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**February 9, 2001**

**Memorandum on Domestic Prosecutions for Violations of International Human Rights and Humanitarian Law in Chechnya**

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Russian authorities have concealed and obstructed the prosecution of Russian forces for violations of human rights and international humanitarian law in the Chechnya conflict. The failure to hold violators accountable can be expected to encourage Russian federal forces to continue to perpetrate abuses. Announced investigations into three well-known massacres believed to be committed by federal forces in the first six months of the war—at Alkhan-Yurt, Staropromyslovski, and Aldi—have been incomplete, haphazard, or suspended altogether. To our knowledge, no investigations have been launched concerning the widespread allegations of torture and ill-treatment of persons in custody. A few cases of torture in which the victim was later judicially executed are under investigation. Of the many evident cases of disproportionate use of force by Russian forces, only six incidents are currently under investigation. Military claims of jurisdiction over many of the most serious of the reported crimes have posed seemingly insurmountable obstacles to justice, and good faith investigations have been largely absent.

This memorandum is based on Human Rights Watch’s active correspondence with the Russian military and civilian procuracies,<sup>1</sup> and on a November 2000 field mission to Ingushetia, during which researchers gathered information from victims, witnesses, and law enforcement agencies concerning progress on investigations.

## Introduction

Russian officials have shown a lack of commitment to a meaningful accountability process by their public statements, by the low number and evidently poor quality of investigations, and by the failure of law enforcement and other government agencies to build an atmosphere of trust among victims and witnesses. Government officials continue to downplay serious abuses committed in Chechnya as “incidental” and “exceptional.”<sup>2</sup> As far as Human Rights Watch is aware, none of the commanding officers who presided over massacres were suspended pending the outcome of investigations. Instead of taking this kind of confidence-building measure, for example, Gen. Vladimir Shamanov, who had direct oversight over troops that committed the massacre in Alkhan-Yurt, was awarded a “Hero of Russia” medal for his service in Chechnya mere weeks after the massacre took place.<sup>3</sup> Russian legislation undermines the accountability process by creating wholesale exemptions from prosecution for serious violations committed by Russian forces in the course of anti-terrorist operations. The Law on Suppression of Terrorism contains no provisions regarding the responsibility of anti-terrorist units for possible abuses of power. In fact, the law explicitly exempts servicemen, experts and other persons from liability.<sup>4</sup>

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<sup>1</sup> The military procuracy is responsible for investigating crimes committed by those serving in the armed forces, such as the army, as well as by those serving in the Ministry of Internal Affairs’ armed forces. Crimes committed by other Ministry of Internal Affairs personnel (including Otriady Militsii Osobogo Naznachenia (OMON), and Spetsnaz) are under the jurisdiction of the civilian procuracy.

<sup>2</sup> See, for example, “Report on the Activity of the Special Representative of the President of the Russian Federation for Guaranteeing Rights and Freedoms of Men and Citizens in the Chechen Republic for the Year 2000,” Moscow, December 2000. (Hereinafter, “Kalamano report,” for Vladimir Kalamano, who is the special representative.) In describing the accountability process, the report notes on p. 20: “The problem of crimes committed by servicemen is the most acute and painful issue for the public, including international public opinion. While noting the existence of such facts, the Special Representative underscores their ad hoc and exclusive character.”

<sup>3</sup> Ian Traynor, “Moscow Makes Heroes of its War Generals,” *Guardian* (London), December 29, 1999. At the ceremony, then-President Boris Yeltsin praised General Shamanov’s conduct in Chechnya as “faultless.”

<sup>4</sup> “In accordance with and within the limits of established legislation, in carrying out an anti-terrorist operation damage may be caused to life, health and property of terrorists, as well as to other law-protected interests. However servicemen, experts and other persons shall be exempted from liability for such damage, in accordance with legislation of the Russian Federation.” (Article 21, on exemption of liability for damage, of the law on Suppression

Human Rights Watch is aware of only one case—the March 2000 rape and murder of Kheda Kungaeva—that top officials publicly acknowledged and promised to investigate swiftly. At around 1:00 a.m. on March 27, 2000, Russian soldiers, under the command of Colonel Yuri Budanov, took eighteen-year-old Kheda Kungaeva away from her parental home. The next evening, soldiers returned her dead body. The criminal investigation was completed in January 2001 and forwarded to a military court. Colonel Budanov was charged with premeditated murder, kidnapping and abuse of office. Three of his subordinates were charged with desecrating a corpse and covering up a serious crime but the investigation against them was dropped before trial.<sup>5</sup> Prosecutors did not charge Budanov or his subordinates with sexual assault, even though forensic examiners had determined that the girl was anally raped with a hard object and that her hymen was ripped in three places approximately one hour before her death.<sup>6</sup>

### **Official data**

In a December 2000 report, Vladimir Kalamano v, special representative of the president of the Russian Federation for human rights in Chechnya, stated that military prosecutors had instituted thirty-five criminal cases against federal servicemen for crimes against civilians.<sup>7</sup> Of these, eleven concern inadvertent crimes or minor offenses against civilians.<sup>8</sup> Eight of the thirty-five are now pending in the courts and five have been closed “for varying reasons”; Kalamano v’s report provided no further information about these cases.

These figures contrast sharply with the numbers of serious human rights violations that have been documented by both Russian official agencies and nongovernmental organizations. Kalamano v’s office has reported receiving thousands of complaints from civilians in Chechnya, including 357 for arbitrary detention, 853 for “disappearances,” and 212 for “violation of the right to freedom of movement and extortion at checkpoints.”<sup>9</sup> Several civilians interviewed by Human Rights Watch said that they had reported serious human rights violations directly to the procuracy in Ingushetia, including possible extrajudicial executions.<sup>10</sup>

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of Terrorism, adopted July 25, 1998). At the request of the Secretary General of the Council of Europe, a group of legal experts examined the law in June 2000 and expressed concern about this exemption from liability.

<sup>5</sup> A May 26, 2000 State Duma decision requires that all investigations into crimes committed before May 26, 2000 that carry a maximum sentence of three years’ imprisonment or less must be ceased. Both desecrating a corpse and covering up serious crimes fall into this category.

<sup>6</sup> Human Rights Watch has a copy of the forensic report on file.

<sup>7</sup> See Kalamano v report, p. 20. In a press report dated January 16, 2001, a Russian official is cited as giving the latest figures on prosecutions. According to the official, at that time thirty-eight criminal investigations were being conducted into crimes against civilians by servicemen, ten of these cases were pending in court, and a total of seven servicemen had been convicted of such crimes. As of this writing, Human Rights Watch had not been able to confirm what these seven servicemen were convicted of and by what court. “Yastrzhembsky’s office reports statistics of criminal cases against Russian servicemen in Chechnya,” Interfax, January 16, 2001.

<sup>8</sup> The letter gives the following breakdown for the thirty-five cases: twelve for murder; six for deaths of civilians as a result of bombardment or artillery fire; six for theft; one for loss of life caused by carelessness; two for hooliganism; two for violations of the rules of handling weapons; six for violations of the rules for driving military vehicles. The crimes in the last four categories are either inadvertent or minor.

<sup>9</sup> Kalamano v report, p.8.

<sup>10</sup> Ingush hospitals have been sources of information to the Ingush procuracy on human rights abuses in Chechnya, having treated many victims of bombing, shelling, and torture. Under government regulation, hospitals and doctors are obliged to inform police or prosecutors of any injury they examine that may have been sustained as a result of a criminal offense.

Human Rights Watch, the Memorial Human Rights Center, and other human rights organizations, humanitarian organizations, and the Russian and international media have documented thousands of serious human rights crimes, and Human Rights Watch and others have established that certain abuses such as the cycle of arbitrary detention and torture and extortion of detainees are widespread.<sup>11</sup> In many cases, this information was sent to prosecutors.<sup>12</sup>

### **Shortcomings of investigations**

Official Russian sources have provided little information on the methods used for building confidence among potential witnesses and survivors to facilitate cooperation with investigations, the numbers of witnesses interviewed, the number of servicemen under suspicion, or progress made. The information Human Rights Watch was able to gather from official sources, combined with interviews with the survivors of atrocities or their relatives, suggests that procuracy efforts to date are deplorable. To the best of our knowledge, with one notable exception, all investigations were instituted months after the abuse took place, even though law enforcement agencies were notified about the atrocities shortly after they happened. Several of these cases were only instituted after the victims of the abuse or their relatives had filed applications with the European Court of Human Rights. Even when these cases were instituted, Human Rights Watch research found that prosecutors were slow to question witnesses, often failed to ask questions that could help identify the perpetrators of the crime, and sometimes failed to question people known to be knowledgeable about the case who were available to be interviewed. In several cases, prosecutors demanded witnesses and victims to come for questioning to the Khankala military base in Chechnya, where numerous Chechens have been tortured or have “disappeared” after being taken into custody.<sup>13</sup> Unsurprisingly, witnesses were generally too frightened and traumatized to make such a trip.

### **Extrajudicial Executions**

To date, no one has been held criminally accountable for the 130 execution-style murders of civilians in the Alkhan-Yurt, Staropromyslovski, and Novye Aldi massacres, or for dozens of other extrajudicial executions documented by Human Rights Watch and others.

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<sup>11</sup> Human Rights Watch, “Field Update on Chechnya,” January 22, 2001; Memorial, “Human Rights Situation in the Republic of Chechnya, fall 2000,” address given by Oleg Orlov, at the Meeting of the Committee for Legal Affairs and Human Rights of the Council of Europe in Paris, December 2000, <http://www.memo.ru/hr/hotpoints/northkavkaz.htm> (February 1, 2001); Medecins du Monde, “Le Desespoir des civils tchetchenes,” November 2000; Maura Reynolds, “War Has No Rules for Russian Forces Battling Chechen Rebels”, Los Angeles Times, September 17, 2000.

<sup>12</sup> Under article 108 of Russia’s criminal procedure code, in accord with article 3, the procuracy is obliged to investigate crimes on the basis of reports from nongovernmental organizations or the media. Article 108, Grounds for instituting a criminal case, lists “1) statements and letters from citizens;” “3) reports from businesses, institutions, organizations, and public officials; 4) articles, notices and letters published in the press;” as grounds for instituting a criminal case. Article 3 reads: “Obligation to institute a criminal case and investigate crime: The court, procurator, investigator and organ of investigation are obliged within their jurisdiction to institute a criminal case in every instance of the discovery of signs of a crime, to take all measures stipulated by law to determine the events of the crime, the individuals guilty of committing the crime, and their punishment.”

<sup>13</sup> Human Rights Watch, *Welcome to Hell: Arbitrary detention, torture and extortion in Chechnya* (New York: Human Rights Watch, October 2000), pp. 60-64; Human Rights Watch, “Field Update on Chechnya,” p. 4. See also, letter from the Memorial Human Rights Center to Vladimir Kalamonov, October 27, 2000, posted on [www.memo.ru](http://www.memo.ru). (January 29, 2001).

The civilian procuracy of the Chechen republic is reportedly investigating the Alkhan-Yurt massacre.<sup>14</sup> During the two weeks after taking control of the village on December 1, 1999, Russian soldiers extrajudicially executed at least fourteen people in the village, systematically looted and burned the villagers' homes, and reportedly committed rapes.<sup>15</sup> In November 2000, the immediate family of two men allegedly extrajudicially executed in Alkhan-Yurt told Human Rights Watch they had not been questioned, nor had they been approached for permission to exhume the bodies for a forensic examination.<sup>16</sup> Others informed Human Rights Watch that prosecutors had not contacted the father of the victims of extrajudicial execution.<sup>17</sup> It is unclear whether relatives of the eleven other deceased were questioned or whether any of the bodies have been exhumed and examined.

Russian forces committed similar abuses, including extrajudicial executions, in the Staropromyslovski district of Grozny between late December 1999 and mid-January 2000.<sup>18</sup> Criminal investigations are known to have been launched into very few of the more than fifty-one Staropromyslovski extrajudicial executions of civilians documented by Human Rights Watch, and most of these have since been suspended. These investigations began only in May 2000,<sup>19</sup> even though the procuracy received notification of the massacre as early as February 2000.<sup>20</sup> Human Rights Watch, among other organizations, notified the procuracy of details of the massacre in a report sent in February. Attempts by Human Rights Watch in March and April 2000 to introduce prosecutors to eyewitnesses or relatives of victims in Ingushetia—through the office of Special Representative Kalamonov and in direct telephone conversations with prosecutors in Chechnya—failed, as prosecutors were unwilling to travel to Ingushetia.<sup>21</sup>

Even after criminal proceedings were instituted, investigations themselves have been slow, incomplete, and seemingly conducted in bad faith.

- An investigation into the killings of four members of the Khashiev family, which occurred in mid-January 2000, was instituted on May 3, 2000, several weeks after the Khashiev family filed a complaint with the European Court of Human Rights.<sup>22</sup> Surviving

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<sup>14</sup> On July 11, 2000, Human Rights Watch received a letter from the Main Military Procuracy which stated that the Procuracy of the Chechen Republic had launched criminal proceedings and was investigating the case.

<sup>15</sup> Human Rights Watch, "'No Happiness Remains': Civilian Killings, Pillage, and Rape in Alkhan-Yurt, Chechnya," *A Human Rights Watch Report*, vol. 12 no. 5, April 2000.

<sup>16</sup> Human Rights Watch interview, Pliyev, Ingushetia, November 12, 2000.

<sup>17</sup> Two German journalists, Florian Hassel of the *Frankfurter Rundschau* and Thomas Avenarius of the *Süddeutsche Zeitung*, traveled to Alkhan-Yurt in September 2000 and interviewed the relative.

<sup>18</sup> Human Rights Watch, "Civilian Killings in Staropromyslovski District of Grozny," *A Human Rights Watch Report*, vol.12 No.2, February 2000.

<sup>19</sup> According to an October 2000 communication from the Russian government to the European Court of Human Rights in response to an individual case, civilian prosecutors are investigating the deaths of five relatives of the applicants.

<sup>20</sup> Magomed Khashiev took the bodies of his brother, Khamid Khashiev, and his nephew Rizvan Khashiev, to the Malgobek City Procuracy (in Ingushetia) on February 10, 2000, where a forensic doctor was called in to examine the bodies. Human Rights Watch interview with Magomed Khashiev, Voznesenskaia, Ingushetia, November 13, 2000.

<sup>21</sup> Human Rights Watch telephone conversations in March and April 2000.

<sup>22</sup> The case included the deaths of four members of the Khashiev family, and six others killed in the same incident. See Human Rights Watch, "Civilian Killings in Staropromyslovski District of Grozny," p. 13.

family members reported the killings to prosecutors in Ingushetia in early February, when a forensic expert in Ingushetia also examined three of the bodies.<sup>23</sup> Because Ingushetia procurators do not have jurisdiction over crimes committed in Chechnya, they forwarded the case information to the North Caucasus District Procuracy. Ingush procurators told Human Rights Watch that the North Caucasus District Procuracy instructed them to open a criminal investigation on these murders only in May 2000, to be forwarded to the Chechen procuracy.<sup>24</sup> In a letter to the Parliamentary Assembly of the Council of Europe, dated January 16, 2001, the acting deputy procurator of the Chechen Republic stated that the investigation was suspended on September 30, 2000, for “failure to identify the individuals responsible for the crime.”<sup>25</sup>

- An investigation into the January 19, 2000 incident that included the murder of Larisa Dzhabrailova and the attempted murder of Kheda Makhauri was instituted on May 31, 2000.<sup>26</sup> Kheda Makhauri told Human Rights Watch that she had been questioned three times and that she was not asked to identify her attackers, even though she had seen them clearly. Makhauri’s assailant shot her through the neck, a wound that required weeks of hospitalization and that has crippled her for life; prosecutors requested her medical records only in November. In August, Makhauri, who has great difficulty walking, was summoned to the Khankala military base, but prosecutors did not offer her transportation or other assistance with the dangerous and difficult trip to the base; as a result, Makhauri could not go.<sup>27</sup>
- Prosecutors initially told the son of an elderly man and woman who were killed and burned in their house in mid-January 2000 that they would not investigate the death of his parents because there were no witnesses to the killing. A criminal investigation was eventually opened in July when the son persisted in his demands. However, he told Human Rights Watch that he was unaware of any actual investigative activity.<sup>28</sup>
- The military procuracy, claiming that federal servicemen had no relation to the incident, refused to investigate the attempted extrajudicial execution of Elena Goncharuk, who was shot with five others on January 19, 2000 but survived.<sup>29</sup> Goncharuk, who saw her attackers, maintains that federal servicemen shot at her and five others, all of whom died.

On February 5, 2000, Russian forces extrajudicially executed at least sixty civilians in Novye Aldi, a Grozny suburb, in a brutal house-to-house sweep operation.<sup>30</sup> After being bounced among three different procuracies, the investigation into the Novye Aldi massacre was

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<sup>23</sup> Human Rights Watch interview with Magomed Khashiev, Voznesenskaia, Ingushetia, November 13, 2000.

<sup>24</sup> Human Rights Watch interview with Unman Belkhoroev, Procurator of the Malgobek City Procuracy, November 13, 2000, Malgobek, Ingushetia.

<sup>25</sup> Human Rights Watch has a copy of this letter on file.

<sup>26</sup> A third woman, Nura (last name unknown), was also killed in this incident, but for unknown reasons her killing is not included in the criminal investigation.

<sup>27</sup> Human Rights Watch interview with Kheda Makhauri, November 17, 2000, Nesterovskaia, Ingushetia.

<sup>28</sup> Human Rights Watch interview with “Alexander P.,” November 16, 2000, Nazran, Ingushetia.

<sup>29</sup> Reported by Memorial on February 10, 2000, <http://www.memo.ru/hr/hotpoints/n-caucas/goncaruk.htm> (February 1, 2001).

<sup>30</sup> Human Rights Watch, “February 5: A Day of Slaughter in Novye Aldi,” *A Human Rights Watch Report*, vol. 12 no. 9, June 2000.

suspended, according to official correspondence from the procuracy.<sup>31</sup> In the weeks following the massacre, several investigative groups questioned relatives of those killed. As of November 2000, about thirty corpses had been examined by forensic experts. Although the investigation established the military units present in Novye Aldi on the day of the massacre, the commander of one of these units, an OMON unit from Riazan, told a journalist in October 2000 that prosecutors had not questioned any of his men.<sup>32</sup> Also, Human Rights Watch interviewed several massacre survivors from Novye Aldi who said that they would be able to identify soldiers who took part in the massacre but had not been asked to do so by investigators.

The Russian government did nothing to gain the trust of the traumatized and intimidated residents of Novye Aldi, such as a public acknowledgment that the massacre had taken place, a public commitment that the perpetrators would be brought to justice, or a commitment of any kind to protect witnesses from retribution from federal forces. As a result, several key witnesses told Human Rights Watch that they had withheld vital information out of fear, especially regarding the identity of the perpetrators of the massacre.<sup>33</sup>

In a letter to the Parliamentary Assembly of the Council of Europe, dated January 16, 2001, the acting deputy procurator of the Chechen Republic stated that the investigation was suspended after it was sent to the North Caucasus District procurator's office in May 2000, due to "failure to identify the individuals responsible for the crime."<sup>34</sup>

In September 2000, Human Rights Watch wrote to the Procuracy General requesting information on ninety-six cases of apparent extrajudicial executions we documented. The killings took place in many different towns and villages, including Shaami-Yurt, Alkhan-Kala, Urus-Martan, Achkoi Martan, Dubai Yurt, Dzhugarti, Chechen-Aul, Chishki, and various districts of Grozny. As of this writing, we had not received a response on the merits of any of the cases raised.

### **Torture and Ill-Treatment**

Torture and ill-treatment have been widespread in official and unofficial detention centers, at checkpoints and during sweep operations.<sup>35</sup> Human Rights Watch is not aware of any criminal investigations into cases of reported torture. The official figures on prosecutions cited in the Kalamonov report do not specify military procuracy investigations into a single case of ill-treatment or torture of civilians by federal servicemen, and civilian procuracy officials have not responded to Human Rights Watch inquiries about torture investigations that would fall in their jurisdiction.<sup>36</sup> To the best of our knowledge, no investigation was launched into allegations of

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<sup>31</sup> Human Rights Watch has a copy of this letter on file.

<sup>32</sup> Human Rights Watch interview with a Bart Rijs of the Dutch daily newspaper *De Volkskrant*, Moscow, October 17, 2000.

<sup>33</sup> Human Rights Watch, "A Day of Slaughter in Novye Aldi," pp. 32-36.

<sup>34</sup> Human Rights Watch has a copy of this letter on file.

<sup>35</sup> Human Rights Watch, *Welcome to Hell*; Human Rights Watch, "Field Update on Chechnya," pp. 4-5.

<sup>36</sup> Human Rights Watch sent three inquiries about torture, in August, October, and November 2000. In a letter dated November 23, 2000, the Procuracy of the Chechen Republic informed Human Rights Watch that it was investigating the case of a woman who was raped at the Chernokozovo detention facility. No other information was provided.

torture at the Chernokozovo detention facility, despite a recommendation by the Council of Europe's Committee for the Prevention of Torture to do so.<sup>37</sup>

### **Bombing and Shelling**

Russian forces have carried out numerous bombings and shellings throughout Chechnya in apparent disregard for the physical security of the civilian population. Such attacks carried out indiscriminately or using disproportionate force are violations of international humanitarian law. Thousands of civilians have died as a result of Russian bombardments and artillery shelling and the homes of tens of thousands of Chechens have been destroyed or damaged. The city of Grozny and several villages were practically razed to the ground. Numerous convoys of fleeing civilians were attacked, causing numerous civilian casualties. Through a survey of 811 people conducted from February to May 2000 among displaced Chechens in Ingushetia, Human Rights Watch gathered the names of more than 1,000 people who had died as a result of bombing or shelling, 40 percent of whom were women, children, and elderly men.<sup>38</sup>

Military prosecutors are investigating only six cases of indiscriminate or disproportionate bombardment or shelling in which an unspecified number of civilians died.<sup>39</sup> At least two of these cases were instituted only after relatives of the deceased had filed applications with the European Court of Human Rights.<sup>40</sup>

- On October 19, 2000, the Main Military Procuracy informed Human Rights Watch that no criminal investigation was being conducted into the attack on the central market in Grozny on October 21, 2000, in which over one hundred civilians were killed. It stated that the military procuracy at Khankala military base (just outside of Grozny) had issued a refusal (*otkaz*) to open a criminal investigation. The letter said a higher procuracy was reviewing the decision to refuse opening a criminal investigation.
- The Main Military Procuracy informed Human Rights Watch on January 3, 2001 that Russian military operations in Grozny had been carried out in full accordance with international humanitarian law. This comment is belied by the reporting from non-governmental organizations and the media of serious and widespread humanitarian law violations, and the absence of credible investigations by the Russian government.
- On October 29, 1999, Russian military aircraft strafed a convoy of civilians fleeing Grozny, on the road to Ingushetia. Between fifty and one hundred people died, including two local Red Cross workers who had been traveling in cars that were clearly marked with red crosses.<sup>41</sup> Although the International Committee for the Red Cross informed Russian officials of the attack immediately after it occurred, the latter instituted a

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<sup>37</sup> For an account of torture and ill-treatment perpetrated at Chernokozovo from December through February, see Human Rights Watch, *Welcome to Hell*, pp. 26-48.

<sup>38</sup> The survey yielded 1,005 names of people who died as a result of aerial bombardment and shelling. Among these were eighty-five children under sixteen years of age, 230 women and seventy-one men of sixty years of age and older. Physicians for Human Rights also conducted a survey, on the basis of which the organization estimated that more than 4,600 were killed in the early months of the war. See Physicians for Human Rights, "Random Survey Conducted by U.S. Medical Group of Displaced Persons Finds Widespread Killings and Abuses by Russia's Forces," February 26, 2000.

<sup>39</sup> See above, footnote seven.

<sup>40</sup> These regard an investigation into the attack on a convoy of fleeing civilians on October 29, 1999 and an investigation into the circumstances of the death of a young man who died while fleeing the bombardment of the village of Katyr-Yurt on February 4, 2000.

<sup>41</sup> "Russian Federation: Red Cross workers killed in Chechnya," *ICRC Communication to the Press*, Geneva, October 30, 1999.



criminal investigation only on May 3, 2000, after several survivors of the attack filed complaints with the European Court of Human Rights. Medka Isaeva, a survivor whose two children were killed in the incident, told Human Rights Watch that as of December 2000, no investigator had questioned her. In August 2000, a procuracy investigator visited her brother on two occasions, asked for her, and then left. After the second visit, they told Isaeva's brother that she should come to the Khankala military base for questioning. Isaeva was too frightened to go, and has not heard from the procurators since.<sup>42</sup>

### **“Disappearances”**

Hundreds of Chechens have been reported missing; reports indicate that many “disappeared” after federal forces took them into custody.<sup>43</sup> According to the Kalamonov report, law enforcement agencies are investigating thirty-four such cases. Human Rights Watch interviewed over a dozen people whose relatives had “disappeared” after being taken into custody. In each case, procuracy investigators were extremely slow to institute criminal proceedings, waiting for months after receiving initial information on the “disappearance” from relatives. Civilian prosecutors are investigating most of these cases, but they are unable to prosecute army servicemen, even though, in many “disappearance” cases, witnesses saw Russian army personnel (as opposed to police or OMON) take the individual into custody, or had information that the individual was at a military base. The following cases are illustrative:

- On July 28, 2000, riot police and soldiers riding in a tank detained fifteen-year-old Islam Dombaev, eighteen-year-old Timur Tabzhanov, and seventeen-year-old Murad Lianov in Grozny, several days after an explosion had occurred on a road not far from their home.<sup>44</sup> Lianov's mother told Human Rights Watch that local OMON told her that the three were first taken to a deployment area controlled by Ministry of Internal Affairs troops, and then to the Khankala military base.<sup>45</sup> The Grozny city procuracy opened a criminal investigation and identified the units that had detained the young men. However, in a letter to the parents, it stated that it had not been able to question the soldiers as they had refused to cooperate with the investigation.<sup>46</sup> On January 9, 2001, Memorial received a letter from the military procuracy stating that there was no evidence that Russian army servicemen were responsible for the “disappearances” of the young men.
- According to a witness, army servicemen took Edilbek Isaev from the Starye Atagi hospital in early September 2000, despite protests by doctors.<sup>47</sup> His mutilated body was found one week later in an unmarked grave. The Chechen civilian procuracy, rather than the military procuracy which has jurisdiction over the servicemen, opened a criminal

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<sup>42</sup> Human Rights Watch interview with Medka Isaeva, December 14, 2000, Moscow.

<sup>43</sup> See Kalamonov report, p. 12. The report states that Kalamonov's office compiled a list of 462 missing persons. 145 cases of missing persons have been instituted, but it was not clear under what circumstances these individuals had gone missing. Twenty-six persons from the list were serving time in corrective labor institutions. For more information on “disappearances”, see Human Rights Watch, “Field Update on Chechnya,” pp. 6-7. See also Memorial, “Human Rights Situation in the Republic of Chechnya, fall 2000.”

<sup>44</sup> No one was injured in the blast. Human Rights Watch interview with Asya Lianova, Nazran, November 28, 2000.

<sup>45</sup> Ibid. A Grozny police investigator responded to Lianova's complaint by providing her with this information. OMON police told her that the boys were taken to Khankala.

<sup>46</sup> Criminal investigations relating to the Ministry of Internal Affairs troops fall under the jurisdiction of the military, not the civilian procuracy.

<sup>47</sup> Human Rights Watch interview, name withheld, Nazran, November 17, 2000.

investigation. As of November 2000, witnesses available to investigators who had seen Russian personnel take Isaev from the hospital had not been questioned.

Other “disappearances” remain uninvestigated months after their occurrence despite repeated appeals by family members to military and law enforcement agencies.

- On February 2, 2000, federal forces took Khajimurat Yandiev, who was wounded, together with a group of wounded Chechen fighters, from the Alkhan-Kala village hospital. Video footage of him in custody, broadcast on Russian television on the same day, shows a high-ranking Russian officer questioning Yandiev; the full videotape, viewed by a Human Rights Watch researcher, also shows the officer ordering Yandiev’s execution. Yandiev has not been heard from since. Yandiev’s mother immediately appealed to the civilian and military procuracies, and did so repeatedly throughout the year,<sup>48</sup> and in September 2000 Memorial submitted a copy of the video tape to the procuracy. By the end of 2000, prosecutors were still deliberating whether to institute a criminal case.<sup>49</sup>

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<sup>48</sup> Human Rights Watch interview with Fatima Bazorkina, Karabulak, Ingushetia, November 17, 2000.

<sup>49</sup> See Memorial correspondence with Kalamonov, <http://www.memo.ru/hr/hotpoints/northkavkaz.htm> (February 7, 2001).