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Violations of International Humanitarian Law in the North Caucasus, the Russian Federation¹

As reconstruction is underway in **Chechnya** – especially in Grozny – in order to remedy the physical damages caused by the war, and the officials are eager to promote an air of normalcy, the armed conflict is still continuing after seven years. Both the federal and the pro-Moscow Chechen administration have shown no willingness to engage in negotiations with the armed rebels regarding a political resolution to the conflict.

At the same time, tension as well as gross and massive human rights violations are effectively spreading to enflame the entire Northern Caucasus. The situation is especially aggravating in Ingushetia, North Ossetia, Dagestan and Kabardino-Balkaria.

After the death of Chechen rebel leader Shamil Bassaev in July 2006, there was an immediate appeal by the Federal Security Service (FSB) head Patrushev to the rebels, calling upon them to lay down their weapons and give themselves up under guarantees of “fair consideration of their cases.” However, without a real amnesty act by the Russian parliament, this “offer” was considered as boiling down to the possibility for the rebels to put themselves in the hands of Chechen Prime Minister Ramzan Kadyrov and his “Kadyrovtsy,”² and to rely on their “personal guarantees.”

The “Chechenization” of the conflict is almost complete, reinforcing feelings of fear and vulnerability among the civilian population that is left without clear indications of who exactly represents which forces or power, or unofficial or illegal group. Special local units, either formally operating under the Federal or Chechen Ministry of Internal Affairs or the Federal Ministry of Defense, have been engaged in systemic abduction and torture practices, and in some cases in extrajudicial executions.

¹ For more information on this issue, see IHF, *In a Climate of Fear - “Political Process” and Parliamentary Elections in Chechnya*, 24 November 2005, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4207, and *Unofficial Places of Detention*, 12 May 2006, http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4249.

² The term “Kadyrovtsy,” or “SB” is used by the population of Chechnya and its neighboring republics to depict members of separate groups operating in different institutions like the Chechen Ministry of Interior, the Federal Ministry of Defence, and recently also the Federal Ministry of Interior, which allegedly still take orders from now Prime Minister Ramzan Kadyrov, or at least are primarily loyal to him. The “SB” was initially created in 2001 as a personal security force of the then Moscow-appointed head of the Chechen administration, Akhmat Kadyrov, but from the beginning commanded by his son, Ramzan Kadyrov. After Akhmat Kadyrov’s death in May 2004 the service was formally liquidated and most of its units integrated step by step into the system of Russian law enforcement and security forces.

Most often it has not been clear which particular group had conducted a particular operation. Some of these units have their own illegal places of detention, to which the prosecutor's office has no access.

Additionally, the federal law enforcement agencies as well as the FSB have been allegedly involved in some operations by the above-mentioned local groups. To note, the "special operative investigation group"³ formed in the wake of the Beslan tragedy has a reputation to use methods like abductions and torture, particularly in Ingushetsia, but also in Chechnya.

According to statistics from the Human Rights Center "Memorial," which monitors about a third of Chechnya's territory, there have been 180 abductions so far in 2006 (212 total in 2005). In about half of these cases the fate of the abducted remains unknown. Both "Memorial" and the IHF have received numerous reports about cases in which relatives of rebel fighters have been abducted and held hostage for periods ranging between several weeks to ten months to force active rebels to give themselves up.

Illegal Places of Detention

The practice of using illegal and secret places of detention gives rise to serious concern. Most of these places are run by the "Kadyrovtsy."

According to witness accounts, there are illegal prisons at least in the village Tsentoroy (Khosi-Yurt), the home village and headquarter of Ramzan Kadyrov,⁴ on the premises of the "anti-terrorist centers" in Gudermes, in Gel'dagen, Urus-Martan, Avtury, Dzhalka, Achkhoy-Martan, and several in Grozny.⁵

In addition, official places of detention are frequently used as illegal places of detention, with detainees remaining unregistered for extensive time periods. In these places kidnapped people are held, beaten, tortured and subjected to extrajudicial executions. According to confirmed reports, kidnapped persons are brought to the so-called ORB-2⁶, which is particularly infamous for torture as well as cruel and inhuman treatment. The "parallel" penitentiary system is used to extract "confessions" and "testimonies," after which the suspects are officially detained and transferred to official pre-trial detention facilities. These "confessions" are then used to bring fabricated criminal charges against the accused.⁷

³ Headed first by Konstantin Krivorotov, and then by Alexander Solzhenytsin.

⁴ One consists of concrete bunkers or boxes where kidnapped relatives of armed Chechen fighters are held as hostages. Another is evidently apparently located in the yard or in immediate vicinity of the house of Ramzan Kadyrov.

⁵ More precisely, the "Kadyrovtsy"-run secret places of detention are on the premises of the ATTs in Gudermes (Gudermes district center), Gel'dagen (Kurchaloy district), Urus-Martan (Urus-Martan district center), and the western suburb of Avtury (Shali district). The former ATTs now operating under the Federal Ministry of Interior are the new battalions "Sever" ("North") and "Yug" ("South") under the 46th operative brigade. The additional secret places of detention are on the premises of the so-called "oil regiment" in Grozny's Yuzhnaya street, at the base of a subdivision of this regiment in the Dzhalka village (Gudermes region) and in the "oil regiment" barrack next to the house of their commander, Adam Delimkhanov. Finally, the base of the so-called PPSM-2 in Grozny next to the building of the 'RTS Microrayon', the buildings of a technical college in the 12th district of the Oktyabrski region of Grozny, and a building in Achkhoy-Martan have also been used as secret detention places by the "Kadyrovtsy."

⁶ The Operational-Search bureau of the North Caucasus Operative Department of the Chief Department of the Russian Federal Ministry of Internal Affairs in the Southern Federal District.

⁷ See IHF intervention of the independence of the judiciary and the right to a fair trial, p. 25.

Hostage Taking of Relatives of Alleged Fighters

Abduction and illegal detention of the relatives of armed insurgents has developed into common practice. “Memorial” and the IHF have received numerous reports about cases in which rebel fighters’ relatives have been abducted and held hostage for periods ranging between several weeks to ten months. Many are still missing.

Impunity – Lack of Accountability

Despite claims by Chechen and federal officials that perpetrators of human rights abuses in Chechnya are being effectively brought to justice, in practice a widespread climate of impunity continues to prevail. The lack of accountability perpetuates the conflict and contributes to further abuses. In particular, only few cases involving abuses by federal or pro-federal forces have been brought to court, and in most cases the investigation has been closed because it has allegedly been impossible to identify those responsible.

Although international actors, such as PACE and the Human Rights Commissioner of the Council of Europe, continue to call on the Russian government to engage in more systematic and consistent efforts to address the climate of impunity in Chechnya, almost no effective measures have been taken by the federal authorities to this effect.

In February 2005, the European Court on Human Rights (ECtHR) found Russia in violation of several key articles of the European Convention on Human Rights (ECHR) in the first six cases brought by victims of abuse in Chechnya. In particular, the court ruled that the Russian authorities had failed to carry out adequate investigations into the circumstances of the cases, which included torture, extrajudicial executions, and killings in connection with aerial bombings on civilians. The ECtHR also stressed the issue of disproportionate use of force.

In July 2006, the ECtHR handed down the first judgment concerning disappearances in Chechnya (*Bazorkina vs. Russia*). The court held the Russian authorities responsible for the illegal detention, disappearance and death of a young man from Chechnya in February 2000. Dozens of other Chechen disappearance cases are pending before the ECtHR.

Bearing in mind the Russian authorities’ reluctance to undertake effective measures in relation to the cases decided by the ECtHR in February 2005, it is vital to pay special attention to the implementation of effective measures to prevent similar violations from happening again.

Recommendations

1. To the **Russian authorities and the federal side** of the conflict:
 - Immediately put an end to arbitrary detentions, torture, ill-treatment, enforced “disappearances,” and extra-judicial executions, as well as stop targeting civilian dwellings in their operations.
2. To the government of the **Russian Federation**:
 - Insist on accountability for all atrocities that have taken and are taking place in Chechnya and the adjacent regions. It should ensure independent and meaningful investigations into all reported crimes allegedly committed by members of security

forces against civilians in Chechnya or Ingushetia and publish a detailed list of all current and past investigations into such abuses and indicate their current status. Likewise, it should publish a complete list of all persons who have “disappeared” in the course of the second Chechen war, with a detailed description of what is known about these “disappearances”;

- Desist from coerced returns of internally displaced persons to Chechnya and instead ensure their security and protection in accordance with the Guiding Principles on Internal Displacement⁸ and other relevant international standards;
 - Grant a meaningful amnesty for rebel fighters and assist their return to peaceful life. A special representative of either the Russian President or the State Duma should be appointed to oversee the course of the amnesty and ensure the safety of those amnestied;
 - Take effective measures to reduce the risk of eruptions of violence and avoid further destabilization in the adjacent regions of Chechnya (Ingushetia, North Ossetia, Dagestan and Kabardino-Balkaria). Such measures should especially focus on the operation of the Interior Ministry and Federal Security Service officials.
3. To all groups on the side of the **Chechen rebel fighters**:
- Refrain from all activities, which endanger the civilian population.
4. To the **OSCE**:
- Demand the return of an OSCE Assistance Group with a relevant mandate to Chechnya;

Insist on accountability for all atrocities that have taken and are taking place in Chechnya and the adjacent regions, as required above (see point one under recommendations to the government of the Russian Federation).

⁸ These principles were prepared by the Representative of the UN Secretary-General on internally displaced persons and included in his report to the 54th session of the Commission on Human Rights (E/CN.4/1998/53/Add.2).