

January 10, 2002

**TO: Members of the Committee on the Elimination of  
Discrimination against Women**

**FROM: Human Rights Watch**

**Re: Consideration of the Fifth Periodic Report of the  
Russian Federation: Serious Violations of  
Women's Human Rights in Chechnya**

Civilians in Chechnya continue to be the victims of systematic violations of human rights and humanitarian law, facing the daily risk of torture, "disappearance," and summary executions at the hands of Russian federal forces. Federal soldiers and police on sweep operations arbitrarily detain men and women, and frequently loot and burn homes. Detainees are often taken to makeshift detention facilities such as pits dug into the ground, where they are routinely tortured and denied all due process rights.<sup>1</sup> Human Rights Watch has conducted investigations into abuses committed in Chechnya since the recurrence of major military clashes in the region in September 1999. In the course of this research, Human Rights Watch has documented credible accounts of violence against women in the region, including sexual violence, and wishes to bring these allegations to the attention of the Committee.

Human Rights Watch is concerned that Russia has resisted a meaningful accountability process. Russian law enforcement agencies have failed to launch serious investigations into most cases of abuse, and have failed to prosecute the perpetrators. The government's failure to investigate abuses against civilians vigorously has fostered an atmosphere of impunity among Russian troops in Chechnya.

### ***Rape and Other Forms of Sexual Violence in Chechnya***

Despite cultural taboos against speaking about rape, witnesses provided evidence that Russian soldiers raped Chechen women in areas of Russian-controlled Chechnya and sexually assaulted both men and women in detention centers. In 1999 and 2000, Human Rights Watch researchers found that rapes occurred on the outskirts of villages, at checkpoints, and in detention centers. Fear of rape by Russian forces was pervasive, causing some families, particularly those

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<sup>1</sup> For documentation on summary executions, see "Field Update on Chechnya," January 22, 2001; "February 5: A Day of Slaughter in Novye Aldi," *A Human Rights Watch Report*, vol. 12 no. 9, June 2000; "No Happiness Remains: Civilian Killings, Pillage, and Rape in Alkhan-Yurt, Chechnya," *A Human Rights Watch Report*, vol. 12 no. 5, April 2000; "Civilian Killings in Staropromyslovski District of Grozny," *A Human Rights Watch Report*, vol. 12 no. 2; "Burying the Evidence: The Botched Investigation into a Mass Grave in Chechnya," *A Human Rights Watch Report*, vol. 13, no. 3 (D), May 2001; "The "Dirty War" in Chechnya: Forced Disappearances, Torture, and Summary Executions," *A Human Rights Watch Short Report*, vol. 13, no. 1(D), March 2001. See also, Memorial Human Rights Center reports at <http://www.memo.ru/hr/hotpoints/northkavkaz.htm> (accessed January 9, 2002).

with young women and girls, to flee and motivating desperate attempts to hide female family members. The cases outlined below draw from direct testimony provided to Human Rights Watch in the field.

*Rape of Women Taken from Villages: The Case of Kheda Kungaeva*

On March 27, 2000, Kheda Kungaeva, an eighteen-year-old woman, was taken from her home in Chechnya, beaten, raped, and murdered.<sup>2</sup> Human Rights Watch has followed the Kungaeva case since we documented the attack, attending the trial of Col. Yuri D. Budanov, who was charged with her murder, in February 2001.<sup>3</sup>

A forensic medical report, a copy of which we obtained, cited a military procurator's report that on March 27 at 1:00 a.m., Budanov took Kheda Kungaeva, a civilian, from her home in Tangi-Chu and brought her to a military encampment. The forensic examiner concluded that Kungaeva was beaten, anally and vaginally penetrated by a hard object, and strangled at about 3:00 a.m.<sup>4</sup> The report cited marks on her neck, the condition of her blood vessels, the tone of her skin, and the condition of her lungs. It found that other injuries such as bruising found on her face, her neck, her right eye, and her left breast were inflicted by a blow with a "blunt, hard object of limited surface," which occurred approximately one hour before her death.

Vissa Kungaev, Kheda Kungaeva's father, provided further detail of the events to Human Rights Watch. He said that between midnight and 1:00 a.m. on March 27, 2000, an armored personnel carrier (APC) drove up to their house, carrying three Russian soldiers, and their commander, Colonel Budanov.<sup>5</sup> According to the Kungaev family, armed soldiers entered the Kungaev house. Budanov stood in the corridor while two soldiers entered the bedroom and others guarded the house. First they brought Kungaev's younger daughter out of the room, but when she screamed, Budanov reportedly said, "Let her go, take that one." The soldiers then brought out the eldest daughter, Kheda Kungaeva, and drove her away in the APC.<sup>6</sup> Witnesses reported that Budanov was drunk at the time. Later on March 27, a group of villagers traveled to Urus-Martan, seven kilometers away, to search for Kungaeva. Two witnesses told Human

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<sup>2</sup> Kungaeva had just turned eighteen on March 22, 2000. Her given name was Elza, but she was called Kheda. Human Rights Watch interview with Vissa Kungaev, November 16, 2000, Karabulak, Ingushetia. For a full account of the Kungaeva case, see the Human Rights Watch website, "Backgrounder on the Case of Kheda Kungaeva: Trial of Yuri Budanov Set for February 28, 2001," <http://www.hrw.org/backgrounder/eca/chech-bck0226.htm>.

<sup>3</sup> See Human Rights Watch Press Release, "More Evidence of Rape by Russian Forces in Chechnya," March 30, 2000. The analysis here is based on interviews with Kungaeva's immediate family, the family's lawyer, one other witness, the armed forces' forensic medical examiner's report, and other documents relevant to the case.

<sup>4</sup> Report number 22, Forensic Medical Expertise. Armed Forces of the Russian Federation, Forensic Lab 124, Rostov-on-Don, April 30, 2000, hereinafter "Forensic medical report." The forensic physician was V. Lianenko. The report stated, "On the body of K.V. Kungaeva these injuries were found: tears in the hymen and in the mucus membrane of the rectum, caused by insertion of a hard blunt object or objects into the rectum and into the vaginal passage, which is supported by the anatomical characteristics of the injuries specified. It cannot be ruled out that the object was an erect penis. ... The tears occurred not long before death (about one hour), which is indicated by the presence of blood flow in the tear of the mucus membrane of the rectum and hymen, blood flow into the mucus membrane in the area of the tears and the absence of signs of healing. In living people injuries such as these do not cause disruption of health or the loss of general well being and are not considered a threat to health." Forensic medical report, p. 7.

<sup>5</sup> Human Rights Watch interview with Vissa Kungaev, November 16, 2000, Karabulak, Ingushetia.

<sup>6</sup> Human Rights Watch interview with "B.D.," March 29, 2000, Karabulak, Ingushetia. Also see Human Rights Watch press release, "More Evidence of Rape by Russian Forces in Chechnya."

Rights Watch that a federal commander in Urus-Martan told the villagers that Kungaeva had been raped by drunken men and was dead.<sup>7</sup>

Russian authorities arrested Budanov on March 29, 2000. Russian military authorities first publicly accused him of raping and murdering Kungaeva, and subsequently indicted him on charges of murder, kidnapping, and abuse of office. According to press reports, Budanov claimed that Kungaeva was a sniper, and that he had gone into a rage while questioning her. He reportedly admitted killing her, but denied the rape charges.<sup>8</sup> Although forensic evidence strongly suggests that Kungaeva was raped, no one is known to have been charged with her rape. Budanov's trial began on February 28, 2001, and has been recessed on numerous occasions. In September 2001, a psychiatric institution found that Budanov was "emotionally distressed" at the time he murdered Kungaeva, allowing the charge to be reduced to manslaughter, and opening the way for him to be amnestied.<sup>9</sup>

Human Rights Watch also found credible evidence that Russian soldiers committed rape and other forms of sexual violence in the villages of Aldi, Shali, and Alkhan-Yurt.<sup>10</sup>

### *Rape at Checkpoints*

Russian military and police forces have hundreds of checkpoints within Chechnya and between Chechnya and neighboring regions of Russia. Federal servicemen are notorious for using the checkpoints to extort bribes from civilians; Human Rights Watch also found several cases of rape at checkpoints.

"Alisa Riskhanova" (not her real name) reported to Human Rights Watch researchers that at the end of January 2000, while traveling by bus with a female friend out of Chechnya to Ingushetia, she was stopped at the Kavkaz Russian military checkpoint by Russian contract soldiers, or *kontraktniki*.<sup>11</sup> Ostensibly because the photograph of Riskhanova in her passport did not resemble her actual appearance, the soldiers detained both women. The bus driver pleaded

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<sup>7</sup> Human Rights Watch interviews, "A.B." and "B.D.," March 29, 2000, Karabulak, Ingushetia.

<sup>8</sup> David Filipov, "Chechnya Murder Case Tests Russian Justice," *Boston Globe*, September 19, 2000; Vasili Kingadze, "Vesti" news program, *Russian Television and Radio*, March 31, 2000; "Colonel Budanov Faces Trial," *Kommersant*, February 7, 2001.

<sup>9</sup> "On the declaration of amnesty in connection with the 55th anniversary of victory in the great patriotic war 1941-1945," No. 398-III GD. Adopted by the State Duma on May 26, 2000. The full text was published in *Rossiskaya Gazeta*, May 30, 2000, p.4. The amnesty provided for the release of all prisoners in the Russian Federation serving sentences of three years or less (approximately 120,000 prisoners) and also amnestied those under investigation or indictment for crimes committed before May 26, 2000 that carry a maximum sentence of three years or less. The law was intended primarily to relieve overcrowding in Russia's prison system. Human Rights Watch takes no position on the amnesty, but is concerned that combined with the poor quality of investigations, the amnesty may serve to undermine accountability for violations of human rights and international humanitarian law committed by federal forces in Chechnya.

<sup>10</sup> The attacks took place in Aldi on February 5, 2000; in Shali on December 19, 1999; and in Alkhan-Yurt in December 1999. For more information on each of these cases, see Human Rights Watch, "No Happiness Remains"; Human Rights Watch Press Release, "Rape Allegations Surface in Chechnya," January 20, 2000 (Shali case) (<http://www.hrw.org/press/2000/01/chech0120.htm>); Human Rights Watch Press Release, "More Evidence of Rape by Russian Forces in Chechnya," March 30, 2000, available at <http://www.hrw.org/press/2000/03/chech0330.htm> and Human Rights Watch Press Release, "Russian Atrocities in Chechnya Detailed: New Information on Massacres in Aldi District of Grozny," June 2, 2000, available at <http://www.hrw.org/press/2000/06/chech0602.htm>.

<sup>11</sup> Contract soldiers are non-officers who serve in the military on a contractual basis.

with the soldiers not to detain the women, but the soldiers told the bus driver that the women would be sent back to the town where they were coming from, and the driver left.<sup>12</sup>

Soldiers took the two women to two separate underground pits near the checkpoint. Four Russian soldiers came to Riskhanova, accused her of being a sniper, gave her a gun and told her to dismantle it, put it back together, and then shoot. Riskhanova reported to Human Rights Watch that she had never held a gun in her hands and did not know how. One of the soldiers hit her, causing her to fall to the floor. Two other soldiers began kicking her. The soldiers, Riskhanova said, told her “you will never have children again.” Then the soldiers raped her. After spending three weeks in bed recovering from the abuse, Riskhanova spoke with Human Rights Watch. She believes that Chechens paid the Russian soldiers for her release.

### *Rape and Sexual Violence in Detention Centers*

More than half of those interviewed by Human Rights Watch about detention centers alleged that guards raped and sexually assaulted both male and female detainees. Although none of the interviewees explicitly stated that he or she was a victim of rape, several did describe abuse rising to the level of sexual assault and provided credible evidence of rape in the Chernokozovo facility, a particularly notorious detention center.<sup>13</sup> Women reported that male guards forced them to strip inside the detention facility. Sexual violence in the form of forced nudity served to threaten and humiliate detainees, and added to Chernokozovo’s environment of terror, intimidation, and degrading treatment. Forced nudity also served as a precursor to additional sexual violence described by both male and female detainees.<sup>14</sup> “Fatimah Akhmedova,” aged twenty-two, described one incident of forced nudity during an interrogation at Chernokozovo:

On the first day of February at around midnight or so, I was called out for questioning. They forced me to strip and [accused me of being a sniper]. I was questioned by eight people, three were doctors in military uniforms, two of those [doctors] were brought to me when I was sick. I was stripped only for questioning. I saw all of them....They questioned me for one half hour, they shouted and swore at me that if I didn’t tell the truth they would keep me there until I died. I was taken out once on [February 1] and three times on the second day.<sup>15</sup>

In a petition to the European Court of Human Rights, Sasita Khasmagometovna-Khasueva, a nurse from the village of Shali, reported another case. On February 8, 2000, Russian forces transferred her and her fellow medical personnel to Chernokozovo after detaining the group for six days in a large hole dug in the ground in Tolstoy Yurt.<sup>16</sup> According to her statement, soldiers

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<sup>12</sup> Human Rights Watch interview, “Alisa Riskhanova” (not her real name), March 27, 2000, Nazran, Ingushetia.

<sup>13</sup> For additional information on abuses committed by Russian forces in the Chernokozovo and other detention centers in the first year of the war, see Human Rights Watch, “Welcome to Hell:” *Arbitrary Detention, Torture, and Extortion in Chechnya* (New York: Human Rights Watch, October 2000).

<sup>14</sup> Forced nudity is legally a form of sexual violence. The Trial Chamber of the International Criminal Tribunal for Rwanda (ICTR) defined sexual violence broadly in its *Akayesu* decision: “Sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact,” including forced nudity. *Akayesu Judgment*, ICTR-967-4-T.

<sup>15</sup> Human Rights Watch interview, “Fatimah Akhmedova” (not her real name), March 7, 2000, Ingushetia.

<sup>16</sup> Khasmagometovna-Khasueva could not pinpoint the exact date of the transfer.

separated Khasmagometovna-Khasueva and four other nurses from the male detainees, and they were “stripped naked and forced to dance in front of the soldiers.”<sup>17</sup>

### *Record of Impunity*

Human Rights Watch and other nongovernmental organizations have called for accountability in the face of these abuses. Russian authorities have concealed and obstructed the prosecution of government forces for such violations; acknowledgement, investigation, and prosecution of such crimes against civilians have been alarmingly few, and many were conducted in bad faith.<sup>18</sup> In April 2001, a joint Council of Europe-Russian Duma working group compiled a list of 358 criminal investigations into alleged abuses against civilians. But only about 20 percent of the cases were under active investigation and the authorities had suspended more than half of the total investigations. The criminal investigations did not include a single case of torture or ill-treatment and very few abuse cases ever advanced to the courts. Resolutions adopted in April 2000 and April 2001 by the United Nations Commission on Human Rights called for Russia, among other things, to establish a national commission of inquiry to investigate such crimes and to invite U.N. special rapporteurs to conduct investigations in the region. Russia rejected both resolutions and did not fulfill the resolutions’ requirements.<sup>19</sup>

The Russian government failed to mention the conditions of women in Chechnya in its fifth periodic report to the Committee. We hope that this omission can be remedied as the Russian government presents its report to the Committee. We ask the members of the Committee to press the Russian government to end impunity for crimes of violence and sexual violence against civilians in Chechnya. In particular:

- The Russian government should investigate thoroughly all allegations of rape and ill-treatment of civilians, particularly of women. Soldiers and officers alleged to have committed atrocities and violations of human rights or humanitarian law should face investigation and, if the evidence warrants, should be prosecuted to the fullest extent of the law.

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<sup>17</sup> Statement of Sasita Khasmagometovna-Khasueva, Document 1, provided to the European Court of Human Rights. Khasmagometovna-Khasueva fled Chechnya on February 19, 2000. (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. For documentation on arbitrary arrest and torture and inhuman treatment, see Human Rights Watch, *Welcome to Hell*. Vladimir Kalamanov, the special representative for protecting human rights and civil liberties in Chechnya reported 357 complaints of arbitrary detention in its December 2000 report. “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, p. 8. According to this report, none of the thirty-five current criminal investigations against Russian soldiers at that time were for arbitrary detention.

<sup>18</sup> Human Rights Watch, “Memorandum on Domestic Prosecutions for Violations of International Human Rights and Humanitarian Law in Chechnya,” February 9, 2001.

<sup>19</sup> United Nations Commission on Human Rights resolution, “Situation in the Republic of Chechnya of the Russian Federation,” CHR Resolution 2000/58, April 25, 2000; United Nations Commission on Human Rights resolution, “Situation in the Republic of Chechnya of the Russian Federation,” CHR Resolution 2001/24, April 20, 2001; Human Rights Watch, “Memorandum on Accountability for Humanitarian Law Violations in Chechnya,” October 20, 2000.

- The Russian government should provide training for all Russian forces in Chechnya on the Geneva Conventions, the Convention against Torture, and the human rights of women.
- Victims and witnesses of human rights and humanitarian law violations should receive witness protection if they agree to cooperate with authorities. The Russian government should ensure that witnesses against perpetrators of these crimes do not face retaliation.
- The Russian government should remove all obstacles delaying the planned visit to Chechnya of the special rapporteur of the Commission on Human Rights on violence against women, its causes and consequences.