



Serious restoration of Grozny's ruins was under way in 2006 - accompanied by a personality cult around then Prime Minister Ramzan Kadyrov. However, the town's scars were still to be seen everywhere.

HUMAN RIGHTS DEVELOPMENTS IN CHECHNYA AND ADJACENT RUSSIAN REGIONS

In 2006 the delegation of law enforcement and security responsibilities from federal authorities to local power structures in Chechnya was practically completed. Most of the local structures were *de facto* controlled by Ramzan Kadyrov, who was officially appointed prime minister of the Chechen Republic at the beginning of the year.¹ Although the actions of Kadyrov and his subordinates, who engaged in gross human rights violations, were supported by the Kremlin, the federal authorities disclaimed responsibility for what was going on in Chechnya.

In 2006, the "Chechenization" of the conflict, which had developed as local pro-Moscow structures assumed growing power, had reached a stage where the conflict was no longer depicted as a separatist but as an internal one by the federal authorities. In this way, the federal authorities also

sought to evade criticism from the international community.

The strengthening of Kadyrov's personal authority had become the basis for the "Chechenization" process. The Kremlin gave him unconditional backing and did not hold him accountable for any actions he ordered, from forcibly collecting donations from citizens for the purpose of speeding up the reconstruction of the Chechen capital Grozny to unlawful police operations.

Forces subordinate to Kadyrov – the so-called "Kadyrovtsi" – as well as other local pro-Moscow forces, and to a lesser degree also federal forces, continued to engage in abductions, detention in secret prisons, "disappearances," torture and falsification of criminal cases with almost complete impunity. Similar abuses were also reported from other republics in the North Caucasus, and displaced persons from Chechnya who remained in neigh-

boring republics were subject to pressure to return to Chechnya.

While in 2006 there were no Chechen rebel attacks on civilians, the rebels continued to ambush federal police and military as well as pro-Moscow Chechen units. The rebel movement was, however, considerably weakened by the deaths of rebel leaders Shamil Basayev and Abdul Khakin-Saidulaev.

Weakening of the Chechen rebel movement

In the summer, the Chechen rebel movement lost two of its leaders: the president of the non-recognized Chechen Republic of Ichkeria, Abdul-Khalim Sadulaev, was killed on 17 June and the chairman of the rebel commanders' council, Shamil Basayev, died on 10 July. According to official information, both of them were killed in carefully planned "special operations." However, other available information indicated that they rather died by chance: the former in a short skirmish during a routine inspection of a house considered suspicious by Federal Security Police (FSB) officers and local militia in Argun in Chechnya and the latter due to an accidental explosion of a truck in a suburb of Nazran, the capital of Ingushetia.

Also after the deaths of these two rebel leaders, and the consequent weakening of the Chechen rebel movement, the Russian government did not engage in dialogue with moderate separatists. Cautious international appeals to the Russian government to hold negotiations with Chechen rebels, usually formulated as "finding a political solution," waned already after the death of democratically elected Chechen President Aslan Maskhadov in March 2005.²

Amnesty

Following the death in July of Basayev, the FSB head called on all members of illegal armed groups in Chechnya to lay

down their arms within two weeks. The president of the Chechen Republic, Alu Alkhanov, subsequently declared August to be a month of reconciliation with fighters, ordered the creation of hotlines for members of illegal armed formations and promised that the rights of those who requested amnesty would be respected and that impartial investigations into their cases would be conducted and just decisions made. The amnesty period was subsequently extended several times, eventually to 15 January 2007.

An official text spelling out the conditions for the amnesty was adopted only in late September, when the Russian State Duma quickly passed a draft law put forward by President Putin. This law was applicable not only to members of illegal armed groups but also to Russian servicemen who had committed crimes "during the counter-terrorist operations in the territory of Russian entities within the Southern Federal District." However, persons who had committed grave and particularly grave crimes were excluded from the amnesty. The Russian human rights group "Memorial" criticized this aspect of the law, arguing that the law as a result was rendered largely meaningless with respect to real fighters. The group also expressed concern that the law would primarily be used to amnesty former rebel fighters who have joined the "Kadyrovtsi," thereby legitimizing their position.³

According to official figures, 546 armed militants in Chechnya and other parts of the North Caucasus had laid down their arms under the amnesty as of the end of the year.

The IHF documented a series of cases in which intimidation and physical force was used to pressurize Chechen civilians into requesting amnesty for allegedly collaborating with illegal armed forces. There were also reportedly cases where representatives of local authorities had assisted

persons to obtain a submachine-gun, the submission of which was a condition for official surrender for those accused of collaboration. In addition, in a number of cases, amnestied citizens were subsequently accused of failing to disclose all crimes they had allegedly committed when requesting amnesty and were criminally charged with these crimes.⁴

Abductions, torture and secret prisons

According to preliminary data provided by "Memorial," 172 persons were abducted in Chechnya in 2006. Out of these 86 had been released, 17 had later been formally arrested and 9 found dead by the end of the year, while 60 remained "disappeared."⁵ The figure decreased from 2005, when the organization registered 320 abductions. However, this trend did not necessarily reflect any real decline in abductions but was largely a result of growing reluctance on the part of relatives of victims to report abductions to human rights groups out of fear for the life of those kidnapped as well as for repercussions for other family members. This trend was reinforced as local law enforcement structures assumed an increasing role in the perpetration of abductions. In many cases, relatives tried to ensure the release of the victims on their own, e.g. by paying ransom.

Those abducted were reportedly often held in unlawful places of detention, where they were tortured and beaten in an attempt to extract confessions or statements, which could be used to pursue fabricated criminal cases. While unlawful places of detention previously were located in facilities belonging to federal forces, most were now located within facilities used by local pro-Moscow structures, mostly the "Kadyrovtsi." One of these places was located in Tsentoroi, Kadyrov's native village, where primarily relatives of armed

fighters were reported to be held outside the protection of the law and subjected to cruel treatment. Another notorious place was in the village of Dzhalka, in the Guderme district of Chechnya.

In early 2006, the Chechen parliament established a working commission to oversee efforts to trace abducted or missing Chechen citizens. According to the head of the commission, "Over 2,000 persons have gone missing during the two military campaigns in the Chechen Republic, and the task of the authorities is to identify their whereabouts, to find out about their fate and, in case they are dead, to indicate where they are buried." The number of disappeared persons cited by him was significantly lower than figures provided by human rights groups, which have reported 3,000-5,000 disappearances since 1999.⁶ During the year, the commission did not engage in any concrete actions to track missing people. NGOs believed that this inactivity was largely due to unwillingness to expose abuses by federal and local law enforcement authorities – including "Kadyrovtsi" – involved in disappearances.

In what appeared to be an effort to ensure control over all law enforcement structures in Chechnya, Kadyrov announced his intention in April to have the federal Interior Ministry units stationed in the republic withdrawn. This move followed numerous complaints by local residents against personnel of the Second Operational Investigative Bureau (ORB-2) at the Interior Ministry's main directorate for the Southern Federal District,⁷ known to operate several "quasi-legal" prisons in Grozny and other parts of Chechnya.⁸ According to Kadyrov, ORB-2 officials "detain citizens unlawfully, beat them and treat them in a cruel manner" and force detainees to "sign confessions for crimes they have not committed."⁹ Subsequently he also claimed that the ORB-2 was "the only structure [in Chechnya], which we cannot make observe basic

law and order.”¹⁰ On 2 May, the Chechen parliament forwarded a request to the Russian Interior Ministry, demanding that the ORB-2 be shut down. However, the ORB-2 continued to function in the same way as previously throughout the year.

While “Memorial” confirmed allegations of serious abuses committed by ORB-2 staff, it emphasized that structures subordinate to Kadyrov were also systematically involved in abductions, illegal detention, disappearances and torture.¹¹

Harassment of relatives of suspected militants

New cases of harassment against family members of suspected militants were reported, although the number of such cases decreased significantly from previous years. This type of harassment – ranging from intimidation to hostage takings and killings – has been perpetrated by local power structures with the participation, support or tolerance of federal authorities for several years.

The following cases of harassment of relatives attracted most attention during the year:

◆ On 17 August, 26-year old Elina Ersenoyeva, a member of the public organization “Info-Most” and freelance correspondent for the newspaper *Chechen Society*, was abducted by unidentified members of local security forces in the center of Grozny. Her aunt, who also was kidnapped, accounted that they were forcefully pushed into cars, and taken to an unknown destination after having had sacks placed over their heads. After arriving at this place, they were pushed into a cellar, from where the aunt was later taken back to Grozny and released. Two days before her kidnapping, Elina Ersenoyeva had addressed a request for assistance to the IHF and the Demos Center, arguing that she and her family were persecuted by “Kadyrovtsi” because in November 2005 she had married a

man, who turned out to be a rebel fighter - Shamil Basayev. However, sources close to Ersenoyeva said that she had not married him voluntarily. Elina Ersenoyeva was able to call her relatives twice, after which they did not hear anything from her. A criminal case was opened into Ersenoyeva’s kidnapping at the end of August, but it had not produced any results by the end of the year.

Following the disappearance of Elina Ersenoyeva, her mother, Rita Ersenoyeva sought to publicize the case, hoping that this would help save her daughter. To this end, she met with Russian and international journalists and human rights defenders, as well as a visiting delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). On 2 October, Rita Ersenoyeva received a phone call, allegedly from an “investigator,” who told her to instantly come to the village administration if she wanted “good news” about her daughter. No one saw her again after she left for the administration and she could not be reached on her cell phone. At the end of the year, Rita Ersenoyeva remained “disappeared.” Prior to her “disappearance,” she had reportedly been threatened that she would have to “pay” for talking to journalists and foreigners. Out of fear for repercussions, her relatives did not report the case to the authorities.

Impunity

Impunity remained a key problem in Chechnya and most security officials guilty of abuse were never brought to justice, although the authorities paid lip service to accountability and there were a few “show trials” against members of federal forces.

In December, Prime Minister Kadyrov claimed that he intended to ensure that the commanders of federal units responsible for the deaths and disappearances of civilians in Chechnya are indicted.¹² How-

ever, he did not follow up his words with any concrete action and he did not address the impunity of local pro-Moscow structures, most of which were effectively controlled by him personally.

In one case, which was split into two, two federal soldiers were convicted for abuses against civilians perpetrated in Chechnya:

◆ On 16 April, North Caucasus Military District Court in Rostov-on-Don found contract soldier Aleksey Krivosonok guilty of killing three persons in the Chechnya in November 2005 and sentenced him to 18 years in prison. According to the investigation, the unit of the Russian Ministry of Defense to which Krivosonok belonged flagged down a car at the outskirts of the village Staraya Sunzha and forced the driver and the passengers out of the car, whereby three of them were beaten and subsequently shot dead in their heads by Krivosonok.¹³ The soldiers involved in the operation were reportedly drunk, and the investigation stated that Krivosonok was on drugs.

◆ On 16 May, the Grozny Garrison Military Circuit Court found contract soldier Pavel Zinchuk guilty of shooting and wounding a local resident¹⁴ and causing material damage by shooting at civilian cars in connection with the same operation to which Krivosonok's case was related. He was sentenced to seven years in a general penal colony. Zinchuk's case had been separated from that of Krivosonok at an earlier stage.

In the following two cases, legal proceedings, which already had dragged on for several years, continued:

◆ During the year, a new trial began in a martial court in the case of Yevgeniy Khudiakov and Sergei Arakcheyev, two lieutenants of the Russian Ministry of Interior, accused of killing three Chechen civilians and beating and wounding a fourth one

during a "special operation" in Grozny in January 2003. According to the prosecutor, a military group under the command of the two lieutenants stopped a truck with three construction workers, who were dragged out of the vehicle and shot in the head, after which they were placed back in the truck and the truck was burnt. In addition, the military group stopped another truck and forced the driver out, after which he was illegally detained, severely beaten and shot three times in the leg. Prior to the 2006 trial, Khudiakov and Arakcheyev had been acquitted twice in jury trials held in 2004 and 2005. However, both times, the Military Board of Russian Supreme Court overturned the decisions and remitted the case for retrial, the second time with explicit reference to an April 2006 ruling by the Constitutional Court providing that allegations of serious crimes committed in Chechnya should be examined by martial courts until jury trials are introduced in



Chechnya's young generation grows up in the omnipresent "normalcy" of violence.

Chechnya.¹⁵ In December, when the preliminary hearing had just recommenced after a longer break, Khudiakov and Arakcheyev were arrested and placed in pre-trial custody following an appeal from the lawyer of the injured parties, who argued that they otherwise may seek to pressure witnesses. However, in early 2007, they were again released.¹⁶

◆ A third court round also began in the case of Captain Eduard Ulman and several other Russian federal military officials accused of murder, intentional destruction of property and abuse of power with severe consequences during a “special operation” in the Shatoi district of Chechnya in January 2002. According to the prosecutor, a unit under Ulman’s command opened fire on a civilian vehicle, killing one of the six passengers, and thereafter extra-judicially executed the others.¹⁷ As in the case of Khudiakov and Arakcheyev, Ulman and his three co-defendants were acquitted in jury trials held in 2004 and 2005. However, following the April 2006 Constitutional Court ruling regarding jury trials in cases of persons accused of serious crimes in Chechnya, the Military Board of the Russian Supreme Court ordered a new trial in the case. The hearing of the case was repeatedly postponed in the second half of 2006, but eventually began on 28 November.

Rule of law: introduction of juries postponed in Chechnya

On 8 December, the Russian State Duma passed amendments to the criminal procedure code, which postponed the introduction of jury trials in the Chechen Republic until 2010. Before that the plan was to introduce jury trials in Chechnya as of 1 January 2007. As a result, Chechnya remained the only region of the Russian Federation, where jury trials were not held.

There were indications that the decision to postpone the introduction of jury tri-

als in Chechnya may have been made because juries had acquitted defendants facing apparently fabricated charges on several occasions in neighboring Ingushetia,¹⁸ where jury trials were introduced in 2005.¹⁹

Alleged mass psychosis

The response of the authorities to an epidemic that broke out in the Shelkovskoy district in northern Chechnya at the end of 2005 gave rise to concern.

Within one week in December 2005, a total of almost one hundred people resident in this district required hospital treatment because of poisoning symptoms, such as suffocation and spasms. Most of those affected were children.

No thorough investigation into the possible cause of the mysterious illness was undertaken, but an expert commission invited from Moscow claimed that it was a form of mass psychosis resulting from the psychological stress caused by the protracted conflict in Chechnya. They also alleged that the media attention given to the issue had contributed to this phenomenon.

When another six cases of people suffering the same symptoms were reported in late February 2006, the authorities sought to explain them by referring to a story about the epidemic aired on TV.

The “Demos” Center found it plausible that a mass psychosis could take place in Chechnya because of the traumas experienced by its population, but found it less likely that it would start in the Shelkovskoy district, which is the part of Chechnya that has been least affected by the protracted conflict. It also criticized the authorities for failing to provide the population with adequate information, thereby contributing to agony and stress.²⁰

A prominent Russian pediatrician also questioned the official explanation of the illness and called for continued investigations into its causes.²¹ The authorities did not heed these calls.

At the end of the year, some of the children affected by the epidemic continued to suffer severe seizures and hallucinations.

Pressure on IDPs

At the beginning of the year, about 60,000 persons who had been forced to flee from their places of residence remained displaced in Chechnya. Many of them resided in 32 temporary accommodation centers (TACs) and 14 areas of compact settlement for displaced persons, most of which were located in Grozny.

On 19 April 2006, Chechen Prime Minister Kadyrov demanded that TACs located on the territory of Chechnya be closed as soon as possible, arguing that such camps were “a nest of crimes, drugs and prostitution.” He also asserted that displaced persons prefer to stay in camps and receive humanitarian aid instead of earning their own living.²² The same day he ordered the establishment of a special commission to control the standards and rules of residence in the TACs.²³

Following Kadyrov’s comments, Chechen law enforcement authorities began raiding TACs, and these operations continued throughout the summer. By exercising pressure, such as withholding water and food supply, the authorities sought to pressure residents to leave and more than 4,000 people reportedly had their names struck from registration lists.²⁴ A total of nine TACs were vacated by the end of the summer.²⁵

It appeared that one rationale behind the “cleansing operations” targeting the TACs was to facilitate implementation of plans to have 10,000 Chechen IDPs residing in Ingushetia return to Chechnya in 2006. IDPs in Ingushetia were also subject to pressure to return.

◆ In July, 80% of IDPs included on lists of recipients of humanitarian aid in the Malgobek district of Ingushetia were removed from the lists, with the argument

that they did not reside in this area anymore. This measure affected more than 6,000 people.

Involvement of Chechen pro-Moscow forces in crimes outside Chechnya

The lack of control of the actions of law enforcement authorities in Chechnya also had an impact in other regions of the Russian Federation. The so-called “Chechen syndrome,” which refers to the permissiveness that law enforcement officials serving in Chechnya often retain upon leaving the region, remained of concern. In addition, in several cases, members of Chechen pro-Moscow law enforcement structures and military forces committed crimes with impunity outside Chechnya.

◆ On 13 September, nine persons were killed and more than twenty wounded in an armed clash between Ingush policemen and officers of the Chechen OMON (a special police task force unit) at a checkpoint on the Ingush-Chechen border. The clash developed when Ingush police sought to stop a Chechen OMON patrol set to detain a criminal suspect in Nasran, which is outside its area of responsibility. Those wounded also included civilians who were present at the check point.

◆ On 15 September, plain-clothes officers of the Chechen Vostok battalion, which formally is subordinated to the intelligence directorate of the Russian Defense Ministry, forcefully raided a meat plant in St Petersburg and attempted to pressurize its general director into signing an agreement with another company ending a lengthy dispute in favor of the latter. Both companies involved in the dispute were controlled by ethnic Chechens. Following the raid, the general director had to be hospitalized with a broken arm, broken fingers, a concussion, an injured neck and bruises all over his body. Fearing for his family’s safety, he subsequently resigned from his

position. Local police that was called to the place during the raid failed to intervene, and later opened a criminal investigation merely on grounds of “robbery.”

◆ On 18 November, Movladi Baisarov, a commander of a pro-Moscow military unit in Chechnya independent from the “Kadyrovtsi,” was killed in Moscow. According to eye-witnesses, he was killed when a group of unidentified Chechen law enforcement officials opened direct fire on him in a Moscow street. These witnesses also refuted official claims that he was shot after making resistance and said that Moscow police officers watched the incident from the other side of the street without responding in any way. Baisarov was a rival of Kadyrov who reportedly had lost the protection he previously enjoyed from the FSB.

International engagement with Chechnya

The international community overall paid decreasing attention to the situation in Chechnya in 2006. International efforts to monitor human rights in this region were obstructed by Russian authorities and the Russian government strongly objected to efforts to address the issue by inter-governmental organizations. The dominant attitude on the part of Russian government officials was reflected in a statement made by Russian deputy minister of foreign affairs in an interview. He said that he was surprised to be asked about Chechnya at all because from his point of view this issue was no longer a topic of discussion at the international level.²⁶

International appeal prior to G8 meeting

At the beginning of March, a group of internationally well-known and respected public figures, including Vaclav Havel, Mary Robinson, Desmond Tutu, and George So-

ros published an appeal, in which they harshly criticized Russian politics in Chechnya, and called on the world community “not to close their eyes” to the conflict in the region. They also stated that “this war hides the return to authoritarianism in Russia” and demanded that Chechnya be discussed in connection with the G8 Summit in June 2006 in Saint-Petersburg, which was held as part of Russia’s 2006 G8 presidency. This demand was not met.

Parliamentary Assembly of the Council of Europe

On 25 January, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution²⁷ and recommendation²⁸ on human rights violations in Chechnya. They had been prepared on the basis of a report by Rudolf Bindig, rapporteur for the Committee on Legal Affairs and Human Rights.²⁹ The PACE resolution emphasized that “violations still occur on a massive scale in the Chechen Republic ... in a climate of impunity” and urged the Committee of Ministers to confront its responsibilities “in the face of one of the most serious human rights issues in any of the Council of Europe’s member states, as the lack of effective reaction by the Council’s decision-making body has the capacity to seriously threaten the credibility of the whole Organisation.”³⁰

The PACE resolution also urged the Russian PACE delegation “to request the setting-up, within the Duma, of a committee of inquiry to investigate the failure of law enforcement structures to hold responsible perpetrators of serious human rights violations such as those documented by the Assembly.” This proposal was supported by Council of Europe Secretary General Terry Davis, who emphasized the necessity to investigate the crimes committed by the military.³¹

In the second half of the year concerns emerged that PACE, which in past

years has been virtually the only international body that has systematically voiced concern about human rights violations in Chechnya, may no longer be able to exercise this role effectively. Due to objections from the Russian delegation, a proposal by the Committee on Legal Affairs and Human Rights to prepare another report on Chechnya and the rest of the Russian North Caucasus region was rejected by the PACE Bureau, which makes decisions on such issues. The bureau instead decided that concerns in this region would be dealt with as part of a general report on the situation in Russia to be prepared by another PACE committee, the so-called Monitoring Committee. Following protests from human rights groups and others,³² the decision was reversed and a new report by the first-mentioned committee was authorized, but made subject to approval by the bureau.

International monitoring of places of detention

A delegation of the CPT conducted a visit to the North Caucasus on 25 April – 4 May. It was the eighth visit of this body to the region since 2000. In an exceptional measure, the visit was interrupted when the delegation was denied access to Tsentoroy, the home village of Chechen Prime Minister Kadyrov, where it wished to look into allegations of unofficial places of detention.³³ Only after intervention by Chechen President Alkhanov, the delegation was allowed to access Tsentoroy the following day. However, in the meantime, all persons illegally detained in the village had reportedly been released or taken elsewhere.

Following repeated requests made by him and his predecessor, UN Special Rapporteur on Torture Manfred Nowak eventually received permission by the Russian authorities to visit the North Caucasus in March. However, at a late stage of the

preparations for the mission scheduled to take place in October, the Russian government informed him that certain elements of his terms of reference for carrying out visits to detention facilities would contravene Russian law, particularly with respect to carrying out unannounced visits and holding private interviews with detainees. As these terms are indispensable to enabling the special rapporteur's to carry out his mandate, he cancelled the visit.³⁴ CPT delegations visiting the North Caucasus frequently attend places of detention without prior notification and conduct confidential interviews with detainees.

UN reviews

When examining the record of Russia at its November session, the United Nations Committee Against Torture (CAT), *inter alia*, expressed concern about “reliable reports” of unofficial places of detention in the North Caucasus and allegations that those detained in such facilities face torture or cruel, inhuman or degrading treatment, as well as “numerous, ongoing and consistent allegations” of abductions and enforced “disappearances” and the failure to investigate and punish the perpetrators of these violations.³⁵ A group of Russian human rights NGOs submitted an alternative report to the CAT, which detailed concerns relating to the use of torture and cruel treatment in Chechnya and the rest of the North Caucasus.³⁶

In its annual report, the UN Working Group on Enforced or Involuntary Disappearances expressed grave concern “about the new cases [of disappearances] that continue to occur in the Russian Federation and the large number of unresolved cases arising from the conflicts in the northern Caucasus.” It also reminded the Russian government of its obligation under the Declaration on Enforced or Involuntary Disappearances “to prevent and to terminate all acts of enforced disappearance

and to prosecute alleged perpetrators." It welcomed the invitation received by the Russian government to conduct a country visit, which, however, yet had to take place at the end of the year.⁵⁷

Judgments by the European Court on Human Rights on Chechnya

In 2006 the European Court on Human Rights (ECtHR) issued a number of important judgments on human rights violations in Chechnya, including for the first time in cases involving victims of enforced "disappearances." At the end of the year, more than 1,200 cases from Chechnya were pending with the court.

◆ On the 27 July, the ECtHR delivered its decision in the case *Bazorkina v. Russia*, concerning the "disappearance" of 25-year-old Chechen resident Khadzhi-Murat Yandiyev. Yandiev was detained in the Chechen village Alkhan-Kala on 1 February 2000, and was interrogated by Colonel-General Alexander Baranov who gave order to have him "finished off." The interrogation and the execution order were videotaped by a correspondent for Russian NTV and CNN. Yandiev subsequently "disappeared." Despite numerous appeals by his mother, a criminal investigation into his "disappearance" was only opened 18 months later and a copy of the video that was given to the prosecutor's office allegedly "disappeared." In the following six years, the investigation was halted six times on the alleged grounds of "inability to identify the suspects." The colonel-general who interrogated Yandiev was questioned for the first time in June 2004, without any consequences. The ECtHR unanimously held that the Russian authorities were responsible for the death of Yandiyev and that the investigation into his case was inadequate. It also found that his mother had suffered not only because of the "disappearance" of her son but also because of the inadequate actions by the Russian

authorities to clarify his fate, exceeding the threshold for inhumane and humiliating treatment.

◆ On 9 November, the ECtHR delivered its decision concerning the "disappearance" of 40-year old Chechen Nura Luluyeva. She "disappeared" after being detained together with several other people, including two of her cousins, during a marketplace raid in June 2000. Seven months later her and her cousins' bodies were found among 49 others in a mass grave close to the main Russian military base in Chechnya, at Khankala.⁵⁸ All bodies bore clear signs of extrajudicial execution; most victims had had their hands tied and their throat cut, and had been shot in the head. In addition to Luluyeva and her cousins, 21 others were identified by relatives. These had been detained at different time in various places of Chechnya, indicating that abductions and extrajudicial executions were carried out in a systematic and organized manner. The ECtHR unanimously held the Russian Federation guilty for violating the right to life as well as the right to liberty and security of Luluyeva, for having failed to conduct an effective investigation into her "disappearance" and ensuring an effective remedy, and for causing her relatives suffering amounting to inhumane or degrading treatment.

◆ On 9 November, the ECtHR also delivered its decision in *Imakayeva v. Russia*, which concerned the "disappearance" of Said-Khusein Imakayev and the subsequent "disappearance" of his father, Said-Magomed Imakayev. This case highlighted the risks that applicants run when seeking justice before the ECtHR with respect to human rights violations in Chechnya. In mid-December 2000, Said-Khusein was detained by Russian forces at a roadblock outside Novye Atagi, where several eyewitnesses reported seeing him being forced into a military vehicle. He thereafter

“disappeared,” but the authorities failed to hold anyone accountable. In February 2002, his parents assisted by the Dutch Stichting Russian Justice Initiative filed an application with the ECtHR. Four months later, Said-Magomed was detained at his home by a group of armed men, and subsequently “disappeared.” The Russian government admitted that he was detained by government forces, but maintained that he was released the same day. The ECtHR found that there was sufficient evidence to conclude that Said-Khuseyn and Said-

Magomed Imakayev had both been illegally detained by Russian security forces and could be considered dead. It held the Russian authorities responsible for their deaths, as well as for a failure to adequately investigate their “disappearances” and provide an effective remedy, and for causing the mother of Said-Khusein suffering amounting to inhumane or degrading treatment. The court also criticized the Russian government for violating its obligation to cooperate with the court by failing to submit requested documents.

SOURCES FOR FURTHER INFORMATION:

NGO reports:

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- ◆ Joint Report of the IHF, International Federation for Human Rights (FIDH), Norwegian Helsinki Committee, Center “Demos,” “Memorial” Human Rights Center, *In a Climate of Fear - “Political Process” and Parliamentary Elections in Chechnya*, January 2006, at www.ihf-hr.org/cms/cms.php?sec_id=54&pag_id=81
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Reports by inter-governmental organizations:

- ◆ UN CAT, *Conclusions and Recommendations – Russian Federation*, 37th Session, 6-24 November 2006, at www.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT.C.RUS.CO.4.pdf
- ◆ PACE Committee on Legal Affairs and Human Rights, Rudolf Bindig (Rapporteur), *Human rights violations in the Chechen Republic: the Committee of Ministers’ responsibility vis-à-vis the Assembly’s concerns*, Doc. 10774, 21 December 2005, at <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/WorkingDocs/Doc05/EDOC10774.htm>

Additional info can be found on the following websites:

- ◆ International Helsinki Federation for Human Rights (IHF), www.ihf-hr.org
- ◆ Moscow Helsinki Group (MHG), www.mhg.ru
- ◆ "Demos" Center, www.demos-center.ru
- ◆ "Memorial" Human Rights Center, www.memo.ru
- ◆ Amnesty International, www.amnesty.org
- ◆ Caucasian Knot, eng.kavkaz.memo.ru
- ◆ Chechen Committee for National Salvation, savechechnya.narod.ru
- ◆ Chechen Civil Society Forum, www.chechenforum.org
- ◆ Chechen Society. Independent social political newspaper, www.chechensociety.net
- ◆ European Human Rights Advocacy Centre (EHRAC), www.londonmet.ac.uk/research-units/hrsj/ehrac/
- ◆ Human Rights First, www.humanrightsfirst.org
- ◆ Human Rights Watch, www.hrw.org
- ◆ Institute for War and Peace Reporting, www.iwpr.net
- ◆ International Federation for Human Rights (FIDH), www.fidh.org
- ◆ Jamestown Foundation, Chechnya Weekly, www.jamestown.org
- ◆ Migration Rights Network, Memorial Human Rights Center, www.refugee.memo.ru
- ◆ Prague Watchdog, www.watchdog.cz
- ◆ Russian-Chechen Friendship Society (RCFS), webpage disabled after RCFS closure
- ◆ Russian Justice Initiative, www.srji.org
- ◆ Society for Threatened Peoples Germany, www.gfbv.de

Endnotes

- ¹ On 15 February 2007, Kadyrov was appointed acting president of Chechnya. See IHF, "Concerning Ramzan Kadyrov's Appointment as Acting President of Chechnya," 16 February 2007, at www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4373.
- ² For more information see the chapter on the Russian Federation in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005)*, at www.ihf-hr.org/cms/cms.php?sec_id=71.
- ³ NEWSru.com, 19 September 2006, at www.newsru.com/arch/russia/19sep2006/amnistry_print.html.
- ⁴ For more information, see IHF Special Thematic Report, "The Reality of the 2006 Amnesty in Chechnya" (upcoming).
- ⁵ During the first months of 2007, these figures will be finalized and are likely to slightly increase.
- ⁶ Demos Center, 24 January 2006, at www.demos-center.ru/news/8946.html.
- ⁷ Chechnya is part of the Southern Federal District, one of seven federal districts in the Russian Federation. Each federal district is comprised of numerous regions.
- ⁸ While the Ministry of Interior claimed to have legalized the prison facility at the ORB-2 in November 2004, its legality remained questionable, as holding detainees and arrested individuals in ORB facilities was contrary to the Federal Law on Custody of

Suspects and Accused of Crimes, the Federal Law on Police, and Russian government decrees.

- ⁹ NEWSru.com, 17 April 2006, at www.newsru.com/russia/17apr2006/ramzan_print.html.
- ¹⁰ NEWSru.com, 19 May 2006, at www.newsru.com/arch/russia/19may2006/kadirov.html.
- ¹¹ Caucasian Knot, 18 April 2006, at www.kavkaz.memo.ru/newstext/news/id/981740.html.
- ¹² Caucasian Knot, 7 December 2006, at www.kavkaz.memo.ru/newstext/news/id/1139520.html.
- ¹³ The three victims were Yusup Usmanov, Khusein Akhmadov and Dzhambulat Dushaev. According to a Chechen law enforcement source they were Chechen Interior Ministry employees.
- ¹⁴ The wounded resident of Staraya Sunzha was Movsar Munayev.
- ¹⁵ See the section on rule of law: the introduction of jury trials in Chechnya. At that time, jury trials were due to be established in Chechnya as of January 2007.
- ¹⁶ "The officers who killed peaceful inhabitants of Chechnya will be released from custody," 2 February 2007, at <http://eng.kavkaz.memo.ru>.
- ¹⁷ The five executed civilians were Khamzat Tuburov, 45-year-old driver of the car; Zainap Dzhavatkhanova, 35-year-old pregnant mother of 7 children; Dzhamlail Musaev, 22-year-old nephew of Dzhavatkhanova and a resident of the village Starye Atagi; Abdul-Vakhab Satabaev, 44-year-old deputy director of the local school in Nokhchi-Keloy; Shahban Bakhaev, 44-year-old local forester. The sixth person in the car, Said Magomed Alaskhanov, 68-year-old director of the local school in Nokhchi Keloy, who was sitting at the front passenger seat, received a lethal shot in his head, when the car was stopped by force.
- ¹⁸ On 27 February 2006, Chechen resident Muslim Gutseriyev, charged with "banditism" under article 209 of the Russian Criminal Code, was acquitted in a jury trial in the Supreme Court of the Ingush Republic. The court found that there was no evidence of his guilt, and noted numerous irregularities and illegal methods of investigation in the case.
- ¹⁹ Jury trials were introduced with a delay of nine months, which was due to the failure of Ingush President Murat Ziazikov to sign a list of candidates for juries within the time stipulated by law.
- ²⁰ See www.kavkaz.memo.ru/newstext/news/id/918340.html.
- ²¹ See www.newsru.com/arch/russia/27mar2006/roshal_print.html.
- ²² Caucasian Knot, 19 April 2006 www.kavkaz.memo.ru/newstext/news/id/982760.html.
- ²³ This commission was made up of heads of regional administrations, heads of regional interior departments, migration service representatives and parliament deputies.
- ²⁴ In May, Asu Dudurkaev, head of the republic's directorate of the federal migration service, announced that 123 million roubles had been "saved" by removing the names of 4,300 persons from lists of registered IDPs. Caucasian Knot, 19 September 2006 and 25 May 2006, at www.kavkaz.memo.ru/newstext/news/id/1006448.html.
- ²⁵ See www.kavkaz.memo.ru/newstext/news/id/1057064.html.
- ²⁶ *Die Presse*, Interview: "'Tschetschenien ist doch kein Thema mehr'. Moskauer Vizeaußenminister hält eine Rückkehr der OSZE in den Nordkaukasus nicht für nötig," 25 January 2006, at www.diepresse.at/textversion_article.aspx?id=534280. Russian language re-print at www.inopressa.ru/diepresse/2006/01/25/11:25:37/yakovenko.

- ²⁷ See <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/ERES1479.htm>
- ²⁸ See <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta03/EREC1600.htm>.
- ²⁹ At the time of the assembly meeting, Bindig had retired as a PACE member, but remained an honorary member. See <http://assembly.coe.int//Main.asp?link=http://assembly.coe.int/Documents/WorkingDocs/doc03/EDOC9732.htm>.
- ³⁰ The PACE reiterated the desirability of a Council of Europe field presence in Chechnya and recommended that the Committee of Ministers re-launch its efforts to monitor the human rights situation in Chechnya and discuss the inadequate co-operation of the Russian Federation with the CPT. The full list of recommendations can be found under <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta03/EREC1600.htm>.
- ³¹ Terry Davis made this statement during the PACE session on January 25, 2006. See www.sngnews.ru/articles-print/16/428.html.
- ³² See *Joint NGO Open Letter to the Bureau of the Parliamentary Assembly of the Council of Europe (PACE)*, 5 July 2006, at www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4278.
- ³³ See CPT press release at www.cpt.coe.int/documents/rus/2006-05-09-eng.htm.
- ³⁴ See IHF, "Torture Epidemic in Russian North Caucasus Region Makes UN Access to Detention Sites Essential," 5 October 2006, at www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4312.
- ³⁵ Available at www.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT.C.RUS.CO.4.pdf.
- ³⁶ *Russian NGO Shadow Report on the Observance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Russian Federation for the period from 2001 to 2005*, May 2006, Moscow, at www.ihf-hr.org/documents/doc_summary.php?sec_id=38&d_id=4349.
- ³⁷ Available at www.ohchr.org/english/issues/disappear/visits.htm#completed.
- ³⁸ While official sources stated that 51 human bodies were discovered in the mass grave, unofficial sources reported that the number of bodies was higher but that all bodies were not removed from it. Several more mass graves have been discovered in Chechnya in the meantime.