" - Кагирова Т.  
T. Kagirova, "In search of missing persons" NGO
10. Председатель РОО "Дети Казахстана" Айсханов А.С.  
A.S. Ayskhanov, "Children of Kazakhstan" NGO
11. Председатель РМОД "Диалог" - Аюбова Л.Х.  
L.K. Ayubova, "Dialogue" NGO
12. Руководитель правозащитного центра ЧР - Эжиев М.А.  
M.A. Ezhiev, "Chechen Human Rights Centre" NGO
13. Председатель РОО "Северо-Кавказский миротворческий центр"  
Мальсагова А.  
A. Malsagova, "North Caucasus Peacebuilding Centre" NGO
14. Председатель Комитета против пыток - Басханов С.А.  
S.A. Baskhanov, "Committee Against Torture" NGO
15. Председатель РОО "По правовой защите населения ЧР" - Итуев А.  
A. Ituyev, "Rights Defence of the Population of the Chechen Republic" NGO
16. Председатель РОО "Ламаз АЗ" Динаев А.А.  
A.A. Dinayev, "Lamaz AZ" NGO
17. Председатель РОО "Мир и Права Человека" - Муцаев М.У.  
M.U. Mutsayev, "Peace and Human Rights" NGO
18. Председатель РОО "Материнская тревога" - Межидова З.  
Z. Mezhidova, "Mother's Alarm" NGO
19. Руководитель информационно - ресурсного центра ЧР - Моллаев Р.  
R. Mollayev, "Information-Resource Centre of the Chechen Republic" NGO
20. Председатель МОД "Коалиция" - Яхьяев Д. Х.  
D.K. Yakhyayev, "Coalition" NGO

### **Wednesday – 17 February**

#### ***Grozny***

09:10 – 10:40: Meeting with Lidiya Yusupova (Children's charity) in Gudermes

11:30 – 11:50: Visit to "Berkat" market in Grozny

12:00 – 12:45: Meeting with Chechen Human Rights Ombudsman Nurdi Nukhazhiyev

13:00 – 14:00: Working lunch with deputies from the Chechen Parliament, including the Speaker

14:15 – 14:45: Meeting with Chechen Deputy Interior Minister Andrew Yanyshesky

14:50 – 15:30: Meeting with Head of the Chechen Supreme Court Ziyavdi Zaurbekov, the Head of the Judicial College for Criminal Cases Mr Edilov and his colleagues

15:40 – 16:30: Meeting with Acting Military Prosecutor for the region Mr Toporikov and Acting General Prosecutor Mikhail Savchin

16:40 – 17:30: Meeting with Chairman of Attestation Commission

18:00 – 19:00: Visit to the “Heart of Chechnya” mosque and Putin and Kadyrov Avenues

20:00: Dinner with Presidential Advisor Timur Aliyev

#### **Thursday – 18 February**

##### ***Grozny - Moscow***

##### ***Moscow – Meetings***

15:00 Meeting with Alexey Malashenko, Analyst, Carnegie Moscow Center

18:00: Meeting with members of the Civil Society Working Group on the North Caucasus (Lyudmilla Alexeeva and Nikolai Svanidze), and Karina Moskalenko, Politkovskaya family lawyer

20:00: Dinner with analysts and experts on the North Caucasus (Musa Muradov of Kommersant newspaper and Andrei Soldatov of agentura.ru site).

#### **Friday – 19 February**

##### ***Moscow – Meetings***

9:00: Meeting with Investigative Committee for the Southern Federal District

10:30: Meeting with Russian Human Rights Ombudsman, Vladimir Lukin

12:00: Meetings with Russian and International Press

13:30: Lunch with Alexander Kramarenko (MFA)

##### ***Moscow- London***

### **ANNEX III – SPECIFIC CASES OF ALLEGED HUMAN RIGHTS VIOLATIONS IN CHECHNYA**

#### ***Abduction and Murder of Natalia Estemirova - July 2009 - information provided by various sources***

Natalia Estemirova, a researcher in Chechnya for “Memorial”, left her home at approximately 8:30 a.m. on July 15 and was abducted by unidentified perpetrators. Two witnesses on the balcony of a nearby building were believed to have seen Natalia forced into a white car and heard her cry out that she was being kidnapped before she was driven away. Her body was found with gunshot wounds to the head early that evening, in a forested area over the border with Ingushetia.

Though President Medvedev expressed “outrage” at her murder and ordered a top-level investigation, he also stated that the timing of the crime, a day before his trip to Germany for talks with Chancellor Angela Merkel, was a provocation intended to give rise to “the most primitive theories and those most disagreeable to the state”.

Natalia Estemirova’s death generated further fear among those working on sensitive human rights cases in Chechnya and resulted in “Memorial” suspending its work for 5 months.

“Official” NGOs also expressed great concern about this case. Natalia had been able to bridge the divide between Memorial and others NGOs in Chechnya. She made efforts to work with “official” NGOs and human rights bodies, such as the Chechen Independent Monitoring Board for Places of Detention.

There were continuing concerns about delays in the investigation. One “official” NGO representative told the delegates that they were preparing an appeal to the relevant authorities to establish why there were continuing delays. Another interlocutor said that some of Natalia Estemirova’s colleagues from “Memorial” had been questioned and were given the impression that the truth about her murder was not likely to be known for some time.

It was believed that the car in which Natalia Estemirova was driven would have had to go through a number of official checkpoints on the way to Ingushetia. When the delegates raised this with officials, however, they were told that her abductors could have used backroads to avoid detection.

Delegates met investigators from the South Federal District Investigative Committee in Moscow who have been assigned the case. They said they were close to a solution but gave no further details.

There were a number of theories about who was responsible for Natalia Estemirova’s death. Some believe that men under President Kadyrov’s control were directly involved, to stop her from continuing work on a number of very sensitive cases. It was widely known that President Kadyrov had made threatening remarks to Natalia

Estemirova, and had also spoken about her disparagingly after her death. Others believed that persons acting on their own initiative might have done it to please the Chechen President. Another theory was that persons unconnected to President Kadyrov committed the murder, in an effort to discredit him or to cause increased tension between him and Russian Federal authorities.

Of course, Chechen officials flatly denied that President Kadyrov could have been involved, with Mr. Nukhazhiyev, the Chechen human rights ombudsman, going so far as to say to the delegates that Natalia Estemirova's death was more of a loss for Chechens than anyone else, and that Oleg Orlov, the Chairman of the Executive Board of "Memorial" had "benefited in every way he could", and particularly from the publicity generated by her murder.

***Murder of Rizvan Albekov - July 2009 - information provided by Human Rights Watch***

Relatives told Human Rights Watch that a local police officer named Ilyas came to Albekov's home in Akhinchu-Borzoi on 6 July. When Ilyas did not find Albekov there, he asked Albekov's daughter where her father was and requested his cell phone number, which she provided. When Albekov did not return home in the evening, his worried relatives tried to reach him on his cell phone, but neither of his two cell phone numbers was working.

Several sources told Human Rights Watch that Kurchaloi district police personnel put up a roadblock that evening in the village of Dzhigurty and stopped Albekov and his 17-year-old son, Aziz, when they drove through the village on their way home.

At about 1 a.m. on 7 July, two cars drove through Akhinchu-Borzoi and circled the village. The law-enforcement officers in the cars rounded up about four young men. Several villagers, one of whom spoke with one of the young men, said that Albekov, who appeared to have been severely beaten, was thrown out of one of the cars in front of the young men.

The law enforcement officers asked Albekov, "Did you give a sheep to the rebels?" He shook his head and started begging incoherently for the release of his son. They then shot Albekov and one said, "This is what's going to happen to anyone who helps the rebels!" They subsequently left, and the young men fled.

Later that day, a family member contacted the Kurchaloi District Prosecutor's office, which sent officials to examine the body and question family members before the ritual washing and burial of the body. The next day, Albekov's family was coerced by Kurchaloi law-enforcement officers into signing a statement that Albekov had died of a stroke. The officers told the family that Aziz would be also killed and all the relatives would suffer if they complained to any authority or NGO. Aziz Albekov was subsequently released about two weeks later.

On Thursday 9 July, an item appeared on the internet, citing Natalia Estemirova, on the public execution in Akhkinchu-Barzoy. The next day, Chechen human rights Ombudsman, Nurdi Nukhazhiyev, having allegedly received an order to sort matters out, called in representatives from “Memorial” and told them they were blackening the Republic's name with their actions.

Some interlocutors told the delegates that they believed that Natalia Estemirova's investigation into this very sensitive case might have been at least one of the reasons for her subsequent abduction and murder.

***Murder of Zarema Sadulayeva, NGO representative for Let's Save the Generation - August 2009 - information provided by NGOs***

Zarema Sadulayeva was very well-known in Chechnya and worked on children's rights.

On 10 August, Zarema Sadulayeva and her husband, Umar Dzhabrailov, were kidnapped in the early afternoon from the central Grozny offices of “Let's Save the Generation”, a humanitarian organisation headed by Sadulayeva which worked in partnership with Unicef to help children who had lost limbs in mine blasts. A third employee of the group, himself a mine victim in a wheelchair, witnessed the abduction.

The five men, three in camouflage, two in black, spoke in Chechen and said they were from the security services and that they had to take the couple away for questioning.

The men left a contact telephone number and returned to the office a short while later to collect Zarema Sadulayeva's mobile and to take Umar Dzhabrailov's car. Calls later made to the contact number were not answered and the couple's bodies were discovered with gunshot wounds in the boot of their car around midnight in Chernorechye, an industrial suburb of Grozny.

NGO representatives whom the delegates met said President Kadyrov had made a statement that he would supervise this investigation personally.

It was believed that no progress had been made in the case.

***Disappearance of Zarema Gaisanova, 40 year old Danish Refugee Council employee - 31 October, 2009 - information provided by NGOs and testimony given by a close relative***

On 31 October, Zarema Gaisanova was taken away. A witness said that the house burnt down and that she had been abducted by the military. During a Special Operation, a military person entered the house. The witness was now too afraid to provide information, because he or she feared that might endanger his or her family.



NGO representatives examining the case claimed that the Special Operation was under the command of President Kadyrov, and that information released on the Ministry of Interior website on 31 October supported this. In addition, conflicting information had been given to the delegates by officials about what had happened during the course of the Special Operation in question. They were told that investigators had not yet questioned the relevant security officials.

More specifically, some officials said that an investigation was now underway but that Ms. Gaisanova's whereabouts were still unknown. They said that a Special Operation had been targeted against an individual thought to be a militant, who was her partner. The militant and Ms. Gaisanova were both present in the house while the Special Operation was being carried out. It was possible that Zarema Gaisanova herself was a militant.

Other officials said that Special Forces had exterminated a criminal called "Hasanov" who had been found in Ms. Gaisanova's home. There had been no concrete evidence, however, that she had been there at this time. One of the witnesses who had reportedly seen her was taken in for questioning; he then denied having seen her. When questioned, these officials said the witness could not have been afraid to tell the truth because he knew that he and his family could be protected, with the assistance of a special unit within the Ministry of Interior in Moscow.

#### ***Killing of a man - 31 October, 2009 - testimony given by his wife***

It is believed that this case is connected to that of Zarema Gaisanova and happened during the course of the same Special Operation.

On 31 October, the woman's brother was abducted. The military came and were searching for someone. Her brother was not present at the time. She was forced to call him, but was not to tell him the military was there. Neighbours then saw her brother being taken away. At the time of her brother's kidnapping, her husband was killed. As she had not been able to get a death certificate confirming her husband's death, she was not able to get any benefits for her children.

Her two brothers were serving long sentences – 19 and 20 years – on false charges in prisons outside the Republic. They were so far away that she was not able to see them.

#### ***Abduction of a man – August 2009 - testimony given by his mother***

On 3 August the woman's son was abducted. In September, he somehow managed to escape but did not tell her as he did not want her to be subject to pressure from the authorities.

About two months later, a squad of 20 special militiamen burst into her home to look for documents and other material connected with her son. Until the beginning of December, they continued to harass her.

Eventually her son was recaptured and on 5 January was brought to the Investigation Department of the Leninsky District. He was made to write out a statement that he had not been abducted but had quarrelled with his mother and had left home as a result. Ever since he made that statement, he had not been seen.

She was very worried that her son would be kept for a certain time and then his body would be found, probably in camouflage and with a long beard, in the forest. The photo would then be used in connection with a so-called Special Operation.

***Murder of Leek Pickers from Achkhoy-Martan by Russian Federal Forces - February 2010 – information provided by “Memorial” and other NGOs***

This case was raised with the delegates by a number of the different people, including “official” NGO representatives and Chechen officials. Most of the case details were provided, however, by representatives from “Memorial”.

On 11-12 February 2010 a Special Operation was conducted in the heavily forested area on the borders of the Chechen Republic and the Republic of Ingushetia. The Russian Federal forces claimed that as a result of a security operation, a large illegal armed group had been destroyed, and that there had been no civilian victims.

Yet on 12 February information had also been received from the area that during the course of the security operation, many civilians had been killed.

Staff from Memorial and Human Rights Watch subsequently went to the Achkhoy-Martan district of Chechnya to interview the relatives of those who had been killed and one witness to the tragedy.

Their investigation established that during 10 and 11 February, a large group of residents from around Achkhoy-Martan (about 200 people in all) had travelled on buses and goods vehicles to the forested area on the border with Ingushetia to gather wild leek, a traditional source of seasonal income, primarily for poor families. Residents had received written permission to go to the area from the head of the Achkhoy-Martan district administration.

Adlan Mutaev, who had survived the security operation, and was in Achkhoy-Martan hospital, told the human rights defenders that, in the afternoon on 11 February, he and three others were making their way out of the forest with sacks full of wild leek when they were suddenly fired at from behind a small hill.

Two of the men, Shamil Kataev and Movsar Tataev, were wounded. 16-year-old Adlan and his brother Arbi Mutaev tried to escape. Adlan was wounded in the leg, but was able to hide. For two days he hid from the soldiers, in a deep ditch, where there was a spring and a small stream. Then, despite the gunshot wound and his frostbitten limbs, he began to make his own way out of the forest. Local residents found him not far from the edge of the forest.

Arbi Mutaev also tried to hide, but was seized by soldiers, armed men of Slavonic appearance in camouflage. According to local residents, the soldiers ordered Arbi, at gunpoint, to pull his comrades along. Shamil asked the soldiers not to kill him. When Arbi could no longer lift up his friends, the soldiers pulled his hat over his eyes, and shots were heard. The soldiers left the corpses lying in the snow. They took Arbi with them, leading him around the forest, half naked, and humiliating him. Arbi was released only on the second day.

For two days no one was allowed to enter the forests around the village of Arshty, and the dead and the wounded were not taken out. On 13 February residents of Achkhoy-Martan, whose relatives had not returned home from gathering wild leek, reached an agreement with the law enforcement officers to allow them into the area. They searched the forest and found the bodies of four men who had been killed: Shamil Kataev; Movsar Tataev; Ramzan Susaev; and Movsar Dakhaev.

Shamil Kataev's body had multiple gunshot wounds, with a bullet hole in his forehead. His passport, mobile phone and permission to collect wild leek had been taken from his pockets. He had gone to gather wild leek to make some money to be able to connect his home, where he lived in extreme poverty with his father and four brothers and sisters, to the electricity supply.

Movsar Tataev's body had three gunshot wounds and several knife wounds, including on his back and in the groin area.

Ramzan Susaev, according to his relatives, had been shot in the chest. Also his "entire left side had been shot through, his back torn apart and his left hand broken, on his right side there were also gunshot wounds."

Movsar Dakhaev was killed by three shots in the back. Relatives said: "It was the first time Movsar had gone to gather wild leek, to enjoy the company of the others. He wanted to go, he asked his mother to let him go. In the morning, as they reached the forest, he took his own photograph with his phone, we've kept it. The soldiers explained that the guys had got where the members of the illegal armed groups had been, and were hit by accident, but none of us knew that there was a security operation going on there, they did not warn anyone."

The head of administration of Achkhoy-Martan district had since said that the residents were told about the security operation in the area.

However, those questioned, including the relatives of those killed and those who had been gathering wild leek, all reported that no one had warned them about any security operation in the forest, and that the group had passed all the checkpoints without hindrance. Moreover, those who had gone to gather wild leek said that until the soldiers began to shoot at them, they had not heard any gunfire. The soldiers opened fire on them unexpectedly at close range, as in an ambush.

As a result of questioning, it also became clear that another resident of the area, Mair-Ali Vakhaev, had not returned from gathering wild leek. His body had not been found, and nothing was known of his fate. It was possible that others were also missing.

From their investigation, Memorial had concluded that the people in the forest were not killed as a result of errors by artillery or helicopters. Nor had there been evidence to support the premise that “members of illegal armed groups used them as living shields”, as suggested by a representative of the Operational Headquarters for Ingushetia. The evidence gathered, including the statements by the witnesses who survived, and the nature of the gunshot and knife wounds on the dead bodies, indicated that those who were killed were shot at point blank range and then finished off by their killers.

It had been reported that Chechnya's insurgent leader, Doku Umarov, said that the subsequent suicide bombings on Moscow metro stations on 29 March were in revenge for these killings.

***Killing of Rosa Aribovna Akaeva, ECHR applicant - November 2009 - information provided by “Memorial”***

Rosa Aribovna Akaeva was killed on 12 November by unidentified perpetrator(s) who entered her flat after 10 p.m. Ms. Akaeva had been an applicant to the ECHR. Her brother was the victim of an extrajudicial execution by Russian Federal Forces during a mopping-up operation in the Staropromyslovskii district of Grozny in January 2000. The Court held that the Russian Government was guilty of serious violations in 2005.

It is thought that Ms. Akaeva let the perpetrator into her flat. After the murder, the perpetrator closed the door with a key and left. Rosa's dead body was discovered the following day; it is believed she was strangled. Ms. Akaeva's relatives refused to comment on her death. It remained unclear what had happened and who was responsible for the murder. The case had so far received little coverage.

***Abduction and Disappearance of Apti Zaynalov – June/July 2009 – testimony given by a close relative***

Apti Zaynolov had returned to Chechnya after having been in Moscow for some time. He had been imprisoned for involvement in an illegal armed group in 2005 and freed in 2006. On 28 June 2009 he was allegedly abducted in broad daylight by servicemen in uniforms.

His mother and Memorial staff found out subsequently, in early July, that he was in hospital, under armed guard. Memorial staff and Apti's relatives tried unsuccessfully to visit him.

His mother then went on 7 July with Memorial staff to the Prosecutor's office to get more information, while another member of staff went to the hospital. The Prosecutor's staff finally said that they would go to local Interior Ministry office, to get clarification.

Meanwhile the member of staff at the hospital was becoming suspicious, because two cars were circling the hospital. A car stopped in front of the hospital and Apti Zaynolov was taken away. The mother had arrived at the hospital by that time, with Memorial staff, and had witnessed this. Witnesses at the hospital also confirmed that Apti Zaynolov had been there. The investigator working on the case, however, advised against questioning these witnesses, as this could endanger them, and appeared to have discounted the mother's testimony.

On 17 July 2009, Apti Zaynolov's mother lodged an application with the European Court of Human Rights.

***Killing of Yusup Askhabov and Disappearance of Abdulyazed Askhabov - 2009 - testimony given by a close relative***

On 28 May 2009, Yusup Askhabov was shot dead in Shali in broad daylight. It is understood that Yusup Askhabov was a member of the insurgency and had killed some servicemen.

The police called his father to identify the body. When his father saw the corpse, which was in a terrible state, he said "Allow the Lord to take his soul." In response, the head of the police station jumped up and slapped him in the face and another policeman struck him with the butt of his gun. The father fell down and was beaten. He was then allowed to go home.

Later Yusup Askhabov's body was brought to the yard of the family compound and dragged around in front of them, in a very disrespectful manner. The police told his father to take the women away because they were going to burn the house down. Yusup's father put the women in the car. The police went inside the house, which then went up in flames. They left immediately, with the dead body, so the father was able to return and put the fire out.

Two days later, the Deputy Head of Police and servicemen came back to the house. They said to the father: "You have three sons left, make sure they never leave the house, and make sure they report to the police station every month." The sons complied with these orders.

One night in August, the father heard a noise in the yard of the family compound. He walked out and saw another of his sons, Abdulyazed, being dragged out of his home. His son's wife was hysterical. As the father was not strong enough to intervene, he started shouting for help. The son was taken away and has not been seen since.

The father went to the Prosecutor's office and lodged a case. The investigators and other personnel working on the case have since been changed. It was believed that the Shali police were advising them not to interfere.

The father then went to see the Chechen Ombudsman and his Deputy. The latter phoned the Shali police station and said they had received this complaint. They asked the police to let the son go if he was in their custody. The Shali police allegedly replied that they had simply taken the brother of an important insurgent field commander.

Relatives still had no idea whether Abdulyazed was still being held. Abdulyazed had very poor vision and was about to go blind; it was unlikely therefore that he could have been a member of any militant group. Abdulyazed's wife was pregnant at the time of the abduction and now was unable to receive benefits for the baby. Relatives were also very concerned about the possibility that other siblings could be taken away. Most people, including close family, were too frightened to show any concern about the case.

This case was one of the last Natalia Estemirova had been working on before she was murdered.

***Disappearance of Said-Salekh Ibragimov, 20-year-old student - October 2009 - testimony given by a close relative.***

On 21 October, a Special Operation was being conducted in the family compound of Said-Salekh Ibragimov. When his mother returned home with her cousin later that day, they were taken to the police station. While there, they heard one of the officers talking about a Special Operation. When the officer realised they were there, he started shouting that they should be taken away, either released or shot. They were taken to the basement and put in holding cells, where they remained until late that night. They were then taken to a room and interrogated about insurgents, whom they knew nothing about. They were told that two houses in their family compound were burnt down but not given any explanation. They were then released.

The investigator then phoned them and told them to bring back Said-Salekh Ibragimov, who was staying with his uncle at the time. The investigator told her that the uncle should come too. Apparently Mr. Ibragimov had already been detained earlier that day.

Mr. Ibragimov and his uncle ended up at the Oil Regiment (a security service within Chechnya's Ministry of Internal Affairs, based in Grozny) and interrogated. The uncle was asked whether he was prepared to denounce his nephew as a member of an illegal armed group. He refused. Mr. Ibragimov was then brought into the room. He had clearly been badly beaten up. The uncle was told that his nephew would be killed, to avenge the death of one of the security men during the earlier special operation in the family compound. However, his nephew would be allowed to live if he helped them to capture an insurgent involved in that Special Operation.

Mr. Ibragimov protested his innocence, and explained that the insurgents had come one night and put a gun to his head. He was told, however, that if he didn't help as he had been requested, he would be shot.

The uncle was released, but Said-Salekh Ibragimov disappeared. A complaint about his case was lodged with the ECHR.

Some of Said-Salekh Ibragimov's relatives had tried to work with an investigator at the Prosecutor's office. The head of the Oil Regiment then phoned his uncle to summon him. The head told him that he could not control his own servicemen, who wanted to avenge themselves on the family. It would seem that because a serviceman was killed in their family compound there is now a blood feud against the family.

His uncle asked what had happened to his nephew. The head said that if the uncle told people about his nephew's presence at the Oil Regiment's office on the night he disappeared, he would simply say that they had released him.

***Abduction and Disappearances – 2002 - testimony from a mother of some of the victims***

The woman's son was detained in a Special Operation in a neighbouring village in 2002. He was then transferred to a facility in Gudermes, where he was tortured to extract a confession. When he did not confess, his brother, sister and uncle were taken in and tortured in his presence. He was told that if he confessed, his relatives would be released. He then confessed and his relatives were released. After this, however, his brother, sister and uncle were abducted. Her son was sentenced for life and sent to a prison in the far North of Russia.

She and another of her sons continued to file petitions trying to get her son brought back to Chechnya and questioned again to establish the truth. She had also appealed to the local Parliament, which had refused to help. She had had no news about the fate of her abducted relatives either.

**END**