

## RUSSIA

### LAST SEEN . . . : Continued “Disappearances” in Chechnya

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## SUMMARY

Despite the nominal end of large-scale fighting in Chechnya, Russian security forces continue to detain hundreds of non-combatants in their ongoing operations against Chechen rebel forces. While most of those detained are subsequently released after periods in acknowledged detention, dozens remain unaccounted for—“disappeared”—and are not seen alive by their families again. Relatives’ inquiries to Russian authorities as to their whereabouts are met with denials that the “disappeared” persons were ever in custody. The unacknowledged detention of civilians places them outside the protection of the law, making them vulnerable to extrajudicial execution and torture.

Families of the “disappeared” make enormous efforts to visit police stations, military bases, and detention centers throughout Chechnya and elsewhere in the Russian Federation, lodging petitions and complaints with officials at all levels. It is not uncommon for a family to be searching for more than one “disappeared” relative. Some of the “disappeared” are later found dead in makeshift temporary graves, sometimes bearing signs of torture. Most are never heard from again, denying their relatives even a body to grieve over.

This report covers eighty-seven new cases of “disappearance” documented by Human Rights Watch since its last report on “disappearances” in Chechnya in March 2001.<sup>1</sup> Eighty of these took place in 2001, a scale belying any notion that forced disappearances of civilians in Chechnya is a problem of the past. The rise in the number of “disappearances” during targeted raids on private residences is a particularly disturbing development. While the majority of forced disappearances in the March 2001 report took place during large-scale “sweep” operations and at checkpoints, almost half the cases in the present report occurred during raids targeting particular individuals. The raids often took place before dawn and generally involved masked and heavily armed Russian security personnel without identifiable insignia traveling in unmarked armored personnel carriers (APCs).

The elements that make up a forced disappearance—chiefly the unlawful and unacknowledged deprivation of liberty by the government—and the torture and killing that frequently result, are prohibited under international human rights law. Despite its international legal obligations, Russia is failing to prevent “disappearances” by its security forces, and failing properly to investigate and prosecute such cases after they occur. The response of the civilian and military procuracies—the agencies charged with the investigation and prosecution of “disappearances”—remains inadequate, allowing abusive security personnel to act with impunity.

Since March 2001, there have been cosmetic improvements in the response of the civilian procuracy to complaints of “disappearance”: most complaints now lead to investigations being formally opened, and far fewer problems relating to access to the civilian procuracy are being reported by relatives. However, the main obstacles to accountability remain. The civilian procuracy has jurisdiction over the police, but has no legal authority to investigate abuses by members of the armed forces. It also receives little cooperation from the military and security services, including in some cases concerted obstruction by top officials, who transfer service personnel out of Chechnya to evade investigations. The civilian and military procuracies do not conduct aggressive investigations, and few investigations lead to prosecutions. To date, not a single serviceman or officer has been convicted for their involvement in a forced disappearance. Relatives still have little access to the military procuracy, even at a local level.

A decree issued March 29, 2002 by Gen. Vladimir Moltenskoï, commander of the United Group of Forces in Chechnya, implicitly acknowledged that certain factors were facilitating impunity for abuses committed by federal forces in Chechnya. Among other things, the decree required military personnel on search-and-seizure operations in private homes to identify themselves, and reinforced the requirement that procuracy and other civilian officials be present during targeted operations and sweep operations. That requirement had been introduced in July 2001 in the much-lauded Decree No. 46, to improve civilian procuracy oversight over security forces during sweep operations. But to date, Decree No. 46 appears to have had little impact. The decree requires

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<sup>1</sup> Human Rights Watch, “The ‘Dirty War’ in Chechnya: Forced Disappearances, Torture, and Summary Executions,” *A Human Rights Watch Report*, vol. 13, No 1(D), March 2001.

that civilian procuracy officials and other local officials be present during sweeps when detentions occur, and that a written record be kept of the names of detainees and places of detention. In practice, the decree has been regularly ignored. This report documents four cases of “disappearances” during sweep operations since the decree came into effect on July 25, 2001; some of these were multiple disappearances. Moreover, the decree apparently does not apply to targeted raids, the use of which is on the increase: of the thirty-six “disappearances” that took place during targeted raids documented in this report, ten took place since July 25, 2001. The March 29 decree, issued by Gen. Moltenskoi, addressed this point by requiring the presence of civilian officials during targeted operations; as of this writing, it was too early to determine the impact it has had.

The Office of the Special Representative of the President of the Russian Federation on Human rights in Chechnya, at the time headed by Vladimir Kalamanov, has been stymied by its lack of authority. The office in January 2002 publicly criticized the failure of the security forces to comply with Decree No. 46, but the Russian government has not acted on this criticism.<sup>2</sup> Its coordinated efforts, including those through its working group with the civilian and military procuracies, have created a positive dialogue but borne little fruit.

Russian security forces currently commit abuses with impunity in Chechnya. Creating accountability is the key to any effort to curb “disappearances,” torture, and killings flourishing in this climate. Russian authorities must ensure that the civilian and military procuracies are both able and willing to carry out effective investigations, that both branches of the procuracy receive full cooperation from the security services, and that the perpetrators are prosecuted and punished in accordance with the seriousness of their crimes.

## BACKGROUND

The second armed conflict in Chechnya in less than a decade broke out after Chechen rebel forces attacked neighboring Dagestan in August 1999 and, in September 1999, bomb explosions in apartment buildings in Moscow and elsewhere in Russia killed almost three hundred people. Quickly blaming these attacks on Chechen forces, Russia launched a military campaign—officially dubbed an anti-terrorist operation—in Chechnya. By spring 2000, Russian troops had established nominal control over most of Chechnya and large-scale hostilities ceased.

Since then, the conflict has primarily taken the form of ambushes by Chechen rebels and subsequent operations by Russian security forces. The Russian operations, purportedly designed to seek out rebel fighters and their supporters and ammunition depots, take various forms. Large-scale “sweeps” of entire communities (*proverka registratsii po mestu zhitel'stva i po mestu prebyvania*) are designed to check registration documents of all residents, whereas in “targeted operations” (*adresnaia operatsia*), a single household or street is checked. Both, though, share common characteristics: persons are detained without warrant, ostensibly on the grounds of verifying their identity, and with a view to determining whether they are involved in rebel activity. Persons detained in such operations are frequently held at unofficial detention facilities. They are always questioned but almost never given access to legal representation. In many cases detainees are tortured or otherwise mistreated, or executed. Authorities frequently deny that the persons detained in such operations are in their custody.

Since the renewal of hostilities in 1999, Russian forces have detained tens of thousands of civilians in this manner.<sup>3</sup> Most are released within days or weeks. But some are never seen again. Relatives of “disappeared” victims know nothing of their fate, and lack even their remains, unless the bodies were discovered later in an unmarked grave. Human Rights Watch has documented more than two hundred cases of “disappearance” since 1999. A leading Russian nongovernmental organization, the Memorial Human Rights Center (hereafter

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<sup>2</sup> Council of Europe, “Addendum to the sixteenth interim report by the Secretary-General on the presence of the Council of Europe's experts in the Office of the Special Representative of the President of the Russian Federation for Ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic,” [SG/Inf(2002)2 addendum] February 20, 2002.

<sup>3</sup> As of May 2000, the Russian Ministry of Internal Affairs publicized having detained more than 10,000 people in Chechnya. Current figures are not available. See “RIA reports results of successful crime fighting in Chechnya in 2000,” RIA News Agency/BBC Monitoring, May 28, 2000.

Memorial), has documented at least 150 more. The real total is believed to be much higher.<sup>4</sup> As of December 1, 2001, there were 793 outstanding cases of “missing” persons registered with the office of Vladimir Kalamonov, although the list makes no distinction between persons “disappeared” in the custody of federal forces and those who simply go missing.

## Defining Forced Disappearance

“Disappearance” is defined as any situation where:

...persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.<sup>5</sup>

“Disappearance” occurs when there is evidence of detention by government authorities at any level or with government support or acquiescence, and when authorities refuse to disclose the fate or whereabouts of the detainee.

Rising incidents of “disappearance” by states in the 1970s led the United Nations Commission on Human Rights in 1980 to establish a Working Group on Enforced or Involuntary Disappearances. In 1992, the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearances (the “Declaration on Enforced Disappearances”), which recognizes the practice of “disappearances” as a violation of the rights to due process, to liberty and security of person, and to freedom from torture.<sup>6</sup> The declaration urges states to take “effective, legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.”<sup>7</sup> The declaration emphasizes that “no circumstances whatsoever...may be invoked to justify enforced disappearances.”<sup>8</sup>

## Russia’s Obligations under International Law

While the Declaration on Enforced Disappearances is a non-binding standard, the elements that make up “disappearance” are expressly prohibited under international human rights law and can be considered violation of customary international law. According to Professor Manfred Nowak, a member of the United Nations Working Group on Enforced or Involuntary Disappearances: “The act of enforced disappearance constitutes a multiple human rights violation.”<sup>9</sup> These rights are set out in the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR). The Russian Federation is a state party to both treaties, and is obligated to respect them.<sup>10</sup>

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<sup>4</sup> Council of Europe, Information Documents, “Supplementary Data and information on the work of the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic,” SG/Inf (2001) 41 Addendum II (December 14, 2001).

<sup>5</sup> United Nations Declaration on the Protection of All Persons from Enforced Disappearances (A/RES/47/133), December 18, 1992.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid, Article 2.

<sup>8</sup> United Nations Declaration on the Protection of all Persons from Enforced Disappearances (A/RES/47/133), December 18, 1992, Article 7.

<sup>9</sup> United Nations Commission on Human Rights, “Report submitted by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearances, pursuant to paragraph 11 of Commission resolution 2001/46.” (E/CN.4/2002/71), January 31, 2002), p. 36.

<sup>10</sup> The Soviet Union ratified the ICCPR on October 16, 1973. Russia, as the Soviet Union’s successor state, is a state party to the convention. The Russian Federation ratified the ECHR on May 5, 1998.

Article 9 of the International Covenant on Civil and Political Rights guarantees the right to liberty and security of person.<sup>11</sup> Where a person is deprived of his or her liberty by arrest or detention they have the right under article 9 “to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.”<sup>12</sup> Further protections are offered by article 6 (right to life), article 7 (prohibition of torture), and article 17 (protection from arbitrary interference with privacy, family and home).

Similar protections are offered by the European Convention on Human Rights, which protects the right to life and liberty (article 2), prohibits arbitrary arrest and detention (article 5), prohibits torture (article 3), and protects the right to privacy and family life (article 8). The protections under article 5 of the ECHR are even more extensive than those under article 9 of the ICCPR. Detention is permitted only under narrowly prescribed circumstances. Persons detained on suspicion of having committed an offense are entitled to “be brought promptly before a judge or other officer authorized by law to exercise judicial power and entitled to trial within a reasonable time or to release pending trial.”<sup>13</sup>

Both the ECHR and ICCPR allow states to temporarily suspend (or derogate) some of their provisions in times of national emergency, including war, but only to the degree strictly necessary under the circumstances. Under the ICCPR, the right to life and protection from torture can never be derogated whatever the circumstances.<sup>14</sup> Other rights under the ICCPR can be derogated only where the signatory state has informed other member states through the auspices of the secretary-general of the United Nations.<sup>15</sup> Russia has not formally sought to derogate rights in relation to Chechnya. In the case of the ECHR, protection from torture can never be suspended, and the right to life can only be suspended in relation to deaths resulting from lawful acts of war.<sup>16</sup> Other rights under the ECHR can be derogated only if the signatory state has informed the Secretary General of the Council of Europe.<sup>17</sup> Russia has not done so.

The acts that comprise “disappearance” are also prohibited under international humanitarian law (also known as the laws of war).<sup>18</sup> Russia is a state party to the four Geneva Conventions of 1949 and its two additional Protocols.<sup>19</sup> Common article 3 of the Geneva Conventions, which applies to “conflicts not of an international character” (i.e. internal armed conflicts), requires that persons taken into custody, whether civilians or captured combatants, be treated humanely in all circumstances. Such persons may never be subjected to murder, mutilation, cruel treatment or torture; or the passing of sentences and carrying out of executions without a proper trial by a regularly constituted court.

These prohibitions are enumerated in article 4 of Additional Protocol II. Article 5 of Protocol II sets out the minimum standards for treatment of detainees, which includes access to relief and communication with relatives

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<sup>11</sup> Article 9(1) of the ICCPR states that “everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

<sup>12</sup> ICCPR, Article 9(4).

<sup>13</sup> ECHR, Article 5(3).

<sup>14</sup> ICCPR, Article 4(2).

<sup>15</sup> ICCPR, Article 4(3).

<sup>16</sup> Article 15(3) ECHR states: “Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefore. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.”

<sup>17</sup> ECHR, Article 15(2).

<sup>18</sup> The applicability of international humanitarian law to the conflict in Chechnya has been recognized by the U.N. Commission on Human Rights, in resolutions of 2000 and 2001. See United Nations, *Situation in the Republic of Chechnya of the Russian Federation*, E/CN.4/RES/2001/24, April 20, 2001, and United Nations, *Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World*, E/CN.4/2000/L.32, April 12, 2000.

<sup>19</sup> The Geneva Conventions of August 12, 1949 were ratified by the Union of Soviet Socialist Republics on May 10, 1954 and the Additional Protocols were ratified on September 29, 1989. As successor state to the Soviet Union, the Russian Federation has formally indicated that it is a party to all international agreements in force signed by the USSR.

by letters and cards. Protocol II in article 6 details the due process requirements that apply to all persons detained in connection with offenses arising out of the conflict – which include being charged without delay, the presumption of innocence, the prohibition on forced confessions, and the right to an adequate defence.

### Domestic Law

The Russian government has termed the operation launched in Chechnya in September 1999 as an anti-terrorist operation, grounded in the 1998 Law on the Suppression of Terrorism and the 1996 Law on Defense. The 1998 anti-terrorism law defines such operations as “special activities aimed at the prevention of terrorist acts, ensuring the security of individuals, neutralizing terrorists and minimizing the consequences of terrorist acts.”<sup>20</sup> Anti-terrorist operations are to be directed from an operational center, headed by a representative of the Federal Security Service (FSB) or the Ministry of Internal Affairs, who may use all necessary forces of the “bodies responsible for the suppression of terrorism.”<sup>21</sup> These include officials from the Ministries of Defense and Internal Affairs, the security services, and other unspecified federal and local executive bodies.<sup>22</sup>

In Chechnya, Russian forces deployed under the anti-terrorism law include Ministry of Defense troops; the internal forces (*vnutrennye voiska*) of the Ministry of Internal Affairs; riot police (OMON and SOBR), which are also under the Ministry of Internal Affairs; Ministry of Justice riot troops, and FSB units.<sup>23</sup> Police units, which are under the Ministry of Internal Affairs, are deployed to Chechnya for limited periods of time from various regions in Russia, after which they are rotated to duties outside of Chechnya. They are deployed throughout Chechnya, and in particular to Temporary Departments of Internal Affairs (TDIAs), also referred to as “temporary police precincts,” which supplement, presumably for a limited period, regular police departments in Chechnya. Regular police precincts are staffed by Chechen police officers. Chechen police departments are beginning to conduct serious investigations into allegations of abuses by Russian security forces and to critique the apparent unwillingness of civilian and military procurators to pursue complaints.<sup>24</sup>

The Law on the Suppression of Terrorism significantly widens the categories of officials that have a law enforcement mandate. Under the anti-terrorism law, all officials involved in anti-terrorist operations can perform random identification checks and detain for up to three hours individuals who do not hold proper identity documents.<sup>25</sup> They may enter homes, search vehicles, and perform body searches.<sup>26</sup> They may restrict or prohibit the movement of persons and vehicles.<sup>27</sup> They can use any means of communication and transportation belonging to private individuals.<sup>28</sup> Prior to the adoption of the anti-terrorism law, such actions could be undertaken only by the police, as regulated by the 1997 Law on the Police. In Chechnya, these actions are being carried out by military servicemen of the Ministries of Defense and Internal Affairs, as well as Ministry of Internal Affairs special riot troops, who were not specifically authorized to do so under the Law on the Police, and who may or may not have had prior experience or training in law enforcement.

The anti-terrorism law does not specify the circumstances under which fundamental human rights may be curtailed, or the degree to which they may be restricted. This means that procedural provisions contained in more general laws, such as the criminal procedure code and the Law on Police, are applicable to anti-terrorist operations. Thus, officials participating in an anti-terrorist operation may check an individual’s identification only when they have a reasonable suspicion that the individual has committed a misdemeanor or a criminal

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<sup>20</sup> Federal Law on the Suppression of Terrorism, enacted on July 25, 1998, Article 3.

<sup>21</sup> *Ibid.*, Article 10.1.

<sup>22</sup> *Ibid.*, Articles 6 and 7.

<sup>23</sup> OMON stands for *Otriad Militsii Osoboyo Naznachenia*; SOBR stands for *Svodnyi Otriad Bystrogo Reagirovania*; FSB stands for *Federalnaia Sluzhba Bezopasnosti*.

<sup>24</sup> See Patrick Tyler, “Police in Chechnya Accuse Russia’s Troops of Murder,” *The New York Times*, January 25, 2002; see also Anna Politkovskaia, “*Bronirovannaia Griaz’: na boevykh mashinakh s zamazannymi nomerami oruduiut provokatory i marodery*,” *Novaya Gazeta* ? 94-95, Dec 27, 2001 (hereinafter “‘Armored Filth’”).

<sup>25</sup> Federal Law on the Suppression of Terrorism, Article 13(1.2).

<sup>26</sup> *Ibid.*, Article 13(1.4-5).

<sup>27</sup> *Ibid.*, Article 13(1.1).

<sup>28</sup> *Ibid.*, Article 13(1.6-7).

offense;<sup>29</sup> they may detain individuals without proper identity documents only for a three-hour period; in order to detain an individual in the context of a criminal investigation, they must first obtain an arrest warrant from the procuracy;<sup>30</sup> and they may search homes and vehicles only with an official sanction and in the presence of independent witnesses.<sup>31</sup>

In practice, military, police, and security service units conducting operations in Chechnya have routinely interpreted the anti-terrorism law's silence on procedural matters to mean that no due process standards should be followed at all. The procurator general of the Russian Federation on July 25, 2001 issued Decree No. 46 "On intensifying oversight of observance of citizens' rights during identity checks at permanent or temporary residence in the Republic of Chechnya."<sup>32</sup> As noted, the decree regulates the conduct of sweep operations and is intended to reduce incidents of abuse by security forces. It requires that an official from the prosecutor's office—or procuracy—be present whenever such an operation is carried out, together with a representative of the local administration, or a local religious or community leader. Whenever a person is detained in such an operation, the decree requires that the time of their detention and the name of the detention facility in which they are detained must be recorded, and that their relatives must be informed. Civilian and military procuracy officials and the commander of the United Group of Forces in Chechnya reportedly agreed on a joint directive on the decree's implementation soon after it was issued.<sup>33</sup>

Although the decree offers some potential for curbing "disappearances" at the hands of federal forces, it has significant constraints, notably in that it does not appear to apply to "targeted" raids. Moreover if the cases of disappearance investigated by Human Rights Watch since July 2001 are indicative, the decree is being ignored regularly (see section on the response of state authorities, below).

### **A Note on Methodology**

Human Rights Watch has conducted more than two hundred interviews with relatives of the "disappeared" in Chechnya and with victims and witnesses since 2000. The interviews for this report were carried between

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<sup>29</sup> Article 11(2) of the 1997 Law on the Militia.

<sup>30</sup> Article 122(1 and 2) of the Criminal Procedure Code allows for the detention of individuals on suspicion of commission of a crime without prior sanction for arrest only in narrowly defined circumstances and requires that the procuracy be informed of the detention within twenty-four hours:

1. The organ of investigation has the right to detain an individual, suspected of committing a crime for which the punishment could be imprisonment, only if one of the following criteria is met: 1) the individual is caught in the act of committing the crime, or immediately following; 2) witnesses, including victims, directly identify the individual as the one who committed the crime; 3) on the body of the suspect, on his clothing, in his possession, or in his place of residence, are found clear traces of the committed crime.

2. In the presence of other information that gives grounds to suspect the individual of committing the crime, he can be detained only when the individual has attempted to escape, he does not have a permanent place of residence, or the identity of the suspect has not been established.

3. In all cases of the detention of a person suspected of having committed a crime, the investigative agency is required to write a detention report indicating the grounds, motive, day and hour, year and month, place of detention, explanation of the suspect, time of writing of the detention report, and to report in writing to the procurator. The detention report is signed by its author, as well as the suspect. Within forty-eight hours from the moment of receiving the detention report, the procurator must give sanction for either taking of the person into custody, or his release.

<sup>31</sup> Article 168(3) of the Criminal Procedure Code allows law enforcement officials to conduct house searches without prior warrant in certain narrowly defined circumstances:

3. Searches are conducted according to a motivated decision of the investigators and only with the sanction of the procurator.... In cases that do not allow for any delay, a search may be conducted without sanction from the procurator but the procurator must be informed of the search within twenty-four hours.

<sup>32</sup> Discussed in Office of the Commissioner for Human Rights of the Council of Europe, "Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Moscow, September 13-14, 2001," CommDH (2001)11 (September 19, 2001), paragraph 4 and footnote 1. The decree can be found at <http://www.memo.ru/hr/hotpoints/northkavkaz.htm> (accessed March 7, 2002).

<sup>33</sup> Council of Europe Parliamentary Assembly, Political Affairs Committee, "Report: Conflict in Chechnya," Doc. 9319 (January 16, 2002), paragraph 23.

December 2001 and February 2002. The majority of the “disappearances” documented in this report occurred during 2001; some occurred during the last quarter of 2000 but did not come light until 2001.

Wherever possible Human Rights Watch conducts research at the site where the abuses occur. In the case of Chechnya, Human Rights Watch has been unable to obtain such access. Despite repeated requests to Russian authorities, Human Rights Watch researchers are not permitted to enter Chechnya. All Human Rights Watch interviews with relatives, victims, and witnesses from Chechnya are therefore carried out in neighboring Ingushetia.

Relatives of victims often kept copies of requests to Russian authorities for information regarding a detention. The denial by those authorities that the individual was in custody is an element of “disappearance.” In many cases documented in this report Human Rights Watch inspected copies of correspondence between relatives and Russian authorities. In many cases, Human Rights Watch retained copies of this correspondence.

### CASES OF “DISAPPEARANCE”

The present report documents eighty-seven cases of “disappearance” that occurred between September 2000 and January 2002. Of these cases, thirty-three of the people “disappeared” after detention in raids on private residences (in so-called “targeted” operations), thirty-four “disappeared” after arrests during large-scale sweep operations, thirteen were picked up and “disappeared” from roads, markets, and other public places, and three “disappeared” after being stopped at checkpoints. This contrasts with the fifty cases of “disappearance” documented by Human Rights Watch in its March 2001 report, “The Dirty War in Chechnya.”<sup>34</sup> The majority of the “disappearances” in that report, all of which took place between January 2000 and January 2001, occurred during large-scale sweep operations and at checkpoints.

Although there is an overlap in the periods covered by the two reports, the large increase in the number of targeted operations documented by Human Rights Watch is consistent with the shift in tactics by Russian security forces since the beginning of 2001. A January 2002 Council of Europe report notes that “‘anti-terrorist’ or ‘special’ operations are increasingly being carried out to target individuals suspected of supporting or participating in terrorist activities.”<sup>35</sup> The report adds that “[a]s a result of these operations, complaints and reports concerning missing people, ill-treatment and arbitrary killings continue to be received.”<sup>36</sup>

It is important to emphasize that while the cases documented in this report are representative, they do not reflect fully the scale of “disappearances” taking place in Chechnya. As of December 1, 2001 there were 793 outstanding cases of missing persons registered with the Office of the Special Representative of the President of the Russian Federation on Human Rights in Chechnya, which has its main office in Znamenskoe.<sup>37</sup> Regrettably, the office of the special representative’s missing persons list does not distinguish between cases where the person “disappeared” after being detained by federal security forces and those where the person is simply missing. The Organization for Security and Cooperation in Europe (OSCE) Assistance Group to Chechnya, which is also based in Znamenskoe, received seventy-seven cases of persons alleged to have been “kidnapped or killed” during 2001. The OSCE notes that “the vast majority of reported cases refer to young males.... The complainants usually

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<sup>34</sup> Human Rights Watch, “The ‘Dirty War’ in Chechnya,” March 2001.

<sup>35</sup> Council of Europe Parliamentary Assembly, Political Affairs Committee, “Report: Conflict in the Chechen Republic,” Doc. 9319, (January 16, 2002), paragraph 22.

<sup>36</sup> *Ibid.*

<sup>37</sup> Council of Europe, Information Documents, “Supplementary Data and information on the work of the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic,” SG/Inf (2001) 41 Addendum II (December 14, 2001). The Council of Europe has since 2000 seconded experts to the Office of the Special Representative of the President of the Russian Federation on Human Rights in Chechnya. At of this writing, three experts were serving in the office.

blame the Russian armed forces, frequently identifying the units...”<sup>38</sup> The corpses of at least twenty-five people whose “disappearances” are documented in this report were subsequently found, substantiating fears that forced disappearances in Chechnya facilitated extrajudicial executions. Some bore stab or gunshot wounds, suggesting that they had been extrajudicially executed. Some bodies were badly burned or charred, or had been blown up, suggesting that those responsible wished to conceal the killings.

## “Disappearances” From Grozny

### *Viskhan Makhmudov (detained while driving in Grozny, June 2, 2001)*

Viskhan Makhmudov, a Chechen police officer born in 1980, “disappeared” in Grozny after leaving home in his car on the morning of June 2, 2001 together with another police officer, Ali Tasuev, and two men—Baudin Dzambudov and one other. The next day, after Viskhan Makhmudov failed to return home, his father, Sultan Makhmudov, contacted the police station where his son worked. Sultan Makhmudov learned from his son’s police colleagues that he had been detained together with the other men. According to Sultan Makhmudov, the police advised him that the men had been detained by forces in camouflage uniforms and masks.<sup>39</sup>

As soon as he learned of his son’s detention, Makhmudov filled out a police report and petitioned Grozny and Chechnya procuracy officials; Viskhan Makhmudov’s police unit petitioned the military procuracy. A “missing person” investigation was formally opened without result. Relatives also contacted the office of Vladimir Kalamanov. Makhmudov had no further information until June 21 or 22, when he saw Baudin Dzambudov’s corpse on television. Dzambudov’s body was dressed in a military uniform and holding a gun and radio.<sup>40</sup> The program alleged that Dzambudov had fought as a rebel in Gudermes. To date Makhmudov’s family have been unable to obtain official confirmation of Viskhan Makhmudov’s detention.

### *Isa Kaplanov and Ruslan Sadulaev (detained in Novye Aldi district on May 12, 2001)*

At 10:30 a.m. on May 12, 2001, six APCs carrying armed men in masks drove up to the house of the Kaplanov family on Voronezhskaya Street in the Novye Aldi district. The men broke into the house, conducted a search, and detained thirty-six-year-old Isa Kaplanov, his thirty-nine-year-old brother-in-law Ruslan Sadulaev, and a neighbor. The armed men took the three men away, leaving Kaplanov’s wife and sister behind.

The following morning, the neighbor returned to Voronezhskaya Street and told Khadizhat Kaplanova, Isa Kaplanov’s mother, what had happened. According to his account, the armed men had taken the detainees to the police precinct in Grozny’s Staropromyslovskii district and held them there overnight. In the morning, at around 11:30 a.m., they loaded Kaplanov and Sadulaev into a police car and drove them away in an unknown direction. At approximately the same time, they released the neighbor.<sup>41</sup>

In subsequent weeks and months, Kaplanova appealed to numerous officials, including the provisional administration of Chechnya, for help in her search for her son and son-in-law. On May 18, she filed a complaint with the Chechnya republic procuracy. The Grozny city procuracy opened a criminal investigation, which was assigned to investigator R. Ibragimov. According to Kaplanova, Ibragimov questioned several eyewitnesses to the detention and established the involvement of two military servicemen from Ekaterinburg. As an investigator with the civilian procuracy Ibragimov was unable to question the servicemen. Kaplanova told Human Rights Watch that Ibragimov informed her that he sent the case materials to the military procuracy at Khankala military base for further investigation. However, in two letters to Kaplanova dated August 4 and 27, 2001, that military procuracy denied ever receiving the case materials.<sup>42</sup>

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<sup>38</sup> Organization for Security and Cooperation in Europe, *Annual Report 2001 on OSCE Activities*, November 26, 2001: [http://www.osce.org/docs/english/misc/anrep01e\\_activ.htm](http://www.osce.org/docs/english/misc/anrep01e_activ.htm) Accessed March 15, 2002.

<sup>39</sup> Human Rights Watch interview with Sultan Makhmudov, July 2, 2001.

<sup>40</sup> Ibid.

<sup>41</sup> Human Rights Watch interview with Khadizhat Kaplanova, Nazran, Ingushetia, December 14, 2001.

<sup>42</sup> Both letters are on file with Human Rights Watch.

In a letter dated November 30, 2001, the Chechnya republic procuracy informed Kaplanova that it had reviewed the case materials and had taken the investigation under its control.<sup>43</sup> It remained unclear, however, whether the two military servicemen were ever questioned.

***Zelimkhan Murdalov (detained in Grozny on January 2, 2001)***

Zelimkhan Murdalov was detained on Pavel Musorov Street in the October district of Grozny on January 2, 2001. Murdalov's relatives learned of his detention from an elderly woman who had witnessed the incident and tried to intervene.<sup>44</sup> The witness told Murdalov's parents that a person matching their son's description had been beaten and detained by OMON from Khanty-Mansiisk and then taken to the October district temporary police precinct in the vicinity of the Minutka Square, where the Khanty-Mansiisk OMON were based. Murdalov's father told Human Rights Watch that Major Aleksandr Prilepin, the deputy chief of the October district temporary police precinct, confirmed to him on January 3 that Zelimkhan Murdalov was in their custody, and said that he had been found in possession of marijuana.<sup>45</sup> Major Prilepin reportedly told Murdalov to bring a lawyer in order to facilitate the release of his son.

When Rukiyat Murdalova returned at lunchtime to the temporary police precinct with a lawyer, she and her husband were told that everyone had left for the day. They were later told by an officer at the temporary police precinct that their son had been released earlier that day at 9:00 a.m., despite the fact that his father had been at present outside the temporary police precinct base continually since 8:20 a.m. The Murdalovs were also told that that Colonel Kondakov, the chief of the October district temporary police precinct, had gone on home leave and would return to Grozny in two weeks' time. On January 5, 2001, the Murdalovs went to the procuracy to complain. According to them, a procurator named Ponomarev together with the military commander of Grozny, Colonel Nikolai Kolianov, went personally to the October precinct to investigate, and discovered that official records indicated that Zelimkhan had been released at 10:45 a.m. on January 3, 2001. When Astamir Murdalov was shown the release record he saw that his son's signature had been forged. According to him, "I looked at the signature and saw that it was not the signature of our son. Now three or four examinations have been made and have proved that it is not the signature of our son. Inspector Zhuravlev forged the signature."<sup>46</sup>

On January 6, 2001, Ponomarev traveled to Gudermes and reported the case to Vsevolod Chernov, the Republic of Chechnya procurator, and General Ivan Babichev, the military commander for Chechnya, and a criminal investigation was opened the following day. Unusually, the report triggered a massive state investigation, almost certainly as a result of the Murdalov family's extensive connections in Chechnya. General Babichev traveled to Grozny to question officials at October district precinct, including Colonel Kondakov, who was supposedly on home leave at the time. All insisted that Zelimkhan Murdalov had been released.

Procuracy officials began their investigation in earnest, interrogating personnel of the October precinct, including Colonel Kondakov, Major Prilepin, and a soldier by the name of Lapin, who detained Murdalov on the street and allegedly beat him.<sup>47</sup> An arrest warrant was issued for a precinct inspector called Zhuravlev, whom investigators believe forged Zelimkhan Murdalov's signature on the release record. This notwithstanding, Zhuravlev was given backdated permission to return home by October precinct chief Colonel Kondakov before he could be arrested. On January 17, 2001 an arrest warrant was issued for Lapin, and again Colonel Kondakov issued backdated permission for him to return home before procuracy investigators could arrest him. Lapin was eventually arrested in January 2002, but the investigation of Zhuravlev has been further complicated by the unexplained loss of large sections of the case files.

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<sup>43</sup> Letter is on file with Human Rights Watch.

<sup>44</sup> Human Rights Watch interview with Murdalov's parents, Nazran, Ingushetia, June 30, 2001.

<sup>45</sup> Ibid.

<sup>46</sup> Human Rights Watch interview with Rukiyat and Astamir Murdalov, Nazran, Ingushetia, June 30, 2001.

<sup>47</sup> Ibid.

On January 19, Zelimkhan Muralov's parents petitioned Akhmed Kadyrov, head of the Moscow-appointed provisional administration of Chechnya, to help secure justice for their son.<sup>48</sup> Kadyrov took letters on their behalf to President Vladimir Putin, then-Minister of Internal Affairs Vladimir Rushailo, and Director of the Federal Security Service Nikolai Patrushev. Despite assurances from the Ministry of Internal Affairs, no progress has been made. To date, the Muralovs have yet to find their son's body, despite searching various burial grounds around Grozny. They believe that their son's body may have been among the twenty-six corpses believed to have been buried under a house that was destroyed near the October district precinct and later disinterred.<sup>49</sup>

The case of Zelimkhan Muralov is at once highly unusual and depressingly familiar. Because of the family's influence in Chechnya, the procuracy diligently undertook to investigate, questioning suspects and issuing arrest warrants. Most relatives of the "disappeared" tell Human Rights Watch that criminal investigations go nowhere once they are formally opened. Yet despite the investigation, only one low-level arrest has been made, and Zelimkhan's body has never been found, an outcome that is all too common.

***Shamkhan Musaev (detained at Dom Byta bus station, Grozny, December 16, 2000).***

On December 16, 2000, Shamkhan Musaev (born 1973) left his home in Grozny on an official trip to Gudermes for his employers at the fire inspectorate. He never returned. After several days, his relatives began to search for him. They discovered that he had left Gudermes on December 16. His mother, Talsaidon Musaeva, later found witnesses at the "Dom Byta" bus station in Grozny who told her that they had seen security forces wearing camouflage uniforms on the same day check her son's passport before detaining him.<sup>50</sup> She showed a photograph of her son to the witnesses who confirmed that it was the same man they had seen being driven away by security forces in a gray UAZ vehicle.

The family petitioned authorities to try and learn Musaev's fate.<sup>51</sup> Musaeva visited the military base at Khankala, where the family believes Shamkhan is being held, but military officials there told her they "had no information" about him. Musaeva also visited the Grozny and Lenin district military commander's offices and the Grozny city procuracy, and criminal proceedings were initiated.<sup>52</sup> She holds little hope that her son will be found: "I don't know [if authorities are looking for him] but I think that if they were, they would have found him already."<sup>53</sup>

***Mairudin Khantiev (detained at home in Grozny, December 4, 2000)***

At around 6:00 a.m. on December 4, 2000, five Russian security personnel wearing masks and armed with submachine guns broke down the door of Mairudin Khantiev's apartment in the Staropromyslovski district of Grozny. Khantiev (born 1972), who was asleep at the time, was dragged from his home and bundled into a white Niva jeep with blacked-out windows.<sup>54</sup> Khantiev's family has had no news about him since he then, despite extensive searching.

A relative told Human Rights Watch that the family made enquiries as to his whereabouts with the temporary police precinct, the local military commander's office, the head of the administration, and the procuracy.<sup>55</sup> The family also contacted Memorial, the local office of Vladimir Kalamanov, and visited detention facilities in

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<sup>48</sup> Ibid.

<sup>49</sup> Ibid. Memorial described seventeen (rather than twenty-six) bodies at the site, noting that Viktor Kazantsev, plenipotentiary representative for the Southern Federal District of the president of the Russian Federation, reportedly confirmed the presence of seventeen bodies, a statement he later retracted (see, Memorial "Regarding reports on the discovery of 17 dead bodies at the Temporary Department of Internal Affairs (VOVD) in Oktyabrskii, Grozny (April 12, 2001)": [www.memo.ru/eng/memhrc/texts/17bodies.shtml](http://www.memo.ru/eng/memhrc/texts/17bodies.shtml), accessed March 2002).

<sup>50</sup> Human Rights Watch interview with Talsaidon Musaeva, Nazran, Ingushetia, June 30, 2001.

<sup>51</sup> Copies of several complaints on file with Human Rights Watch.

<sup>52</sup> In a letter dated July 10, 2001 to the Musaevs, the Grozny city procuracy confirmed a criminal investigation had been opened. A copy of the letter is on file with Human Rights Watch.

<sup>53</sup> Human Rights Watch interview with Talsaidon Musaeva, Nazran, Ingushetia, June 30, 2001.

<sup>54</sup> Human Rights Watch interview, Nazran, Ingushetia, December 19, 2001. The witness wishes to remain anonymous.

<sup>55</sup> Ibid.

Nalchik, Mozdok, Piatigorsk, and Stavropol without success. Although the Grozny city procuracy opened a criminal investigation into Mairudin Khantiev's "kidnapping," the family was advised by the deputy procurator in December 2001 that the inspector who had investigating the case was killed and that the case had been suspended, pending its reassignment to a new investigator.<sup>56</sup>

***Apti Islamov and Said-Emin Islamov (detained at a checkpoint in Grozny, October 14, 2000)***

Apti Islamov (born 1977) and brother Said-Emin (born 1981), were detained and "disappeared" while driving home from work on October 14, 2000 together with Avdi Shapkhlov (born 1972) and Shamkhan Gadaev (born 1976). All four worked at the Ministry of Internal Affairs office in the Zavodskoi district of Grozny. Witnesses told a relative of the Islamovs' that the car was stopped by Russian soldiers at the Chernoreche checkpoint (No. 160) between 4:00 and 5:00 p.m.<sup>57</sup> The soldiers reportedly contacted the Lenin district by walkie-talkie. Soldiers in masks arrived in an APC and a UAZ car soon after and took the four men away in the APC, while the Islamovs' car was driven away by other soldiers.

The Ismailov's relatives began to search for them soon after. They petitioned Grozny's Mayor Beslan Gantamirov to assist them. Gantamirov reportedly visited the Khankala military base with one of the relatives to enquire about the two men's fate. At Khankala, the mayor and the relative of the Islamovs' spoke to an officer named Baranov and to the military commander himself, who reportedly told her "if they're here we'll check their documents and let them off." Nothing concrete came of the visit.<sup>58</sup> An appeal to the military procurator was similarly fruitless. The four men's employer initiated criminal proceedings on their behalf without any positive result. As of March 2001, their whereabouts remain unknown.

***Muslim Amishev and Rustam Amishev (detained at home in Grozny on October 5, 2000)***

On October 5, 2000 at around 5:00 p.m., Russian-speaking security forces wearing masks and flak jackets and armed with submachine guns burst into the home of Zara Amisheva in the Berezka district of Grozny. Amisheva saw her eldest son, Muslim (born in 1974) tied up and dragged out into the street.<sup>59</sup> Witnesses told Amisheva that her youngest son, Rustam, who lived elsewhere in the building, was taken from his apartment covered in blood immediately after Muslim was detained. When she asked where her sons were being taken, the masked men said, "be quiet or we'll kill you."<sup>60</sup> She then saw two APCs and two Ural cars drive away. She believes the "disappearances" may be linked to Muslim's employment with the security detail of Chechen President Aslan Maskhadov during the interwar period.

Amisheva began a determined search to find her sons. She informed local police on the day of the incident, and contacted military commanders' offices in the Staropromyslovskii, Zavodskoi, October, and Lenin districts of Grozny. Each military commander's office denied that its forces had detained her sons or even that they carried out operations after dark. Amisheva wrote to the office of Vladimir Kalamonov, and to the then-mayor of Grozny Beslan Gantamirov, without success. After contacting the military procuracy she was advised that they had initiated a criminal investigation.<sup>61</sup> She also began to search the prisons. An intermediary gave her apparently false information that her sons were held at the Khankala military base, and leads that they might be in detention in Tangi-Chu or Mozdok also proved impossible to confirm. Despite her efforts, and the criminal investigation, she has no information as to the current whereabouts of her sons.

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<sup>56</sup> Human Rights Watch interview, Nazran, Ingushetia, December 19, 2001. The relative wishes to remain anonymous. The Grozny city procuracy informed Khantiev's relatives of this in a letter dated July 22, 2001. A copy of the letter is on file with Human Rights Watch.

<sup>57</sup> Human Rights Watch interview, Nazran, Ingushetia, March 15, 2001. The witness wishes to remain anonymous.

<sup>58</sup> Human Rights Watch interview, Nazran, Ingushetia, December 19, 2001. The witness wishes to remain anonymous.

<sup>59</sup> Human Rights Watch interview with Zara Amisheva, Nazran, Ingushetia, March 16, 2001.

<sup>60</sup> Ibid.

<sup>61</sup> On November 2, 2000, the Grozny city procuracy confirmed a criminal investigation into her sons' "disappearance" had been opened. A copy of this letter is on file with Human Rights Watch.

***Said-Ali Musaev and Kharon Musaev (detained in Grozny on September 18, 2000)***

Said-Ali Musaev (born in 1973), and his brother, Kharon Musaev (born in 1976), were taken into custody from Kharon Musaev's flat in Grozny in Vostochnaya Street on the afternoon of September 18, 2000, together with five other men.<sup>62</sup> The brothers were members of the Chechen police force. Their mother, Berlant Musaeva, was in the neighborhood on the day her sons were detained. She told Human Rights Watch that Russian security forces came in two armored personnel carriers (APCs) and took away four men, including her eldest son Said-Ali, at around 3:30 p.m.<sup>63</sup> Only a day later did she realize that Kharon had also been detained. Musaeva then began to search for her sons without success. The Chechnya republic procuracy advised Musaeva that there was insufficient evidence to prove that her sons had been kidnapped and declined to investigate.<sup>64</sup>

**“Disappearances” From Groznensko-Selskii District**

***Alkhan-Kala***<sup>65</sup>

***Aslanbek Edilgeriev, Khasan Khazhaev, Isa Dilaev, Musa Deliev, Aslanbek Abdurakhmanov, Aslan Khadizov, Sherip Magomadov, Sultan Isaev, Uvais Iliasov, Aslan Khasaev, and Abdurakhman Lorsanov (detained in Alkhan-Kala during a sweep operation, April 29, 2001; body of Lorsanov discovered May 15, 2001)***

On April 28 and 29, 2001, Russian troops conducted a sweep operation in Alkhan-Kala. According to a letter from the head of the administration of Alkhan-Kala, during the operation six helicopters hovered over the village and numerous APCs blocked its entry and exit ways.<sup>66</sup> Both villagers and Russian news media reported gun battles between Chechen rebels and federal forces.<sup>67</sup> On April 29, the troops detained eleven men, who subsequently “disappeared.”

Human Rights Watch interviewed the relatives of three of these men. Khamila Isaeva, herself not a witness, said her thirty-nine-year-old husband, Sultan Isaev, and a neighbor, Sherip Magomadov, were taking a bath in the courtyard of Magomadov's home, when two APCs entered Zheleznodorozhnaia Street, apparently in hot pursuit of a man running in front of them.<sup>68</sup> According to a neighbor, this man ran into the courtyard of the Magomadov family, the APCs stopped, and more than a dozen soldiers jumped out and started shooting. Isaeva told Human Rights Watch the running man was Aslan Khasaev, and said he was carrying a weapon.

A neighbor saw soldiers enter the bathhouse in the Magomadov's courtyard and drag the two naked men out. Another neighbor told Isaeva that she saw the soldiers loading three men—they apparently captured Aslan Khasaev along with Isaev and Magomadov—into the APC and then drive off.<sup>69</sup>

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<sup>62</sup> Four of the five were: Zaur Ibragimov (born 1975), Khasan Bataev (born 1979), Magomed Temurkaev (born 1974), and Rizvan Ismailov (born 1974).

<sup>63</sup> Human Rights Watch interview with Berlant Musaeva, Nazran, Ingushetia, July 13, 2001.

<sup>64</sup> Ibid. Russian law deals with forced disappearances under Article 126 of the criminal code, “kidnapping.”

<sup>65</sup> For reports of other “disappearances” in Alkhan-Kala, including during the notorious February 2000 raid on the local hospital, see Human Rights Watch, “The “Dirty War” in Chechnya,” March 2001.

<sup>66</sup> Letter from M. Umazheva, head of administration of Alkhan-Kala, to the commander of the Russian federal forces, dated August 1, 2001. A copy of this letter is on file with Human Rights Watch.

<sup>67</sup> Russian state television news bulletin at 4:00 p.m. GMT on May 1, 2001, cited in BBC Monitoring, May 1, 2001.

<sup>68</sup> Human Rights Watch interview with Khamila Isaeva, January 11, 2002, Nazran, Ingushetia. NB: Many homes in Chechnya are compounds for extended families, and include several buildings. There is generally a small building containing a kitchen set apart from living quarters. Some homes in Chechnya, as in other parts of Russia, have special bathhouses [*banya*] in the garden.

<sup>69</sup> Ibid.

Mariat Khasaeva, Aslan Khasaev's mother, was not in Alkhan-Kala at the time her son was detained. She later learned from relatives that her son had been staying at his uncle's place in Zheleznodorozhnaia Street and that he was detained together with Isaev and Magomadov.<sup>70</sup>

A third witness, a brother of Aslanbek Edilgeriev, told Human Rights Watch he was in Alkhan-Kala at the time of the sweep but was hiding when the soldiers came to Aslanbek Sheripov Street on April 29. Female relatives later informed him that the soldiers had taken away his brother and three neighbors: Musa Deliev, Aslanbek Abdurakhmanov, and Aslan Khadizov. When the women protested the detentions, the soldiers had apparently opened fire on the crowd and wounded the witness's sister in the foot.<sup>71</sup>

The remaining four men were detained under unknown circumstances. That same day, relatives of the eleven men went to the office of the local military commander, who said his troops had not been allowed to participate in the sweep and that he did not know where the detainees had been taken. Later, so-called "intermediaries" informed the relatives that the eleven men had been taken to Khankala military base. One intermediary said he could arrange the release of the detainees for U.S.\$1,000 per person. However, when the relatives had gathered the money, the deal fell through after the intermediary was himself arrested.<sup>72</sup>

On May 15, 2001, federal troops conducted another sweep operation in Alkhan-Kala and closed off all entry roads to the village. Soldiers stopped Khamila Isaeva, on her way back from Ingushetia, at the bridge of the Sunzha River. As she and several other women waited for the sweep to end, the soldiers said they had discovered a corpse across the bridge and told them to recover it. Isaeva and another woman, whose son had also "disappeared," crossed the bridge and saw a headless corpse missing a leg. Later that day, the head of the local administration with some of the relatives of the "disappeared" went to see the corpse, and Lorsanov's mother identified her son.

Relatives of the other "disappeared" men continued their search both collectively and individually. Human Rights Watch has numerous letters on file from several of the relatives of the "disappeared" men to procuracy and other officials in which they requested assistance finding their family members.

As a result, the Chechnya republic procuracy opened a criminal investigation on June 23, 2001.<sup>73</sup> However, as of February 2002, little progress appeared to have been made in the investigation despite the fact that villagers submitted to officials a list of numbers marked on the APCs used in the sweep operation.<sup>74</sup> According to the relatives, several officials even denied any special operation was conducted in Alkhan-Kala in late April 2001.

### *Starye Atagi*

#### ***Olkhazur Dagaev (detained near Khankala military base, December 22, 2001)***

On December 22, 2001, the Starye Atagi head of administration contacted thirty-one-year-old Olkhazur Dagaev with the request to retrieve from the military base at Khankala the corpse of a young man, "A. A." (not the man's real name). Relatives of the man apparently had paid an FSB official for the body but were, according to the head of administration, unable to collect it themselves without accompaniment. Dagaev drove to the military base that day but did not return.

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<sup>70</sup> Human Rights Watch interview with Mariat Khasaeva, Nazran, Ingushetia, July 6, 2001.

<sup>71</sup> Human Rights Watch interview with Khasanbek Edilgeriev, Sputnik, Ingushetia, July 3, 2001.

<sup>72</sup> Human Rights Watch interview with Khamila Isaeva, Nazran, Ingushetia, January 11, 2002.

<sup>73</sup> Letter from L.A. Khasuev in Kalamonov's office to Kh. Isaeva and V. Chernov, procurator of Chechnya, dated December 3, 2001. A letter from an official of the Chechen procuracy to L. Khazhaeva, a relative of Khasan Khazhaev, dated September 4, 2001, states the investigation was opened under case number 19051.

<sup>74</sup> Letter from M. Umazheva, head of administration of Alkhan-Kala, to the commander of the Russian federal forces, dated August 1, 2001. A copy of this letter is on file with Human Rights Watch.

The next morning, Imran Dagaev, Olkhazur's father, and the head of administration drove to the home of A. A.'s family.<sup>75</sup> There, they learned that Olkhazur Dagaev had never arrived at their home either. The family also said that A.A.'s father and cousin had traveled to the military base the previous day and not returned. According to Dagaev, the two families then went to the military base together. Several young boys, who were selling cigarettes and sunflower seeds to the soldiers, told them that they had seen several men fitting the description of Olkhazur Dagaev and the others waiting at the entrance to the military base. At one point, soldiers drove up to the men, loaded them onto their truck and took them into the military base. The relatives of the other men then contacted the FSB official whom they had paid for A. A.'s corpse. This official claimed he did not know anything about the fate of the three men. According to Dagaev, the head of administration, who was allowed to enter the military base, saw Olkhazur Dagaev's car on the base. However, he was unable to establish the whereabouts of the men. Dagaev subsequently filed a complaint with the military procuracy.

Several days later, police officials told Dagaev that his son's car had been found in a ditch in the October district of Grozny. Dagaev told Human Rights Watch the car had been stripped of everything of value.

On January 6, 2002, the local head of administration received word of the discovery of several bodies in a forest not far from the Khankala military base. Local police in Grozny had found several bodies with execution-style wounds dumped in a car, identified as those of Olkhazur Dagaev and the other men detained with him. Imran Dagaev told Human Rights Watch that he had seen his son's body, and that his son had been shot through the head and had an eye missing. He also believed his son had been beaten with a hard, blunt object as he had numerous bruises on his body but no other open wounds.

Human Rights Watch has no information on whether the procuracy has opened a criminal investigation into the death of Olkhazur Dagaev and the other men. When Dagaev collected his son's body, officials were making video and photo footage of the bodies. No forensic examination of Dagaev's body was conducted.

#### ***Mair-Ali Shavanov and Lema Shavanov (detained at home in Starye Atagi, February 18, 2001)***

Early in the morning of February 18, 2001, thirty-five-year-old Mair-Ali and his twenty-year-old brother, Lema and a neighbor drove in two cars from their home in Starye Atagi toward Grozny. At around 7:00 a.m., about ten kilometers away from the Chechen capital, federal soldiers in three APCs stopped the cars and detained the two brothers. The neighbor, who was not detained, immediately went back to Starye Atagi to inform the Shavanov family. He told Birlant Shavanova, Mair-Ali and Lema's mother, that the soldiers had blindfolded the brothers, loaded them into the APCs, and drove away towards Grozny.<sup>76</sup>

Immediately after learning what had happened, Shavanova's husband and third son drove to Grozny hoping to catch up with the military convoy. They went to all detention centers and checkpoints in Grozny but officials told them the same everywhere: Mair-Ali and Lema were not there. Finally, at a checkpoint near 3<sup>d</sup> Sovkhoz, officials confirmed that a convoy matching the neighbors' description had passed through and had proceeded toward Khankala military base. The Shavanovs drove to the military base where they were once again told the brothers were not there. The next day, Shavanova went to the military base herself. Officials denied her sons were at the base, although she said one soldier at the main entry point confidentially told her that the convoy had come through.

On the third day, an intermediary approached Shavanova at the entrance to the military base. He said her sons were held at the base and promised to arrange for their release the next day for a U.S.\$6,000 fee. When Shavanova told him she did not have that kind of money and said the maximum she would be able to gather was U.S.\$1,000, the intermediary told her he would see what he could do and that she was to come back the next day. Shavanova came to the military base daily over the next four days, but the intermediary did not appear. On the fifth day, she saw the man walking by but evidently not looking for her. She stopped him to find out what had

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<sup>75</sup> Human Rights Watch interview with Imran Dagaev, Nazran, Ingushetia, February 8, 2002.

<sup>76</sup> Human Rights Watch interview with Birlant Shavanova, Nazran, Ingushetia, December 20, 2001.

happened. The intermediary said her sons were no longer at the base and that he did not know where they were. Shavanova has received no further information on the whereabouts or fate of her sons.

Shavanova filed appeals with dozens of officials, both locally and in Grozny, Gudermes, and Znamenskoe, but to no avail. She received a total of twelve letters from various procuracies.<sup>77</sup> Not one of these letters contains any information on whether the civilian or military procuracy have opened a criminal investigation into the “disappearance” of the two men or any other information on the merits of the case. Rather, the letters illustrate the refusal of the procuracy to take responsibility for the case and conduct an investigation on the merits:

- Shavanova submitted her first complaint to the military procuracy at the Khankala military base immediately after her sons’ detention. The military procuracy at Khankala forwarded it to the military procuracy in Shali, which forwarded it to the civilian procuracy of Chechnya, claiming the involvement of military servicemen in the detention was not proven. The civilian procuracy forwarded it to the Grozny district procuracy. As of February 2002, the latter procuracy had not responded to the complaint;
- A second complaint, which Shavanova apparently filed with the military procuracy in Khankala in June 2001, was also forwarded to the military procuracy in Shali. In August 2001, the latter returned the complaint to the military procuracy in Khankala, stating that the detention took place in an area under the jurisdiction of the military procuracy in Khankala. As of February 2002, Shavanova had not heard anything further from the military procuracy in Khankala;
- A third complaint, which Shavanova filed with the Procuracy General of the Russian Federation in Moscow in August or September 2001, was forwarded to the military procuracy for the North Caucasus Military District in mid-October 2001. This procuracy forwarded it to the military procuracy in Khankala a week later. As of February 2002, Shavanova had received no further information from this procuracy;
- A fourth complaint, submitted to the Chechnya republic procuracy in September or October 2001, was forwarded to the Grozny district procuracy in November 2001. When Human Rights Watch last interviewed Shavanova in February 2002, she had not received a response from that procuracy.

In December 2001, after months of trying, Shavanova finally managed to see Vsevolod Chernov, the Chechnya republic procurator. He summoned the procurator of the Grozny district and asked him whether an investigation into the “disappearance” had been opened. The procurator answered in the affirmative but provided no details on progress made in the investigation. Following this meeting, Shavanova wrote a letter to the Grozny district procuracy requesting information on when the investigation was opened and what investigative steps were taken in the last four months. As of February 2002, Shavanova had not received a response.

### ***Idris Sangariev and Said-Ibragim Sangariev (detained at home in Starye Atagi, February 12, 2001)***

On February 12, 2001 at around 6:00 a.m., a large group of armed men in uniform, some in masks, broke down the gate to the Sangariev family’s courtyard on 49 Shosseinaia Street in Starye Atagi. Zulai Sangarieva, herself not an eyewitness, told Human Rights Watch the men entered the building in which her mother was sleeping and conducted a search.<sup>78</sup> They then proceeded to the building where the men were sleeping, took Sangarieva’s twenty-three-year-old son Idris and her twenty-two-year-old nephew Said-Ibragim from their beds, and took them away. Around the corner, they loaded the two men onto a military vehicle. The men also took away Idris Sangariev’s car. That same night, the soldiers also detained an elderly man, whose name Zulai Sangarieva did not disclose, in the same village.

That same morning, Sangarieva contacted the local head of administration, who, through his own channels, determined the Sangarievs had been taken to the military base at Khankala. Three days later, the elderly man was released. Fearful to talk about his experiences in detention, the man did tell Sangarieva that he and the Sangarievs were held in a large tent, blindfolded, and that they regularly heard helicopters taking off and landing. Twice the soldiers removed the blindfolds and allowed them to see wood “to get warm.” The detainees were not allowed to

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<sup>77</sup> Copies of these letters are on file with Human Rights Watch.

<sup>78</sup> Human Rights Watch interview with Zulai Sangarieva, Nazran, Ingushetia, February 8, 2002. Sangarieva’s mother related the details of the raid to her.

speak but the elderly man recognized Said-Ibragim Sangariev. The elderly man told Sangarieva that he and the others were beaten but did not provide any details. On the third day, the soldiers dumped the elderly man near a quarry outside Argun.

On February 16, an intermediary approached the Sangarievs saying he knew the whereabouts of the two men and demanded U.S.\$10,000 for their release. Over the course of a month, the Sangarievs collected money and tried to negotiate a lower ransom. However, the captors of the two men reportedly refused to release them for the U.S. \$4,000 the Sangarievs had managed to gather, and broke off all contact.

When the negotiations failed, relatives contacted the local procuracy. Sangarieva told Human Rights Watch that she has filed complaints with the Grozny district procuracy on a monthly basis. As a result, the procuracy opened a criminal investigation but, as of February 2002, there was no evidence that any progress had been made in establishing the whereabouts and fate of Idris and Said-Ibragim Sangariev.<sup>79</sup>

### **“Disappearances” From Achkhei-Martan District**

#### ***Zelimkhan Umkhanov and Aпти Isigov (detained in Sernovodsk during sweep operation, July 2, 2001)***

Zelimkhan Umkhanov and Aпти Isigov “disappeared” after Russian forces took them into custody during an extremely brutal sweep operation in Sernovodsk.<sup>80</sup>

At about 12:00 noon on July 2, an APC stopped near Aпти Isigov’s house on Pervomaiskaia Street. Several soldiers entered the yard where Aпти Isigov and his cousin, Rustam Isigov, had already prepared their internal passports for an identity check. According to Rustam Isigov and one other eyewitness, the soldiers took their passports without looking at them, and ordered the two men into the APC.<sup>81</sup> The soldiers drove them to the temporary military base, picking up more men along the way.

At the temporary base, the soldiers brought the detainees to the basement of a destroyed building and ordered them to kneel. According to Rustam Isigov, about five minutes later an officer approached Aпти Isigov and took him away.<sup>82</sup> Isigov’s relatives later learned from other detainees that the officer put Aпти Isigov back into an APC. These men, who were detained later that afternoon, told the relatives Aпти Isigov was in the APC when they were put in the vehicle.<sup>83</sup>

At about 400 p.m., soldiers detained Zelimkhan Umkhanov and his brother, Jabrail, close to their home on Kotalova Street.<sup>84</sup> According to Jabrail Umkhanov, the soldiers separated the two men at that time, putting Zelimkhan Umkhanov into an APC. After the sweep operation, Taisa Isaeva, Zelimkhan Umkhanov’s wife, learned from released detainees that Aпти Isigov was already in that APC.

Following the detentions, Aпти Isigov’s mother and Zelimkhan Umkhanov’s wife went to the temporary base.<sup>85</sup> They stayed outside the base until after midnight, trying to secure the release of their relatives. The soldiers released most detainees, including Rustam Isigov and Jabrail Umkhanov, over the course of that evening

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<sup>79</sup> A letter dated August 31, 2001 from the procuracy of Chechnya to Zulai Sangarieva confirms a criminal investigation into the “disappearances” was opened under case number 19045. A copy of this letter is on file with Human Rights Watch.

<sup>80</sup> See: Human Rights Watch, “Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations In Chechnya” *A Human Rights Watch Report*, vol. 14, No. 2 (D), February 2002.

<sup>81</sup> Human Rights Watch interviews with Tsalipat Isigova (Aпти Isigov’s mother), Nazran, Ingushetia, November 10, 2001 and with Rustam Isigov (Aпти Isigov’s cousin), Nazran, Ingushetia, November 11, 2001.

<sup>82</sup> Human Rights Watch interview with Rustam Isigov, Nazran, Ingushetia, November 11, 2001.

<sup>83</sup> Ibid; and Human Rights Watch interview with Taisa Isaeva, Nazran, Ingushetia, November 10, 2001.

<sup>84</sup> Ibid; and Human Rights Watch interview with Jabrail Umkhanov, Moscow, November 15, 2001.

<sup>85</sup> Human Rights Watch interview with Taisa Isaeva, Nazran, Ingushetia, November 10, 2001; Human Rights Watch interview with Tsalipat Isigova, Nazran, Ingushetia, November 10, 2001.

but Apti Isigov and Zelimkhan Umkhanov were not among those released. The remaining detainees—according to the relatives, a bus full of people—were transported to Achkhoy-Martan.

The next morning, the women went to the temporary police precinct in Achkhoy-Martan. Police officials there showed them a list of approximately forty names of detainees that included Zelimkhan Umkhanov and Apti Isigov. However, when the next day the officials released Sernovodsk detainees, neither Isigov nor Umkhanov was among them. Moreover, the released detainees told the women that they had not seen Isigov and Umkhanov at the police precinct. The Achkhoy-Martan procurator later told the relatives that Isigov and Umkhanov had not been there.<sup>86</sup>

Relatives have searched for Isigov and Umkhanov, but to no avail. They have contacted and petitioned numerous officials, including the local head of administration, the police, the local procuracy, the Chechnya republic procuracy, the Procuracy General of the Russian Federation, and the office of Vladimir Kalamanov.

The procuracy has opened a criminal investigation. Relatives reported to Human Rights Watch that they repeatedly told the case investigators that they could identify the security forces who detained Isigov and Umkhanov.<sup>87</sup> However, investigators have taken no steps to create composite sketches of the suspects, or to identify suspects with the help of photo books of soldiers who participated in the sweep operation. Nor have any efforts apparently been made to obtain the military plan for the Sernovodsk sweep operation, would presumably identify the units responsible for operations on the streets where Isigov and Umkhanov were detained, and would significantly aid in pinpointing which might have been involved in the “disappearance” of these two men.

As of this writing, the relatives of Apti Isigov and Zelimkhan Umkhanov have no information on their fate or whereabouts

## “Disappearances” From Urus-Martan District

### *Alkhan-Yurt*<sup>88</sup>

***Musa Yunusov, Lom-Ali Yunusov, Shamil Dzhemaldaev, Aslan Taramov, Vakha Tukaev, Muslim Khamiev (detained in Alkhan-Yurt and Gekhi in late November and early December 2001, bodies discovered, December 12, 2001)***

The assassination of General Geidar Gajiev, the military commander for the Urus-Martan district, and two other soldiers on November 29, 2001 by a female suicide bomber prompted a wave of reprisals by Russian security forces against civilians in the region.<sup>89</sup> On November 30, soldiers had detained Shamil Dzhemaldaev (born 1983) and Aslan Taramov in Alkhan-Yurt and Muslim Khamiev in Gekhi. On December 5, soldiers detained Vakha Tukaev in Gekhi-Chu. In the early hours of December 9, federal forces entered the village of Alkhan-Yurt, looted and destroyed two houses with explosives, set fire to a third, and detained Musa Yunusov

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<sup>86</sup> Human Rights Watch interview with Taisa Isaeva, Nazran, Ingushetia, November 10, 2001.

<sup>87</sup> Human Rights Watch interview, Nazran, Ingushetia, February 10, 2002.

<sup>88</sup> Alkhan-Yurt was the scene of one of the most notorious atrocities against civilians perpetrated by Russian forces in Chechnya. In December 1999, Russian forces went on a rampage, looting and burning dozens of homes and summarily executing at least fourteen civilians. For more information, see Human Rights Watch, “‘No Happiness Remains’: Civilian Killings, Pillage, and Rape in Alkhan-Yurt, Chechnya” *A Human Rights Watch Report*, vol. 12, no. 5 (D), April 2000.

<sup>89</sup> For background on the November 29 attack and its aftermath, see: Memorial, “Terror with Terror: Conditions in Urus-Martan region after the attempted assassination of the military commander of the region, General G.A. Gajiev (undated)” [www.memo.ru/eng/memhrc/texts/terror.shtml](http://www.memo.ru/eng/memhrc/texts/terror.shtml) (accessed March 2002).

(born 1948) and his nephew, Lom-Ali Yunusov (born 1982). The bodies of the six men were found in a forest near Grozny on December 12, together with the body of a man identified only as Ruslan.<sup>90</sup>

The “disappearances” of Muslim Khamiev, Vakha Tukaev, Shamil Dzhemaldaev and Aslan Taramov were documented by Memorial. Soldiers came to Khamiev’s home in Gekhi on the morning after the attack. They conducted a search of the home and took Khamiev away. Officials later denied they had detained Khamiev. That same day, soldiers detained several people in Alkhan-Yurt, including Shamil Dzhemaldaev and Aslan Taramov. Officials refused to acknowledge the detention. Early in the morning on December 5, soldiers detained Vakha Tukaev at his home in Gekhi-Chu. Officials also refused to acknowledge his detention.<sup>91</sup>

Human Rights Watch interviewed two relatives of the Yunusovs, “Mokhadyr M.” and “Abubakar A.” (not their real names). Both live near to Lom-Ali Yunusov’s house. According to Mokhadyr M., he was awakened at around 3:00 a.m. and saw armed men wearing masks running away from Lom-Ali Yunusov’s house.<sup>92</sup> Three or four minutes later there was a loud explosion, which he later discovered was at the house belonging to the Khazuev family (at 7 Gagarin Street), followed by a second explosion almost immediately, which turned out to be at Lom-Ali Yunusov’s house. Mokhadyr M. saw several vehicles, including a Tabletkha station wagon with the number 590, and an Ural truck.

Abubakar A., who saw Lom-Ali Yunusov placed into an Ural truck by around twenty security personnel, confirmed Mokhadyr M.’s chronology. Neither witnessed the detention of Musa Yunusov, who lived on the opposite side of the river, but Abubakar A. learned from Musa Yunusov’s family that security forces had burst into the house at around the same time, tied up the women and children, stolen their jewelry and other property, and then forced everyone outside before setting fire to the house and taking Musa Yunusov away.<sup>93</sup>

At daybreak the men began an extensive search for their missing relatives, contacting the local administration and traveling to Grozny to petition the procurator of the Republic of Chechnya and the office of Vladimir Kalamonov. Letters were sent to both the civilian and military procuracies, to Vladimir Kalamonov, and to the Federal Security Service. They also spoke to the press in Grozny.

On December 12, a cowherd discovered two bodies in woodland near Chernorechie (approximately ten kilometers from Alkhan-Yurt). Seven bodies were discovered when the chief of police in Zavodskoi district visited and took photographs at the site later the same day with a procuracy official. Relatives in Alkhan-Kala were not informed until December 14, 2001. The Chechnya republic procuracy opened an investigation.

Mokhadyr M. saw the bodies of Musa and Lom-Ali Yunusov, and Shamil Dzhemaldaev on December 14, 2001. Later the same day, he described their condition to Human Rights Watch:

I saw three corpses. I saw the body of Musa Yunusov. It was mutilated. Musa was blown up. There were pieces of his head, an arm and leg detached from the body.... There were knife wounds in Lom-Ali’s body, or wounds from the bayonet of a submachine gun. All the body was mutilated but it was in one piece. The neighbor’s body—the body of Shamil Dzhemaldaev—was mutilated too, with multiple knife wounds and burns.<sup>94</sup>

***Islam Deniev, Said-Akhmed Saaev, and Khizir Akhmadov (detained on road from Alkhan-Yurt to Grozny, November 25, 2000)***

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<sup>90</sup> Human Rights Watch interviewed a villager from Gekhi after the bodies were found, who said that he had helped to bury a man whose body was found in the forest. He said the man had been a rebel fighter called Ruslan from Gekhi. (Human Rights Watch interview with Valid Ozdamirov, Ingushetia, December 18, 2001).

<sup>91</sup> See Memorial, “Terror with Terror.”

<sup>92</sup> Human Rights Watch interview with Mokhadyr M., Nazran, Ingushetia, December 14, 2001.

<sup>93</sup> Human Rights Watch interview with Abubakar A., Nazran, Ingushetia, December 14, 2001.

<sup>94</sup> Rights Watch interview with Mokhadyr M., Nazran, Ingushetia, December 14, 2001.

On November 25, 2000, Islam Deniev (born 1966), Said-Akhmed Saaev, and Khizir Akhmadov left for Grozny by car but never arrived. Deniev's sister, Aminat Denieva, learned several days later that the three men had been detained at around 2:00 p.m., when Khizir's white Toyota Landcruiser was stopped by security forces with a tank, several APCs, and other vehicles.<sup>95</sup>

Deniev's relatives then began to search for him. They received word that he might be in Khankala, but upon visiting the military base were told that he was not there. Together with the relatives of the two other men, visits were made to detention facilities throughout Chechnya, including in Chernokozovo, Grozny, Urus-Martan, Tangi-Chu, Kizliar, and Gudermes. Denieva told Human Rights Watch that her husband's relatives "appealed to everyone" and had also met with what she described as a "commission" that had traveled from Moscow and included military commander General Ivan Babichev.<sup>96</sup> The men's whereabouts remain unknown.

### ***Gekhi***

#### ***Adam Sagaev (detained at home in Gekhi, December 14, 2001)***

Adam Sagaev was detained in his home by masked men at 2:00 a.m. on December 14, 2001. Relatives living nearby were awakened by noise coming from the Sagaev household. A cousin, "Osman O." (not the man's real name), went immediately to the Sagaev's courtyard, where two armed men prevented him from going inside; he saw Adam Sagaev's father, two brothers and sister, in the courtyard. Adam Sagaev was then taken out of the house and put into the back of a UAZ jeep. According to Osman O., the armed men identified themselves as part of the Urus-Martan military commander's office and said they had proof that Sagaev was a rebel fighter.<sup>97</sup> Sagaev's family deny this, noting that he was ill with tuberculosis at the time of his "disappearance," although they admit that he participated in the 1994-1996 war.

Despite being warned that he faced arrest if he went there, Osman O. went to the Urus-Martan military commander's office in the morning to inquire about Sagaev's whereabouts, but was unable to speak to anyone.<sup>98</sup> The following day relatives were then approached by a Chechen intermediary who offered to obtain Sagaev's release for a payment of U.S. \$200 or a submachine gun. The intermediary evidently knew a great deal about Sagaev's family despite the fact that Osman O. had never seen him before. Adam's relatives made inquiries with the Urus-Martan temporary police precinct. Officials told them that Sagaev was not in their custody and offered to assist in locating him. Adam Sagaev's whereabouts remain unknown.

#### ***Adam Makharbiev (detained at checkpoint outside Gekhi, March 24, 2001)***

On the afternoon of March 24, 2001, Adam Makharbiev was detained while driving home from Grozny via Urus-Martan with his cousin Lema Makharbiev and another cousin. At the time of his "disappearance," twenty-eight-year old Makharbiev had recently found work with the Grozny District Department of Internal Affairs. His car was stopped at around 5:00 p.m. at a checkpoint located just outside Gekhi and near to the Makharbiev family home.<sup>99</sup> At the time, the Yaroslavl OMON unit was based at the checkpoint. Relatives went by car to the checkpoint as soon they heard what had happened. When they arrived at the checkpoint, the three men were nowhere to be seen, but their Zhiguli Shesterka car was parked nearby, together with various military vehicles, including a Ural truck and a Tabletko.<sup>100</sup> While the relatives were present, all the vehicles were driven away. They later learned from Adam Makharbiev's two cousins that the vehicles had gone to Urus-Martan military commander's office.

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<sup>95</sup> Human Rights Watch interview with Aminat Denieva, "Sputnik" refugee camp, Ingushetia, March 7, 2001.

<sup>96</sup> Ibid.

<sup>97</sup> Human Rights Watch interview with Osman O., Ingushetia, December 18, 2001.

<sup>98</sup> Ibid.

<sup>99</sup> Human Rights Watch interview, Nazran, Ingushetia, July 14, 2001. The interviewee wishes to remain anonymous.

<sup>100</sup> Ibid.

Adam Makharbiev was not released. Both of Makharbiev's cousins were later released—the first after two days, and the second, three days later—and a week later, the Zhiguli car was returned to the family. The day after the three men were detained, a relative spoke to the head of administration in Urus-Martan who reportedly told her: “Yes, they brought them here. Two were transferred to a temporary holding place but one of them is not there.”<sup>101</sup> Makharbiev's cousins were unable to shed much light on his fate since they had been hooded with sacks and beaten during their detention, but Lema Makharbiev told relatives that he had heard Adam's voice inside the military commander's office.<sup>102</sup> His family was unable to find any witnesses who had seen Adam Makharbiev leaving the military commander's office.

Makharbiev's relatives petitioned assistant procurator Dima Gorbantsov, to commence an investigation.<sup>103</sup> Although an investigation was apparently opened, relatives never received a written confirmation, and the results were limited to an official response that Adam Makharbiev was not being held at the Urus-Martan military commander's office. Relatives also petitioned the military procuracy in Khankala and the Urus-Martan civilian procuracy, and received a notice requesting Lema Makharbiev to give evidence as a witness. Procuracy officials were unwilling to provide any guarantees of safety for Lema Makharbiev, and relatives are afraid that he will be detained and “disappeared” if he gives evidence. Adam Makharbiev's whereabouts remain unknown.

### ***Goity***

#### ***Anzor Ismailov (detained at home in Goity, Urus-Martan district, November 4, 2001)***

Anzor Ismailov was detained at his home on November 4, 2001 at approximately 5:30 a.m. His father, Sultan Ismailov, told Human Rights Watch that the family was awakened by five masked men armed with submachine guns.<sup>104</sup> The men told Anzor in Russian to get dressed and to bring his passport. The rest of family was told to lie on the floor with their hands behind their heads. Anzor was taken away in one of several white UAZ vehicles. When Sultan Ismailov went to the nearby checkpoint to make inquiries, soldiers at the checkpoint confirmed that they had seen the vehicles and indicated that the vehicles had radioed ahead with the message that they were from the Federal Security Service (FSB) and should be allowed to pass.

Anzor Ismailov's family immediately began to search for him, visiting Urus-Martan, the military base at Khankala, the detention center in Chernokozovo, and procuracy offices, and writing to the Urus-Martan temporary police precinct, the procurator-general, and the Ministry of Internal Affairs.<sup>105</sup> A criminal investigation was opened by procuracy officials, but Ismailov's family still has no information as to his whereabouts.

### ***Tangi-Chu***

#### ***Musa Tashaev (detained at home in Tangi-Chu, Urus-Martan district, November 20, 2000)***

Musa Tashaev, a car mechanic, “disappeared” after being detained by approximately sixteen armed and masked men in uniform on November 20, 2000. Tashaev's wife, who witnessed the event, told his mother, Zeinap Batalova, that the men burst into the family home in Tangi-Chu at 4:00 a.m., demanded Tashaev's passport, and having confirmed that he was Musa Tashaev, took him away in two UAZ jeeps and a Ural vehicle.<sup>106</sup>

Tashaev's mother and wife began searching the same day, visiting the district administration and military commander's offices in Urus-Martan. In a frequently repeated pattern, the military commander denied that Tashaev was in custody. Relatives also petitioned the procuracy officials and the temporary police precinct without success. Zeinap Batalova told Human Rights Watch that on November 26 relatives were approached informally by a man who claimed to be a representative of the since-deceased Urus-Martan military commander

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<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Human Rights Watch interview with Sultan Ismailov, December 20, 2001.

<sup>105</sup> Ibid.

<sup>106</sup> Human Rights Watch interview with Zeinap Batalova, Nazran, Ingushetia, March 17, 2001.

Gen. Geidar Gajiev, who said that Musa Tashaev was in custody, was being well-treated, and would be released within two or three days.<sup>107</sup> The representative also offered to pass on to Tashaev any warm clothing the family wished to provide, which they duly gave him. The following day relatives were given word that the clothing had not reached Tashaev and that he had been transferred to Khankala.

Despite the efforts of relatives and the local procuracy, Tashaev's family was unable either to gain access to Khankala or to confirm that Tashaev was being held there. Inquiries at the Chernokozovo prison proved equally fruitless. Zeinap Batalova said that the family has sent petitions everywhere, including to Vladimir Kalamonov, to the Chechnya republic provisional administration, to the minister of internal affairs, to the Chechnya republic procurator, and to the military procuracy.<sup>108</sup> An investigation was eventually started by procuracy officials.<sup>109</sup>

### *Urus-Martan*

#### ***Iman Masaev (detained at Urus-Martan market, February 13, 2001)***

On February 13, 2001 at around 1:00 p.m., Iman Masaev (born 1975) was detained and "disappeared" from a café while on a break from his job at a butcher's shop in the Urus-Martan market. When his aunt, Malika Masaeva, arrived at the market half an hour later, she was told by witnesses that armed men in masks and camouflage uniform had gone first into the butcher's, apparently looking for Masaev, before entering the café and detaining him.<sup>110</sup> The security personnel placed Masaev and three other men into two UAZ vehicles and a Tabletka, and reportedly drove them to the nearby military commander's office. Relatives of the four men, including Malika Masaeva, walked to the military commander's office. There the deputy military commander told them that the men were being questioned and that the relatives should go home and wait. During the course of the afternoon, the other three men were released but by the time of the curfew at 7:00 p.m., Masaev was still in detention. The deputy military commander assured Masaeva and her mother-in-law that he would be released the next morning.

The following morning Malika Masaeva and Iman's mother went to the military commander's office, expecting Masaev to be released. Instead the deputy commander told her that Masaev had been transferred to another location during the night and that he was being held by another branch of the Russian security services, which he refused to identify. As soon as Masaev "disappeared," his relatives began to search for him. Malika Masaeva explained, "we applied to everybody, we even wrote letters to the State Duma, we wrote a lot of letters but with no result."<sup>111</sup> Relatives went to Gudermes and Khankala, and spoke to procuracy officials, who opened a criminal investigation, listing Iman Masaev as a "missing person." Relatives quizzed the three men who had been detained at the same time, but learned that they had been blindfolded during their time in custody and could provide no details. Masaev's relatives have no information as to his whereabouts.

### **"Disappearances" From The Shali And Kurchaloi Districts**

#### *Serzhen-Yurt*

#### ***Aset Yakhiaeva and Milana Betilgerieva (detained in Serzhen-Yurt, November 7, 2001)***

Before daybreak on November 7, at least five armed men in camouflage uniforms entered a house where a number of women were staying, including forty-five-year-old Aset Yakhiaeva; her niece, twenty-one-year-old

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<sup>107</sup> Ibid.

<sup>108</sup> Human Rights Watch interview with Zeinap Batalova, Nazran, Ingushetia, March 17, 2001.

<sup>109</sup> To compound the family's grief, Tashaev's younger brother, Anderbek, was shot dead on March 8, 2001 together with another man, Usman (Rustam) Surguev. A witness told relatives that security personnel in soldiers' uniforms carried out the killings, which took place at around midnight at a computer club in Urus-Martan. Human Rights Watch interviews with Zeinap Batalova, Nazran, Ingushetia, March 17 and with Asya Surgueva, Nazran, Ingushetia, July 3, 2001.

<sup>110</sup> Human Rights Watch interview with Malika Masaeva, Nazran, Ingushetia, March 17, 2001.

<sup>111</sup> Ibid.

Milana Betilgerieva; and five other women, at least three of whom were related to Yakhiaeva and Betilgerieva. The uniformed men took Yakhiaeva and Betilgerieva.<sup>112</sup>

On November 8, Milana's mother, Mariam Kadyrova, learned from the other women who had been present that her daughter had been detained. The witnesses told Mrs. Kadyrova that four of the men had camouflage paint on their faces and the fifth wore a mask.<sup>113</sup> As soon as the men entered the house, the four men with painted faces shined flashlights in the women's faces and made obscene remarks. The man in the mask stood on the sidelines, and told the other men to leave the women alone. The intruders reportedly demanded gold and money but were not interested in checking documents. Aset Yakhiaeva and Milana Betilgerieva were then taken away.

Although witnesses were unable to describe any of the vehicles involved the operation, a sweep operation involving large numbers of Russian military personnel and vehicles had been carried out in Serzhen-Yurt on the same day.<sup>114</sup> There may also have been exchanges of fire between Russian forces and Chechen rebels.

Relatives immediately petitioned the military commander in Shali, who denied any knowledge of the women's whereabouts but promised to investigate. Two young men from Serzhen-Yurt who were detained and later released on the same day told relatives they had seen two women while they were in detention but could not identify where they were being detained. Relatives also petitioned procuracy officials in Shali, as well as police, and visited the military commander's office in Avtury, without success.<sup>115</sup> As of December 2001, the whereabouts of Yakhiaeva and Betilgerieva remain unknown.

### ***Beslan Saidaev and Saparali Bedigov (detained at home in Serzhen-Yurt, July 14, 2001)***

In the early morning of July 14, at around 3:00 a.m., six armed and masked soldiers broke into the home of fifty-five-year-old Liliya Saidaeva on 101 Sheripov Street in Serzhen-Yurt. Saidaeva told Human Rights Watch that the men, who she said were Ministry of Internal Affairs troops of the DON-2 unit, located between Shali and Serzhen-Yurt, dragged her, her daughter, and her son, twenty-three-year-old Beslan Saidaev, from their beds and took them out of the house.<sup>116</sup> The soldiers did not allow Saidaeva to take her two-year-old grandchild with her, threatening to shoot the child if she insisted. Outside, there were about twenty more masked soldiers. The men took the two women to a neighboring building and forced them into a basement. Saidaeva was able to see the troops tie Beslan Saidaev's hands and put him on the ground. The soldiers then searched the house, taking valuables including a VCR. They finally took Beslan Saidaev away on foot. Saidaev had worked at the district court in Shali since January 2001 as a court bailiff.<sup>117</sup>

At around the same time, a group of about thirty armed and masked men charged into the Bedigov home, also on Sheripov Street, and dragged six family members out of their beds. Saparali Bedigov's wife, Birlant Baimuradova, told Human Rights Watch the men, who spoke unaccented Russian, locked her and three other women in the kitchen while putting hoods over her husband and son's heads and taking them out into the

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<sup>112</sup> The two women's disappearance was also documented by Amnesty International, which describes the case in a January 2002 report. The only difference between the two accounts is the date of detention, which the Amnesty International report gives as November 9 rather than November 7. Amnesty International, *Russian Federation: Failure to protect or punish: human rights violations and impunity in Chechnya*, January 2002.

<sup>113</sup> Human Rights Watch interview with Mariam Kadyrova, Ingushetia, December 12, 2001.

<sup>114</sup> A description of the case in a November 2001 Council of Europe report on Chechnya states that the lack of evidence that military vehicles were involved suggests that the two women were detained by rebels. As the case follows a clear pattern of forced disappearances in which the perpetrators were clearly federal forces, it is unclear why it is suggested that the lack of further information about the vehicles suggests Chechen involvement. See: Council of Europe, *Fifteenth interim report by the Secretary General on the presence of the Council of Europe's experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic* [SG/Inf(2001)41], December 12, 2001, paragraph 28.

<sup>115</sup> Human Rights Watch interview with Mariam Kadyrova, Ingushetia, December 12, 2001.

<sup>116</sup> Human Rights Watch interview with Liliya Saidaeva, Nazran, Ingushetia, December 21, 2001.

<sup>117</sup> Human Rights Watch has a copy of a letter signed by the bailiff's office of the Chechen republic confirming he hired B.D. Saidaev on January 5, 2001 to work as a bailiff at the Shali district court.

courtyard. Later, Baimuradova learned the soldiers also beat her son and husband in the courtyard.<sup>118</sup> The men then searched the house and stripped it of valuables, taking a VCR, videocassettes, jewelry, and clothing. After throwing Baimuradova's son in the basement, the armed men left, taking her husband with them.<sup>119</sup>

Baimuradova and Saidaeva have been searching for their relatives ever since. Both women appealed to the military commander in Shali, local police officials, various procuracy offices, Vladimir Kalamanov's office, and others. Saidaeva told Human Rights Watch her son's employer had also made repeated inquiries. However, officials maintain neither of the relatives' names are on any detention records. The Shali district procuracy opened criminal investigations into both "disappearances."<sup>120</sup> Investigators questioned Saidaeva, Baimuradova, and relatives who had been at home on the night of July 14. But as of December 2001, these investigations had not produced any results and neither Saidaeva nor Baimuradova had any information whatsoever on their relatives' whereabouts and fate.

***Mairbek Alkhanov (detained at home in Serzhen-Yurt, June 24, 2001)***

Masked men in camouflage uniforms entered the Alkhanov family compound at 8:00 a.m. on June 24, 2001 and detained two brothers, Magomed Alkhanov (born 1964) and Mairbek Alkhanov (born 1978). Their mother, Khadizhat Alkhanova, witnessed their detention. She told Human Rights Watch that a masked man had first come into the courtyard, demanding to see everyone's documents.<sup>121</sup> Other men then entered the courtyard and began an extensive and destructive search of the property, lasting approximately forty minutes. Mairbek and Magomed Alkhanov were put into an APC and blindfolded. The APC, whose registration number had been obscured with mud, then drove away.

Later the same morning, Magomed Alkhanov had his blindfold removed, was fined ten rubles, and was then released on the outskirts of the village. Alkhanova later learned from another woman from the village that she had seen a prisoner being transferred in the afternoon from an APC into a UAZ with tinted windows. Since the two brothers were the only two villagers detained on June 24, and since Magomed had already been released, Khadizhat believes that the person put into the UAZ was her son Mairbek.

The day of Mairbek Alkhanov's detention, Alkhanova and Mairbek's wife walked to Shali to try and determine his whereabouts. Alkhanova was able to contact the Shali deputy military commander, Khavazh Ashkabov, who promised to look into the matter.<sup>122</sup> Since then relatives have written to the Shali district civilian procuracy and to the military procuracy, and contacted the temporary police department and petitioned Vladimir Kalamanov, all without success. As of July 5, 2001, Mairbek Alkhanov's whereabouts were unknown.

***Sharani Askharov and Abubakar Saidulaev (detained at home in Serzhen-Yurt, May 18, 2001)***

In the pre-dawn hours of May 18, 2001, soldiers detained nine men in Serzhen-Yurt. The body of one was found the next day; four were released, three of whom had been tortured. Three others remain "disappeared," including Sharani Askharov and Abubakar Saidulaev.

At around 4:00 a.m. on May 18, Larisa Askharova was sleeping at home on 106 Sheripova Street when she heard someone breaking down her front door.<sup>123</sup> As she got up, the door gave way and a group of armed men in masks and camouflage uniforms entered. The soldiers held Askharova against a wall with an automatic weapon pointed at her, grabbed her forty-six-year-old husband Sharani, hooded him, and took him outside. Askharova was not allowed to leave her house. The soldiers then went next door, where Askharov's brother Yunus lived, and detained him as well. From the same courtyard, the soldiers also detained Aslan Askharov, a nephew. Larisa

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<sup>118</sup> Baimuradova told Human Rights Watch she took her son to the hospital the next morning, where doctors confirmed damage to one of his kidneys and a broken rib. Baimuradova did not provide a copy of the medical examination report.

<sup>119</sup> Human Rights Watch interview with Birlant Baimuradova, Nazran, Ingushetia, December 12, 2001.

<sup>120</sup> A letter from investigator Aidemirov G.M. of the Shali region procuracy to Liliya Saidaeva, dated October 17, 2001, confirms an investigation was opened under case number 23175. A copy of the letter is on file with Human Rights Watch.

<sup>121</sup> Human Rights Watch interview with Khadizhat Alkhanova, Nazran, Ingushetia, July 5, 2001.

<sup>122</sup> Human Rights Watch interview with Khadizhat Alkhanova, Nazran, Ingushetia, July 5, 2001.

<sup>123</sup> Human Rights Watch interview with Larisa Askharova, Nazran, Ingushetia, February 9, 2002.

Askharova told Human Rights Watch Aslan Askharov was wounded when the soldiers detained him but did not specify when and how.

Later that night, on a different street, the soldiers detained thirty-five-year-old Abubakar Saidulaev and his younger brother, thirty-year-old Magomed. Abubakar's wife told their sister, Liza Saidulaeva, who lives nearby, that masked soldiers broke down the door and dragged Saidulaev from his bed where he was sleeping with his wife and children.<sup>124</sup> Before that, the soldiers had already pulled Magomed Saidulaev from his bed and taken him to an APC.

According to Askharova and Saidulaeva, the soldiers also detained four other men that night: a father and two sons from the "Israilov" family (not the family's real name) and "Dzhabrail Dzhabrailov" (not the man's real name). All detainees, most of them hooded, were loaded into APCs and driven away toward Shali.

Later the same day, villagers discovered five of the men who had been released, as well as the dead body of Aslan Askharov just outside the village. Yunus Askharov and Magomed Saidulaev were among them and had clearly been tortured. According to his sister, Magomed Saidulaev had injuries later diagnosed as "cranium cerebral trauma," concussion, damage to the backbone in two places, a displaced left kidney and broken ribs. "When I saw my brother, I didn't recognize him...", she said, adding that "my brother is still in a poor state of health. He can't stand up normally and he can't walk."<sup>125</sup> Larisa Askharova said her brother-in-law had several broken ribs, a concussion, and was missing three front teeth.<sup>126</sup> Liza Saidulaeva said Dzhabrail Dzhabrailov, who had been released, had also had teeth pulled out and was tortured with electric shock. His head was swollen from beatings.<sup>127</sup>

After his release, Magomed Saidulaev told his sister that he saw his brother Abubakar sitting inside an APC after he was forced to get in.<sup>128</sup> It was the last time he saw Abubakar, as he was hooded shortly after. Yunus Askharov told his brother's wife that although soldiers had pulled a T-shirt over his head, he noticed he was put in the same APC as his brother Sharani.<sup>129</sup> The soldiers hooded him as well shortly thereafter.

Both men told their relatives that the soldiers drove them around in the APCs for several hours, unloading them from time to time for interrogations and severe beatings. Magomed Saidulaev told his sister that he managed to see through a slit in the hood that the APC went first to a location between Novye Atagi and Shali with a helicopter landing area and then to a second location somewhere between Serzhen-Yurt and Shali where he and others were taken out and beaten. Finally, the men told their relatives, they were unloaded again and told to lie still in a field until the APCs had driven off. The younger Israilov son was released the following day.

Relatives immediately began to search for those who had not been released. The road to Shali was blocked until 12:00 noon on May 18, but as soon as they were allowed to pass, relatives went to the military commander in Shali but were unable to speak to him. The following day, the military commander denied any knowledge of the men's whereabouts and said his troops had not detained them. Intermediaries also approached the Askharov and Saidulaev families but no information came to light. Larisa Askharova filed complaints with numerous officials, including the Chechnya republic procurator, the military procurator at the Khankala military base, and Russia's procurator-general. The Saidulaev family eventually hired a lawyer to help bring criminal proceedings.

On October 15, 2001, the Shali district procuracy opened a criminal investigation into Sharani Askharov's "disappearance."<sup>130</sup> It was unclear whether this investigation also concerned Abubakar Saidulaev's

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<sup>124</sup> Human Rights Watch interview with Liza Saidulaeva, Nazran, Ingushetia, July 6, 2001.

<sup>125</sup> Ibid.

<sup>126</sup> Human Rights Watch interview with Larisa Askharova, Nazran, Ingushetia, February 9, 2002.

<sup>127</sup> Human Rights Watch interview with Liza Saidulaeva, Nazran, Ingushetia, July 6, 2001.

<sup>128</sup> Ibid.

<sup>129</sup> Human Rights Watch interview with Larisa Askharova, Nazran, Ingushetia, February 9, 2002.

<sup>130</sup> On October 29, 2001, the Shali region procuracy sent Larisa Askharova a letter informing her that the criminal investigation had been opened under number 23261. A copy of this letter is on file with Human Rights Watch.

“disappearance,” the torture and ill-treatment of the other men, and the killing of Aslan Askharov. As of February 2002, the investigation had produced no tangible results. Both Sharani Askharov and Abubakar Saidulaev remained “disappeared.”

### *Tsotsin-Yurt*<sup>131</sup>

The village of Tsotsin-Yurt, a center of oil production in Chechnya, was the scene of frequent operations by Russian security forces during 2001, including large-scale sweep operations in July, October, and December, which resulted in detentions and several “disappearances.”

#### *Alkhazur Saidtselimov (detained in Tsotsin-Yurt during a sweep operation, December 31, 2001)*

Alkhazur Saidtselimov was detained on December 31, 2001 in Tsotsin Yurt with B.B., a distant relative. Saidtselimov’s brother, Abuzar, learned from B.B., who was later released, that on 6:00 p.m. that day, the two men were walking towards B.B.’s house on Shkolnaia Street when they were detained.<sup>132</sup> Both men were reportedly taken to a car maintenance facility, which was used as a detention area for scores of men during the sweep. When B.B. was released on January 1, 2002, Saidtselimov was still in custody. On January 7, 2002 pieces of Alkhazur’s mutilated body were found in a wood on the outskirts of the village. After the body was buried, Saidtselimov’s relatives filed a case with the Kurchaloi district procuracy about the killing, but the authorities denied he was ever detained.

#### *Mukhadi Khamzatov and Aslanbek Dzhabaev (detained in Tsotsin-Yurt during a sweep operation, September 15-16, 2001).*

Twenty-two men and two women were detained during a September 15-16 sweep operation in Tsotsin-Yurt. Among them were Mukhadi Khamzatov (born 1971) and Aslanbek Dzhabaev (born 1980), who subsequently “disappeared.”

Mukhadi’s mother, Zulai Khamzatova, described how Russian security forces burst into their house at around 6:30 a.m. and told all the men to go outside, before searching the house.<sup>133</sup> Khamzatova said that the troops, who numbered around twenty, detained Mukhadi together with her two other sons, Musa (born 1973) and Israil (born 1977), and put them into a truck with bars on the windows.

A relative of Aslanbek Dzhabaev, “Nura Nuralieva” (not her real name), gave a similar account. She told Human Rights Watch that on September 15 at around 6:00 a.m. some sixty soldiers had arrived in the village in eight or so vehicles, including APCs, tanks, and Ural trucks, and began to search houses.<sup>134</sup> After entering the Jazaev household they checked Aslanbek Dzhabaev’s documents, and those of his father, and detained Aslanbek in the back of an Ural truck.

Two days later twenty-two of the twenty-four detained villagers were released, including Musa and Israil Khamzatov. Neither Mukhadi Khamzatov nor Aslanbek Dzhabaev was among them. Musa and Israil Khamzatov told their mother that the security forces had checked the villagers’ names by computer while they were in detention. Both men said they saw Mukhadi Khamzatov in custody on September 16, but neither saw him afterwards.

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<sup>131</sup> In early March 2002, in a letter addressed to the U.N. High Commissioner for Human Rights, the chair of the Parliamentary Assembly of the Council of Europe, and to the director of the Moscow office of Human Rights Watch the villagers of Tsotsin-Yurt stated that twenty-nine people from Tsotsin-Yurt had “disappeared” in the custody of Russian forces since the beginning of the armed conflict in 1999. A copy of the letter is on file with Human Rights Watch. Chechen rebels were present in the village during the December operation. For more information see the Memorial website: <http://www.memo.ru/eng/memhrc/index.shtml>. Accessed March 31, 2002.

<sup>132</sup> Human Rights Watch interview with Abuzar Saidtselimov, Nazran, Ingushetia, March 22, 2002.

<sup>133</sup> Human Rights Watch interview with Zulai Khamzatova, Nazran, Ingushetia, December 9, 2001.

<sup>134</sup> Human Rights Watch interview with Nura Nuralieva, Nazran, Ingushetia, December 9, 2001.

Once the other villagers had been released, both of the missing men's relatives began to search for them. Mukhadi Khamzatov's relatives made frequent visits to enquire about his fate, and made visits to a detention center in Shali and the Khankala military base without success. "Nura Nuralieva" said Aslanbek Dzhabaev's relatives had appealed to the local administration, the military commander's office, and the procuracy, and was reportedly told by a procuracy official to go to Khankala to appeal to Unit 102-202—a unit she believes was among the forces that carried out the operation. Mrs. Khamaztova described the emotional effect of her son's disappearance: "This is breaking my heart. I don't know whether I will live to see him again."<sup>135</sup>

***Vakhid Saidtselimov (detained in Tsotin-Yurt during sweep operation, May 7, 2001)***

Vakhid Saidtselimov (born 1982) was detained on May 7, 2001 during a sweep operation in Tsotsin-Yurt. According to his elder brother, Abuzar Saidtselimov, Russian security forces entered the village between 11:00 am and 12:00 noon and detained Saidtselimov in the courtyard of the family home, placed a shirt over his head, and led him into a nearby APC.<sup>136</sup> Four other men from the village were detained at the same time and were badly beaten before being released several hours later at a gas station on the outskirts of the village. The four men were blindfolded throughout their ordeal and were unable to tell whether Vakhid had been held together with them or separately. Security forces prevented inhabitants from leaving the village for the remainder of the day.

The following day, Abuzar Saidtselimov went to Kurchaloi to search for his brother, checking lists of prisoners to see if he could learn where he was being held, but was unable to find him.<sup>137</sup> He appealed to the Kurchaloi deputy commander, who denied that Vakhid Saidtselimov was in their custody and said he had no information about his whereabouts. Relatives also contacted procuracy officials in Shali and Grozny and the office of Vladimir Kalamonov, and visited the military base at Khankala. Despite these efforts family received no answers as to Saidtselimov's whereabouts.

***Khasin Vakhaev (detained on road from Tsotsin-Yurt to Kurchaloi, April 12, 2001)***

On April 12, 2001, Khasin Vakhaev (born 1976) was detained en route from Tsotsin-Yurt for Kurchaloi, the district center. At about 2:00 p.m., security forces near a checkpoint, who had two APCs, detained Vakhaev together with another young man, and put a t-shirt over his head. The second detainee was later released and then informed Vakhaev's family that he was in custody. Vakhaev's uncle, "Zelimkhan Z." (not the man's real name), told Human Rights Watch that he traveled to the checkpoint with Vakhaev's father and several female relatives to find out what had happened. At the checkpoint, the relatives were told Vakhaev had been taken to the Kurchaloi military commander's office, where the 33<sup>rd</sup> Brigade was reportedly based.<sup>138</sup> The military commander's office denied that Vakhaev was in their custody.

Vakhaev's older brother, Khusein, a police officer in Lenin district of Grozny, returned home as soon he heard of his brother's detention. When the family heard that Vakhaev might be at the military base in Khankala, Khusein Vakhaev began to make daily visits there. On April 18, Khusein Vakhaev failed to return, and the family learned from a neighbor four days later that his body had been found in a garage in the Mikroraion district of Grozny. The circumstances of his death are unknown.

Relatives continued to search for information. They petitioned Akhmad Kadyrov, the head of the Chechnya republic administration, the Kurchaloi district military procurator, civilian procuracy officials at the federation, Chechnya, and Kurchaloi level, and the office of Vladimir Kalamonov, as well as contacting several members of the Russian Duma.<sup>139</sup> The Argun district procuracy opened a criminal

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<sup>135</sup> Human Rights Watch interview with Zulai Khamzatova, Nazran, Ingushetia, December 9, 2001.

<sup>136</sup> Human Rights Watch interview with Abuzar Saidtselimov, Nazran, Ingushetia, July 13, 2001.

<sup>137</sup> Ibid.

<sup>138</sup> Human Rights Watch interview with Zelimkhan Z., Nazran, Ingushetia, July 12, 2001.

<sup>139</sup> A copy of a letter to the Russian president, several members of the Russian State Duma, the procuracies of Kurchaloi district, Chechnya, and the Russian Federation, and others is on file with Human Rights Watch.

investigation into Khasin's "disappearance" but, as of December 2001, the family had received no information about Khasin's fate or Khusein's death.<sup>140</sup>

### *Novye Atagi*

#### ***Said-Khusein Shaipov and Ruslan Musaev (detained on road between Novye Atagi and Chiri-Yurt, January 7, 2002, bodies discovered January 10, 2002)***

On January 7, 2002 at around 1:00 p.m., thirty-five-year-old Said-Khusein Shaipov and his forty-one-year-old neighbor, Ruslan Musaev, left their homes on Lenin Street in Novye Atagi to travel to Chiri-Yurt. Said-Magomed Shaipov, Said-Khusein's brother, told Human Rights Watch that in the early evening a rumor spread around Novye Atagi that Russian troops had detained two men from Novye Atagi near Chiri-Yurt.<sup>141</sup> The rumor held that one of the men was redheaded, which is somewhat uncommon in Chechnya. The men were apparently detained in relation to the death of several servicemen detailed to the local military commander's office earlier that day when their car drove over a mine.

When Said-Khusein Shaipov, who had red hair, and Ruslan Musaev did not come home that evening, relatives became concerned and traveled to Chiri-Yurt to seek information on their whereabouts. The relatives quickly learned that the men had not arrived at their destination and started contacting officials. The military commander of Chiri-Yurt told them his troops had not detained the two men. In Shali, the military commander's office confirmed that a day earlier two men had been detained, one of whom did not have a local *propiska* (residence permit). Said-Magomed Shaipov told Human Rights Watch that Ruslan Musaev was formally registered in the city of Penza and was visiting his mother in Novye Atagi. The military commander's office, however, would not provide the names of the detainees or any information on their current whereabouts. An official hinted that relatives should look in Chiri-Yurt for the two men.

On January 10, the Chiri-Yurt head of the administration informed the relatives that there were two bodies lying in the snow just outside the village's military commander's office—a location off-limits to civilians. With the help of the Chechen neighborhood inspector, the relatives were eventually able to visit the site and, in the presence of two soldiers, found two mutilated bodies. Both heads and several limbs were missing as the bodies had apparently been blown up. The relatives identified Shaipov and Musaev by their clothing.

On January 14, relatives of the two men filed a complaint with the Shali district procuracy.<sup>142</sup> As of February 8, when a Human Rights Watch researcher interviewed Said-Magomed Shaipov, the latter did not know whether the procuracy had opened a criminal investigation. Crucial evidence has already been lost, as the police official present when the bodies were found failed to order a forensic examination before burial.

#### ***Magomed Dokuev (detained at home in Novye Atagi, February 14, 2001)***

Magomed Dokuev (born 1977) "disappeared" after he and his father were detained at their home in Novye Atagi on February 14, 2001. Dokuev's wife, who witnessed the detention, told his mother, Zina Dokueva, that masked men arrived at the house at 6:00 a.m. in three APCs and several other vehicles.<sup>143</sup> The leader of the masked men asked specifically for Magomed Dokuev before taking him into custody together with Vakhid Dokuev, his fifty-five-year old father. The men searched the house and took some jewelry but did not check documents.

Vakhid Dokuev was released the following day. He told his wife that he had heard his son, Magomed, being beaten and questioned about his links to Chechen rebels. He said that he himself had been blindfolded and tied up

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<sup>140</sup> In a letter dated August 24, 2001, the procuracy of Chechnya advised the family that a criminal investigation into the "disappearance" had been opened under case number 39043. A copy of this letter is on file with Human Rights Watch.

<sup>141</sup> Human Rights Watch interview with Said-Magomed Shaipov, Nazran, Ingushetia, February 8, 2002.

<sup>142</sup> A copy of the letter is on file with Human Rights Watch.

<sup>143</sup> Human Rights Watch interview with Zina Dokueva, Nazran, Ingushetia, July 5, 2001.

and then severely beaten in the chest, arms, and legs. When Human Rights Watch spoke to Zina Dokueva five months later, she said that he was still suffering pain in one of his arms and one of his legs.

Following her husband's release, Dokueva and other relatives began to search for Magomed. Dokueva told Human Rights Watch that the Novye Atagi head of administration accompanied her to Shali, where she gave a statement to the military commander's office.<sup>144</sup> Officials there told her they did not know where her son was. Relatives spoke to a lawyer in Shali and petitioned the office of Vladimir Kalamanov. Relatives also petitioned the procuracy officials in Shali, which opened an investigation. Dokueva explained that despite the family's efforts, "we have no information" about Magomed's whereabouts.<sup>145</sup>

### *Alleroi*

#### ***Magomed Emi Alsultanov and Khas-Magomed Esuev (detained in Alleroi during sweep operation, August 17 and 20, 2001)***

After Russian forces began a ten-day sweep operation on August 16, 2001 in the village of Alleroi in eastern Chechnya, active fighting broke out between federal forces and Chechen rebel forces. According to Memorial, federal troops committed serious abuses: they fired indiscriminately, killing at least one non-combatant; they tortured some of the dozens of men and several women they had detained, using electric shock and beatings; they beat one man to death; and they willfully destroyed civilian property and torched several houses. Memorial also reported the deaths of six rebel fighters.<sup>146</sup>

On August 17, troops repeatedly came to the house of the Kilsa Yunusova on Kavkazskaia Street and checked her documents and those of her husband and five of their children without incident.<sup>147</sup> At around 4:00 p.m. that day, soldiers once again entered Kavkazskaia Street and detained five men, including Yunusova's twenty-two-year-old son, Magomed-Emi Alsultanov, at a neighbor's house.

According to Yunusova, the soldiers took the five men to a military base near a large hill outside Tsentoroi where they put them in a pit with other detainees from Alleroi. After their release, the four men who were detained with Alsultanov told Yunusova that some time later soldiers took Alsultanov and several other men out of the pit. At the time, the men thought Alsultanov was about to be released.

The soldiers, however, took Alsultanov and the other men to the military commander's office in Kurchaloi.<sup>148</sup> Yunusova later spoke to two men who had been detained in the Kurchaloi military commander's office with her son. They told her that the soldiers had forced the detainees, among whom were Magomed-Emi Alsultanov and a distant relative, to stand in a corridor for hours. At approximately 2:00 a.m., the soldiers separated the two men from Alsultanov and his relative, after which all trace of Magomed-Emi Alsultanov and his distant relative is lost.

Kilsa Yunusova has since tried to find her son, but officials deny ever having detained him. Officials at the military base near Tsentoroi told Yunusova that her son was not at the base but was taken to Kurchaloi, and officials at the military commander's office in Kurchaloi deny Magomed-Emi Alsultanov was ever held there. According to Yunusova, the procuracy opened a criminal investigation into the kidnapping of Alsultanov on November 19, 2001.

On August 20, soldiers came to the house of Khas-Magomed Esuev on Pushkin Street during an internal passport check. They detained thirty-two-year-old Esuev and several other neighborhood men. Petimat Taramova, Esuev's sister, later learned from the other men, who were released, that her brother was initially held together

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<sup>144</sup> Human Rights Watch interview with Zina Dokueva, Nazran, Ingushetia, July 5, 2001.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> The Yunusovs have seven children, but two of their sons "disappeared" after federal forces detained them in September 2000 in a forest near Alleroi.

<sup>148</sup> In total, according to Memorial, fifty-two detainees from Alleroi were taken to a detention center in Kurchaloi.

with them but that when the soldiers took those men to the military base outside Tsenteroi, Esuev was taken elsewhere.<sup>149</sup> His wife and three small children have not received any information on his whereabouts since.

In a letter to Human Rights Watch dated December 17, 2001, Elizaveta Baimutgireeva, Esuev's wife, wrote that she has appealed to numerous officials, including the military commander of the Kurchaloi district, the procurator in Kurchaloi, and an unspecified military procurator.<sup>150</sup> However, she has not received any information on the whereabouts of her husband in response.

***Tadzhi Talkhadov (detained in Alleroi during a sweep operation, January 21, 2001)***

From January 21 to 23, federal troops conducted a sweep operation in Alleroi. Early in the morning of January 21, troops in APCs entered the village and closed all ways in and out. The troops then started conducting document checks throughout the village.

At around lunchtime, Zulai Edilova walked to the home of her elderly parents. When she arrived, she noticed APCs and soldiers standing close to the house. Her seventy-two-year-old father, Taji Talkhadov, was standing in the courtyard, wondering aloud why the soldiers had not checked his and his wife's documents.<sup>151</sup> At approximately 3:00 p.m., the village Imam called the residents to prayer and Talkhadov went inside the house. He had just started to pray when, according to Edilova, an APC drove up to their gate and about twenty soldiers in masks ran through the courtyard into the house. Two large soldiers went into Talkhadov's room and brought him outside. When Edilova's mother walked up to see what was happening, one of the soldiers hit her in the shoulder with his rifle butt. The soldiers quickly loaded Talkhadov onto the APC and drove away.

Talkhadov's relatives immediately ran after the APC. They were stopped at the edge of the village by soldiers who claimed no APC had passed by them. The next day, large numbers of villagers went out to protest the detention of the elderly Talkhadov, but soldiers stopped them at the edge of the village. The next day, after the sweep operation had ended, villagers walked to the military base located on a hill between Alleroi and Tsenteroi. They stood at the entry point to the base and demanded an explanation from the soldiers. After some time, a high-ranking military official came to see the villagers and promised Talkhadov would be released shortly. This, however, did not happen. Nor did it happen on January 24, despite renewed promises by the soldiers. On January 25, a high-ranking military official told the crowd that Talkhadov had been transferred to the military base at Khankala.

For the next six weeks, Talkhadov's relatives sought his release through Akhmed Kadyrov, the head of the Chechnya republic administration. Kadyrov, who is from the neighboring village of Tsenteroi, repeatedly promised that Talkhadov was about to be released, but after six weeks told relatives that he could do no more for them and advised them to take the issue to court.

In early February 2001, Talkhadov's relatives filed complaints with the Chechnya republic procuracy and the military commander of the Kurchaloi district, and hired a lawyer to follow up and file further complaints. Relatives also pursued an informal search effort but to no avail. As of December 2001, they still had no information on the whereabouts and fate of Tadzhi Talkhadov.

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<sup>149</sup> Human Rights Watch interview with Petimat Taramova, Nazran, Ingushetia, December 18, 2001.

<sup>150</sup> On file with Human Rights Watch.

<sup>151</sup> Human Rights Watch interview with Zulai Edilova, Nazran, Ingushetia, December 18, 2001.

***Aslanbek Khamidov (detained in Alleroi during sweep operation, October 25, 2000)***

On October 25, 2000, thirty-five-year-old Aslanbek Khamidov was recovering at his home from shrapnel injuries when federal troops conducted a sweep operation in Alleroi.<sup>152</sup> According to Malika Turlueva, Khamidov's wife, soldiers entered their house on 11 Tolstoi Street at around 10:00 a.m. and ordered all men to undress to the waist.<sup>153</sup> When they saw Khamidov's fresh scars, the soldiers immediately detained him. They dismissed Turlueva's protests that she had medical documentation on her husband's condition, saying that anyone can obtain such documents.

That same day, federal troops detained another nine men from Alleroi. These men told Turlueva that the soldiers took all ten of them to the military base on a hill outside Tsenteroi but that they did not know what happened to Khamidov as they were all hooded after they were detained. Five of the men were released that same night. Three men spent one night in a pit at the base, were transferred to the military base at Khankala the next day, and released a week later. One man was apparently flown to Khankala military base on October 25 and also released about a week later.

Turlueva immediately appealed for help to Akhmad Kadyrov, the head of the Chechnya republic administration, who was also a resident of neighboring Tsenteroi. She told Human Rights Watch she met with him several times but he told her he could not help. Turlueva also repeatedly wrote complaints to the Chechnya republic procuracy, the Shali military procuracy, the military commander of the Kurchaloi district, and other officials. In response, Turlueva received five letters from the Chechnya republic procuracy informing her that her complaints, and those of others on her behalf, were forwarded to the Argun district for investigation.<sup>154</sup> As of December 2001, that procuracy had sent Turlueva no information on progress made in the investigation.

***Shali***

***Saidmagomed Mutsukaev (detained at home in Shali, September 9, 2001)***

Saidmagomed Mutsukaev, a farm worker, was detained at his home in Shali in the early hours of September 9, 2001. According to his mother, Zura Mutsukaeva, who witnessed the raid, as many as thirty masked men in uniform armed with automatic weapons burst into the family home at 1:30 a.m.<sup>155</sup> The men, who spoke Russian, demanded to see everyone's internal passports and began to search the house. They woke Saidmagomed Mutsukaev, took him from his bed and led him into the courtyard, where he was forced to kneel while one of the masked men checked his passport. Mutsukaeva then saw the person checking the passports take them to a white Volga vehicle parked outside the house and show them to the occupants inside. Mutsukaev's passport was retained and the others were thrown onto the staircase. The men allowed Mutsukaev to put on a sweater and shoes before being taken away in one of several *Tabletka* cars.

Later that morning, relatives went to the local police to find out whether Mutsukaev had been brought there. Officers confirmed that he was in custody, and accepted food parcels for him from relatives on September 9 and 10. An unnamed man from the village who was detained at the police station on September 9 confirmed that Mutsukaev had been held in the station in an adjacent cell (which he described as the fifth cell). Relatives also spoke to persons detained in the fifth cell on the night of September 11 who said that at 11:00 p.m. masked men had taken Mutsukaev out of the cell. He has not been seen since.

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<sup>152</sup> On September 22, 2000, Aslanbek Khamidov went to get a beam for a shed at an abandoned farm near Alleroi when an explosive device exploded and shrapnel hit him in the shoulder. Khamidov spent two weeks in a local hospital where doctors removed a piece of shrapnel from his shoulder. Discharge papers from the Kurchaloi district hospital confirm that Aslanbek Khamidov was hospitalized from September 22 to October 2, 2000, and that a piece of shrapnel was removed from his left shoulder in a surgical procedure.

<sup>153</sup> Human Rights Watch interview with Malika Turlueva, Nazran, Ingushetia, December 18, 2001.

<sup>154</sup> Copies of these letters are on file with Human Rights Watch.

<sup>155</sup> Human Rights Watch interview with Zura Mutsukaeva, Nazran, Ingushetia, December 12, 2001.

The police in Shali told Zura Mutsukaeva that Saidmagomed was released without charge at 11:00 p.m. on September 11. Relatives have searched for him extensively, petitioning the head of the local administration in Shali and the military commander's office and visiting the Khankala military base. Mutsukaeva also contacted procuracy officials, and wrote to Vladimir Kalamanov. According to Mutsukaeva, criminal proceeding have since been commenced against the head of the Shali temporary police precinct of the criminal investigation division and his deputy, but both individuals have already been transferred back to their home areas.<sup>156</sup> Her son's whereabouts remain unknown.

### *Mesker-Yurt*

#### *Im-Ali Saidakhmetov (detained at home in Mesker-Yurt, July 17, 2001)*

On July 17, 2001, at around 9:00 a.m., eight APCs and a military truck drove up to the Saidakhmetov family compound on Lenin Street in Mesker-Yurt. A large number of armed soldiers in masks entered the courtyard. Without showing identification, they entered the house where Im-Ali Saidakhmetov was still sleeping and took him from his bed. At the time, Lom-Ali Saidakhmetov, Im-Ali's father, was in the kitchen, located in a separate building. He told Human Rights Watch the soldiers came in and took him into the room where he saw his son standing against the wall with his hands over his head.<sup>157</sup> Saidakhmetov heard one of the soldiers, who all spoke unaccented Russian, tell another that Im-Ali was the one they were looking for. The soldiers then locked Lom-Ali Saidakhmetov, his wife and daughters in a room and dragged Im-Ali Saidakhmetov to an APC. For the next two and a half hours, the soldiers searched the courtyard and its three houses with dogs and mine detectors. After the search, the soldiers let Lom-Ali Saidakhmetov and the women out of the room and left. As they were leaving, Saidakhmetov asked the soldiers whom he should see about the detention of his son. The soldiers recommended he speak to the Shali district military commander.

That same day, Saidakhmetov unsuccessfully tried to see the military commander. The next day, the deputy commander informed Saidakhmetov that a criminal case had been opened against his son a month earlier, and that Im-Ali Saidakhmetov had been taken to the Khankala military base. Officials at the military base denied that he was being held there. His father also searched for him at the local police station and in a detention center in Shali, without success.

After some time, Saidakhmetov found a man, himself a former detainee, who said he saw Im-Ali Saidakhmetov in a pit at a military base between Serzhen-Yurt and Shali on July 20, 2001. DON-2 Ministry of Internal Affairs troops are reportedly located at that base.<sup>158</sup> The man told Saidakhmetov he had spoken to Im-Ali, and that soldiers had tortured Im-Ali with electric shock, trying to force him to confess to two murders. Having learned his son's place of detention, Saidakhmetov approached the commander of the DON-2 troops, who acknowledged holding Im-Ali, said he was in fine condition, and would be released. However, several months later, Im-Ali Saidakhmetov had still not been released.

Saidakhmetov also approached various procuracies and Vladimir Kalamanov's office. None of these institutions was able to find a trace of Im-Ali Saidakhmetov in any of the official detention records. On August 24, 2001, the Shali district procuracy informed Saidakhmetov that it had opened a criminal investigation.<sup>159</sup> Following that letter, Saidakhmetov did not receive any information on progress made in the investigation. As of December 2001, Im-Ali Saidakhmetov remained "disappeared."

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<sup>156</sup> The Shali procuracy informed the family in a letter dated October 4, 2001, that a criminal investigation into Mutsukaev's "disappearance" had been opened under case number 23240. A copy of the letter is on file with Human Rights Watch.

<sup>157</sup> Human Rights Watch interview with Lom-Ali Saidakhmetov, Nazran, Ingushetia, December 12, 2001.

<sup>158</sup> DON stands for *Divisia Osobogo Naznaeveniia* (Special Task Division). DON-2 is notorious for abuses during sweep operations. For information on looting perpetrated by DON-2 in Avtury, see Politkovskaia, "Armored Filth."

<sup>159</sup> A copy of the letter is on file with Human Rights Watch.

## *Avtury*

### ***Umar Bekaev, “Emin Eminov,” and “Elshan Eminov” (detained at home in Avtury, June 7, 2001)***

On June 7, 2001 at around 2:00 a.m., a group of armed and masked men in camouflage entered the home of the Bekaev family on Shalinskaia Street in Avtury. The men first walked into the room where the women were sleeping. Fifty-four-year-old Banata Bekaeva told Human Rights Watch the men immediately threatened to kill her and her daughter if she screamed or tried to get up.<sup>160</sup> The men then entered the room where sixty-year-old Umar Bekaev, Banata’s husband, was sleeping. They put a hood over his head and tied his hands behind his back. The armed men led Bekaev out of the house and told him to say goodbye to his wife and daughter as they would “not see each other again.” After conducting a search of the house, during which Bekaeva and her daughter were locked in the basement, the men left with Bekaev. That same night, the men detained four other men from Avtury. Two of these men, sixty-year-old “Emin Eminov” (not his real name) and his twenty-one-year-old son “Elshan,” “disappeared.”

Four days later, some local women were working in a field not far from Avtury and came across two of the men who were detained June 7. Soldiers had apparently dumped the men there a little earlier. The women told Bekaeva that the two men, who are brothers, were naked and that they had marks of severe beating; one had a black eye and broken arm. Bekaeva did not learn anything about the fate of her husband or the two “disappeared” men; the released brothers were too frightened to talk to Bekaeva and left Chechnya shortly thereafter for an unknown destination.

On June 7, 2001, Bekaeva approached the local military commander who said his troops had not detained her husband. She filed complaints with the civilian procuracy offices in Shali and Grozny, the military procuracy in Shali, and with Vladimir Kalamenov’s office that same day. Later, she also sent complaints to the Chechnya republic procuracy and the Procuracy General.

On August 12, 2001, the Shali district procuracy informed Bekaeva that it had opened a criminal investigation into her husband’s “disappearance.” However, there was no indication that the procuracy was actually conducting an investigation. As of December 2001, investigators had yet to question Bekaeva and her daughter, and the procuracy had not provided Bekaeva with any information on progress made in the investigation. As of December 2001, Emin and Alshan Eminov also remained “disappeared.”

### **“Disappearances” From Argun District<sup>161</sup>**

#### ***Vakhid Daudov, Zaur Khizriev, Suliman Nushaev, Sharpuddin Madaev, and Yakub Dzhabrailov (detained during a sweep operation in Argun, December 15, 2001)***

Following a rebel attack on a Russian military convoy, Russian troops entered Argun on December 11. Eight eyewitnesses, interviewed separately, told Human Rights Watch the soldiers detained large numbers of men—some estimated as many as 150—and looted house after house.<sup>162</sup> According to eyewitnesses, the soldiers took away food and sweets many residents had prepared in advance a major three-day Muslim holiday marking the end of Ramadan, which began that year on December 15. At least five men, and possibly as many as seven, “disappeared” during the sweep operation.

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<sup>160</sup> Human Rights Watch interview with Banata Bekaeva, Nazran, Ingushetia, December 18, 2001.

<sup>161</sup> The heavily contested town of Argun has experienced sustained activity by rebel fighters and frequent sweep operations by Russian security forces.

<sup>162</sup> Human Rights Watch interview with Zarina Naibarkhanova, Satsita refugee camp, Sleptsovsk, December 18, 2001; Human Rights Watch interview with “Malika M.” and “Aina A.” (not their real names), Nazran, Ingushetia, December 17, 2001; Human Rights Watch interview with Markha Dzhabrailova, Nazran, Ingushetia, December 21, 2001; Human Rights Watch interview with “Fatima F.” (not her real name), Nazran, Ingushetia, December 20, 2001; Human Rights Watch interview with Zabuirai Khizriev, Moscow, March 14, 2002; Human Rights Watch interview with Tamara Taisumova, Nazran, Ingushetia, March 18, 2002; Human Rights Watch interview with Khava Madaeva, Nazran, Ingushetia, March 19, 2002; and Human Rights Watch interview with Zargan Nushaeva, Nazran, Ingushetia, March 18, 2002.

On December 15 at around midday, Vakhid Daudov, the head of security for the Grozny airport, and his wife and two young children were stopped in their car in the center of town by FSB forces, who said he could not proceed, as the road was blocked off. While Daudov was turning around the car, a Mitsubishi Pajero, armed forces in an Ural truck drove up and asked Daudov to show his documents.<sup>163</sup> Daudov refused, telling the soldiers he had just been checked by the soldiers at the checkpoint. Daudov's wife was then told to get out of their car, and three soldiers got in. Vakhid Daudov then drove off under escort towards Grozny. He has not been seen since. Relatives contacted the military commander's office in Argun and wrote the procuracy officials, but the searches failed to provide any information as to his whereabouts.<sup>164</sup> As of mid-March 2002, Daudov remains "disappeared."<sup>165</sup>

Human Rights Watch also interviewed relatives of four other men who were detained during the sweep operation and subsequently "disappeared." Russian forces detained twenty-one-year-old Zaur Khizriev, eighteen-year-old Suliman Nushaev, Sharpuddin Madaev (born 1965), and Yakub Dzhabrailov (born 1981) at their respective homes on December 15. Relatives told Human Rights Watch of their unsuccessful attempts to learn about the whereabouts and fate of their relatives from Russian officials.<sup>166</sup>

### ***Tamerlan Chalaev (detained at home in Argun, October 12, 2001)***

Tamerlan Chalaev was detained at his home in Argun on the morning of October 12, 2001. According to a relative, at 7:30 a.m. armed men in camouflage uniforms arrived at the family residence in two APCs.<sup>167</sup> They appeared to be looking specifically for Chalaev, took him from his bed, handcuffed him in front of his wife and children, and led him away. His passport was left untouched. The APCs left in the direction of Khankala and Grozny.

Following his detention, Chalaev's family began to search for him. They petitioned the local administration and the military commander's office in Argun, who advised them to look at the military base in Khankala.<sup>168</sup> Relatives visited Khankala but were told that Chalaev was not being held at the base. A criminal investigation was opened by the Argun procuracy, but nothing has yet come to light. Tamerlan Chalaev's whereabouts remain unknown.

Chalaev's disappearance was not an isolated incident. Two other Argun residents were reportedly detained and "disappeared" around the same time, on October 9, 2001 and October 13, respectively.<sup>169</sup> Neither man has been seen since.

### ***Magomed Dikiev (detained at home in Argun, April 10, 2001)***

At approximately 5:40 a.m. on April 10, about fifteen armed men in masks burst into the home of the Dikiev family on Lenin Street in Argun. Having lifted fifty-seven-year-old Magomed Dikiev off his bed and onto the floor, the men conducted a search of the house, taking valuables in the process. A relative, who requested anonymity, told Human Rights Watch the masked men appeared to have come specifically for Dikiev.<sup>170</sup> She overheard one of the men asking another, in unaccented Russian, whether the detainee was indeed Dikiev. Following an affirmative answer, the man hooded Dikiev and drove him away toward the Khankala military base. A month earlier, Magomed Dikiev's son Said-Magomed had "disappeared" after Russian forces detained him during a sweep operation (see above).

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<sup>163</sup> Human Rights Watch interview with Zura Mashtygova Nazran, Ingushetia, December 21, 2001.

<sup>164</sup> A copy of a letter dated December 17, 2001 to the procuracy in Argun is on file with Human Rights Watch.

<sup>165</sup> On February 11, 2002, Birlant Sadulaeva sent Human Rights Watch a fax confirming her husband was still missing and asking for help in her search.

<sup>166</sup> Human Rights Watch interviews, Nazran, Ingushetia, March 19, March 18, 2002.

<sup>167</sup> Human Rights Watch interview, Nazran, Ingushetia, December 20, 2001. The interviewee wishes to remain anonymous.

<sup>168</sup> Ibid.

<sup>169</sup> Human Rights Watch has not interviewed relatives of these men or witnesses to their detention and therefore cannot verify the circumstances of their "disappearance."

<sup>170</sup> Human Rights Watch interview with "Khamsat Vitaeva" (not her real name), Nazran, Ingushetia, December 21, 2001.

Dikiev's relatives have since unsuccessfully searched for Magomed, filing complaints with the civilian and military procuracies and Vladimir Kalamenov's office.<sup>171</sup> According to the relative, the Argun procuracy opened a criminal investigation into the "disappearance" but, as of December 2001, the whereabouts and fate of Magomed Dikiev remained unknown.

***Shamil Akhmadov, Said-Magomed Dikiev, Ali Labazanov, Ali Eldiev, Ruslan Mezhidov, Ruslan Viskhadzhiev, Abdul-Vakhab Yashurkaev, Muslim Batsiev (detained in Argun during sweep operation, March 11-14, 2001; the bodies of Batsiev and Khutiev discovered on March 19, 2001, the body of Abdul-Vakhab Yashurkaev on March 1, 2002)***

Between March 10 and 14, 2001, Russian forces conducted a major sweep operation in Argun, detaining as many as 170 people. The majority were released, but at least eleven of the detainees "disappeared." The corpses of four of the men were discovered a week later on the perimeter of the Khankala military base. One more corpse was found on March 1, 2002.

Human Rights Watch interviewed relatives of four of the "disappeared" men:

- Said-Magomed Dikiev was detained on March 11. According to a relative, who asked to remain anonymous, soldiers burst into Dikiev's apartment on Gagarin Street at around 8:30 a.m., took him from his bed, and drove him away in an APC.<sup>172</sup>
- Abdul-Vakhab Yashurkaev was also detained at about 11:00 a.m. on March 11. According to his wife, Zalpa Yashurkaeva, it was the fourth time in eleven days that security forces had come to her home. Russian forces had burst into the family home at 3:00 a.m. on March 3, 2001, demanding to know where the men of the house were.<sup>173</sup> On March 4, forces Yashurkaeva believes belong to military intelligence service (GRU) entered her house at 2:00 a.m., but left after fifteen minutes. The house was raided again on March 8, and on that occasion, Abdul-Vakhab Yashurkaev, who had fought in the first war in Chechnya, was badly beaten but not detained.
- Muslim Batsiev was detained on March 12 at around 5:00 a.m. at the home of his mother, Mariet Batsieva. She told Human Rights Watch that soldiers demanded to see the passports of her son and her visiting brother, Salamu Artsukhaev (born 1964) and then put both men into the back of a truck before driving away.<sup>174</sup> Mariet went with other villagers to the military commander's office that afternoon and was able to confirm that her brother was in detention there, but could not obtain information as to the whereabouts of her son. Salamu Artsukhaev was released two days later, but was unable to shed any light on Batsiev's fate, since he had been hooded during his detention.<sup>175</sup>
- Soldiers detained twenty-five-year-old Shamil Akhmadov, father of five small children, on March 12. According to his mother, Tamusa Akhmadova, he walked out onto the street at around 4:00 p.m. that day in slippers.<sup>176</sup> Shortly afterwards, a military convoy drove by and stopped him, and she saw soldiers throw her son into an APC. She told Human Rights Watch she ran out of her courtyard on Novaia Street to intervene, but the convoy drove away. Akhmadova tried to make out the APC's numbers but they had been smeared with mud. She filed a complaint with the military commander's office that same day. Several soldiers told her Akhmadov was at the office but the military commander later denied he had ever been held there.

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<sup>171</sup> Copies of several complaints are on file with Human Rights Watch.

<sup>172</sup> Human Rights Watch interview with Khamsat Vitaeva, Nazran, Ingushetia, December 21, 2001.

<sup>173</sup> Human Rights Watch interview with Zalpa Yashurkaeva, Nazran, Ingushetia, July 14, 2001. Her son, Rustam (born 1971), had already gone missing in November 1999 in unknown circumstances.

<sup>174</sup> Human Rights Watch interview with Mariet Batsieva, Nazran, Ingushetia, July 8, 2001.

<sup>175</sup> Another son, Ruslam (born in 1980), had been killed in late March, 2001, possibly in combat.

<sup>176</sup> Human Rights Watch interview with Tamusa Akhmadova, Nazran, Ingushetia, December 21, 2001.

After the release of the majority of the villagers, around March 17,<sup>177</sup> relatives of the eleven who remained missing began to search for them. Zalpa Yashurkaeva said that she had contacted officials from the military procuracy in Khankala and Shali, the Chechnya republic procuracy and the Argun civilian procuracy and registered a complaint with the office of Vladimir Kalamenov.<sup>178</sup> Relatives of Said-Magomed Dikiev filed repeated complaints with officials but to no avail.<sup>179</sup> Tamusa Akhmadova contacted the Chechnya republic administration, the civilian and military procuracies but to no avail.<sup>180</sup>

On March 22, 2001, Mariet Batsieva was shown photographs taken by villagers from Prigorodnoe during the burial of four bodies in the village and confirmed that one of the naked bodies was that of her son. Each of the bodies had bullet wounds to the head and back. Prigorodnoe had already been used on March 10, 2001 as an impromptu reburial site by the Ministry of Emergency Situations for thirty-four unidentified bodies of the fifty-one discovered in a mass grave one kilometer from the Khankala military base.<sup>181</sup> The other three bodies were identified as: Aiub Gairbekov, Abdul-Malik Tavzarkhanov, and Ismail Khutiev, all detained during the March 11-14, 2001 sweep operation.<sup>182</sup>

An investigation by Memorial revealed a striking similarity to the earlier burial.<sup>183</sup> The bodies were reported discovered by a military patrol in an irrigation ditch outside Khankala on March 13. Official autopsies were carried out between March 14 and 16, before the bodies were brought to Prigorodnoe by officials from the Ministry of Emergency Situations on March 19. The civilian procurator for Chechnya opened a criminal investigation into the March sweep and its aftermath. In a letter dated May 28, 2001, the Argun civilian procuracy informed Akhmadova that it had transferred the case materials to the military procuracy at Khankala military base as the involvement of military servicemen in the “disappearances” had been established.<sup>184</sup> As of December 2001, the investigation had not yielded tangible results.

On March 1, 2002, Zalpa Yashurkaeva identified her husband’s remains among bodies found in a mass grave in Argun.<sup>185</sup>

## “Disappearances” From Vedeno District

### *Supian Adamov and Ruslan Adamov (detained at home in Selmentauzen, July 16, 2001)*

At approximately 11:30 p.m. on July 16, 2001, armed men in masks and camouflage uniforms burst into the Adamov home and took twenty-one-year-old Supian Adamov and his brother, eighteen-year-old Ruslan, into custody. Zumani Abdurakhmanova, their mother, told Human Rights Watch that upon entering the room where she and the other women were staying, the armed men shot at the floor close to them and then forced them to lie down on the ground.<sup>186</sup> The armed men took away the two brothers from the room where the men generally slept.

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<sup>177</sup> According to Memorial, the majority of the detainees were released soon after the arrival in Argun on March 17 of V. Chernov, the Chechnya republic procurator. See Memorial, “Four inhabitants of Argun are arrested during a ‘cleansing’ operation in the town and are later found dead,” March 2001, <http://www.memo.ru/eng/memhrc/texts/argun.shtml> (accessed March 2002).

<sup>178</sup> Human Rights Watch interview with Zalpa Yashurkaeva, Nazran, Ingushetia, July 14, 2001.

<sup>179</sup> Copies of several complaints are on file with Human Rights Watch.

<sup>180</sup> Human Rights Watch interview with Tamusa Akhmadova, Nazran, Ingushetia, December 21, 2001.

<sup>181</sup> See Human Rights Watch, “Burying the Evidence: The Botched Investigation into a Mass Grave in Chechnya,” *A Human Rights Watch Report*, vol. 13, no. 3 (D), May 2001.

<sup>182</sup> For more information on the detentions and the discovery of the bodies, see Memorial, “Four inhabitants of Argun are arrested during a cleansing operation in the town and are later found dead,” (March 2001) <http://www.memo.ru/eng/memhrc/texts/argun.shtml>; Memorial, “A second civilian burial site discovered near the military base at Khankala,” (undated.) <http://www.memo.ru/eng/memhrc/texts/khankala2.shtml>. Accessed March 2002.

<sup>183</sup> Memorial “A second civilian burial site discovered near the military base at Khankala,” (undated). <http://www.memo.ru/eng/memhrc/texts/khankala2.shtml>. Accessed March 2002.

<sup>184</sup> Copy of this letter on file with Human Rights Watch.

<sup>185</sup> See: <http://www.memo.ru/hr/hotpoints/northkavkaz.htm> (accessed March 7, 2002), report of March 7, 2002.

<sup>186</sup> Human Rights Watch interview with Zumani Abdurakhmanova, Nazran, Ingushetia, December 12, 2001.

Abdurakhmanova has been looking for information on the whereabouts of her sons ever since. At the military bases at Khatuni and Shali, officials told her that her sons were not there. The FSB in Shali denied holding Abdurakhmanova's sons, as did officials of the DON-2 interior troops based between Shali and Serzhen-Yurt. A man who had spent two months in custody at a detention center in Shali told Abdurakhmanova he had seen her son there. When shown a picture of her sons, a Chechen police officer from Shali also said he had seen them in detention but did not know their current whereabouts.

Abdurakhmanova also filed complaints with the Vedeno district procuracy and the procuracy of Chechnya. During a visit to the former, she learned that a criminal investigation had been opened. The Chechnya Republic procuracy merely forwarded the complaints to the Vedeno district procuracy.<sup>187</sup> When Human Rights Watch interviewed Abdurakhmanova in December 2001, she had no information on the whereabouts or fate of her sons, or on progress made in the criminal investigation.

***Sultan Indarbaev and Maisso Indarbaev (detained at home in Tsa Vedeno, May 14, 2001)***

Less than two weeks after the May 3 "disappearances," security forces in APCs entered the Indarbaev family courtyard in Tsa-Vedeno on May 14 at 3:30 a.m. and broke into the houses of Sultan Indarbaev (born 1944) and his cousin Maisso Indarbaev (born 1964). According to Sultan Indarbaev's wife, Zukhra Barzaeva, her husband was awakened by troops wearing camouflage uniforms, asked for his papers, and told to get dressed before being taken away.<sup>188</sup> When Barzaeva asked why her husband was being detained there was no response. Maisso Indarbaev's relatives told Barzaeva that he was detained in exactly the same way. Barzaeva contacted the military commander's office in Vedeno, and was told that the May 14 operation had been carried out by the 15<sup>th</sup> Shalinski Regiment, and that the regiment had traveled to Shali after the two men had been detained. Neither man has been heard from since and their relatives have no information as to their whereabouts.

***Razman Kukuev, Khanpash Kukuev and Isa Mikiev (detained in Tsa-Vedeno during a sweep operation, May 3, 2001)***

Early on the morning of May 3, 2001, a large contingent of Russian security forces surrounded the village of Tsa-Vedeno. According to a witness, ground troops arrived in APCs, UAZ jeeps, and Ural trucks, and paratroops came by helicopter.<sup>189</sup> At least four men from Tsa-Vedeno were detained during the operation. Three of them (forty-eight-year-old Razman Kukuev, thirty-five-year-old Khanpash Kukuev, and forty-eight-year-old Isa Mikiev) were never released. Villagers allege that security forces confiscated identity documents during the operation and stole property, including appliances and clothing.

According to their wives, Razman and Khanpash Kukuev had earlier joined a Russian-organized home guard in nearby Vedeno in exchange for the promise of a monthly income.<sup>190</sup> At the time of their "disappearance," Razman Kukuev had left the guard on medical grounds but Khanpash Kukuev remained a member. Isa Mikiev was detained at the same time, together with his sixteen-year-old son, Khalid.<sup>191</sup> According to his mother, Khalid Mikiev returned two days later, badly beaten with his documents confiscated, but the whereabouts of his father and the two other men remains unknown.

Relatives of the men began searching as soon as they were permitted to leave the village on May 4. Razman Kukuev's wife, Miriam Atabaeva, told Human Rights Watch that she went to the military commander's office in nearby Vedeno on three consecutive days before the military commander, a colonel whose name she does not know, finally agreed to see her.<sup>192</sup> According to Atabaeva, the military commander told her that he knew the

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<sup>187</sup> Copies of two letters from the procuracy of Chechnya to the Vedeno region procuracy are on file with Human Rights Watch.

<sup>188</sup> Human Rights Watch interview with Zukhra Barzaeva, Nazran, Ingushetia, July 4, 2001.

<sup>189</sup> Human Rights Watch interview with Mariam Atabaeva, Nazran, Ingushetia, July 4, 2001.

<sup>190</sup> Human Rights Watch interviews with Mariam Atabaeva and Oksana Kukueva, Nazran, Ingushetia, July 4, 2001.

<sup>191</sup> Human Rights Watch interview with Liuba Nimchaeva, Nazran, Ingushetia, July 4, 2001.

<sup>192</sup> Human Rights Watch interview with Mariam Atabaeva, Nazran, Ingushetia, July 4, 2001. Atabaeva named the deputy military commander in Vedeno as a Chechen called Raibek Tovzaev. Tovzaev was killed in August 2001. See Patrick Tyler, "Key Chechen Who Backed the Russians Dies in Battle," *New York Times*, August 20, 2001.

whereabouts of her husband and the other men from the village but refused to tell her. She claims the military commander later changed his story, indicating that a search was in fact underway, and after a month said he did not actually know the detainees' whereabouts. Atabaeva then visited detention facilities in Khankala and Shali and appealed to procuracy officials to try and learn her husband's fate.

Osaka Kukueva, the wife of Khanpash Kukuev, gave Human Rights Watch a similar account of visiting the military commander's office in Vedeno, going to Khankala, and petitioning the procuracy, adding that she had spoken to a representative of military commander Gen. Babichev in Khankala and written to Vladimir Kalamonov in order to learn her husband's whereabouts.<sup>193</sup> Isa Mikiev's wife, Liuba Nimcheva, accompanied Miriam Atabaeva to Vedeno and Khankala.<sup>194</sup> Despite their searches, none of the women know whether their husbands are dead or alive.

## THE RESPONSE OF STATE AUTHORITIES

*It is axiomatic that one of the most effective means of preventing ill-treatment of persons deprived of their liberty lies in the diligent examination by the relevant authorities of all complaints of such treatment brought before them and, where appropriate, the imposition of a suitable penalty. This will have a very strong deterrent effect. Conversely, if the relevant authorities do not take effective action upon complaints referred to them, those minded to ill-treat persons deprived of their liberty will quickly come to believe they can act with impunity<sup>195</sup>*

Russian authorities have acknowledged that many people in Chechnya are "missing," but they do not directly acknowledge the crisis of forced disappearances. Echoing sentiment commonly expressed by high-level Russian officials, Viacheslav Chernov, the Chechnya republic procurator, said in January that federal forces could not always be implicated in "disappearances" that occur during night raids. While he acknowledged the "large mass" of investigations opened regarding such "disappearances," he noted that "other armed people, dressed in camouflage and masks are on the move in armored vehicles."<sup>196</sup> The involvement of service personnel, he said, could be determined only by the investigations. Gen. Moltenskoi asserted that forced disappearances were "isolated incidents," that the involvement of military servicemen in "disappearances" was "rare," and that whenever such claims were made, investigations were opened and conducted jointly between the military procuracy and Chechnya republic procuracy.<sup>197</sup> But in the overwhelming majority of cases, procuracy investigations are perfunctory at best. New initiatives established to facilitate cooperation between the procuracy and other governmental and civic organizations, with a view toward making the accountability process transparent, have regrettably had little impact.

On March 27, 2002, Gen. Moltenskoi issue a decree to improve the conduct of servicemen in Chechnya. The decree acknowledged that "unlawful actions by military servicemen toward civilians have had an extraordinarily bad impact on the process of stabilization in the republic, and has completely reversed the efforts by the military command regarding guaranteeing security, law and order, and favorable conditions for economic renewal."<sup>198</sup> Among other things, the decree required all police and Ministry of Internal Affairs troops to give their first and

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<sup>193</sup> Human Rights Watch interview with Oksana Kukueva, Nazran, Ingushetia, July 4, 2001.

<sup>194</sup> Human Rights Watch interview with Liuba Nimchaeva, Nazran, Ingushetia, July 4, 2001.

<sup>195</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment, "Public Statement concerning the Chechen Republic of the Russian Federation," July 10, 2001.

<sup>196</sup> See, "Transcript of a Meeting With Representatives of Human Rights Organizations and Representatives of State Authorities of the Republic of Chechnya, January 12, 2002." [www.memo.ru/hr/hotpoints/northkavkaz.htm](http://www.memo.ru/hr/hotpoints/northkavkaz.htm), accessed April 9, 2002.

<sup>197</sup> Ibid.

<sup>198</sup> Decree No. 80 of the Command of the United Group of Forces in the Northern Caucasus Region of the Russian Federation, on Measures to Enhance Efforts by Local Governmental Authorities and Law Enforcement Agencies of the Russian Federation in the Fight Against Unlawful Actions and Accountability for Officials for Violations of Law and Law and Order in the Conduct of Special Operations and Targeted Operations in Settlements in the Chechen Republic. Issued March 27, 2002, Khankala.

last names while on search-and-seizure operations. It did not require the same for Ministry of Defense, Federal Security Service, or other personnel who may be involved in detaining individuals or searching private homes. The decree also required all vehicles, including military transport vehicles, to clearly display registration numbers.<sup>199</sup>

### **Procuracy Investigations and Prosecutions**

The Russian procuracy has an obligation to investigate unlawful arrests and detention and other offenses by Russian security forces, and to prosecute those responsible.<sup>200</sup> In a March 2001 report on “disappearances” in Chechnya, Human Rights Watch identified three main obstacles to the effectiveness of the procuracy. First, civilian procuracy officials lacked the authority to investigate abuses by the Russian military.<sup>201</sup> Second, they were not diligent about conducting investigations, and in the case of the military procuracy, investigations were rarely carried out at all. The third obstacle was identified as the attitude of the procuracy towards relatives of the “disappeared”—specifically, that access by relatives to procuracy officials was blocked or highly restricted and that even when relatives gained access, they frequently received a hostile and uncooperative reception from procuracy officials.

In the majority of cases documented in this report, complaints were made first to the local civilian procuracy in the district where the incident took place, and in some cases were brought later to the civilian procurator or the Chechnya republic procurator. Complaints were also sometimes also brought to the military procuracy for the Northern Caucasus Military District (the branch responsible for overseeing military operations in Chechnya), although access to such military procuracy officials was often difficult. It is clear from the reports by relatives of the “disappeared” and the documents they provided that the problems identified in the March 2001 report remain.

Despite an increase in the number of investigations opened and other apparent changes, Russian security forces continue to enjoy widespread impunity for enforced disappearances. Civilian procuracy officials continue to lack authority to investigate abuses by military personnel, and are likewise powerless to prevent the regular transfers of units of the security forces out of Chechnya, which hinders investigation. In several cases, it was apparent that transfers of servicemen implicated in “disappearances” were designed expressly to frustrate investigations.

Investigations carried out by civilian procurators are often perfunctory, and are frequently suspended due to an “inability to identify the perpetrator.” Few investigations lead to prosecutions. The military procuracy generally remains unwilling to investigate abuses involving military personnel, and where it does so, investigations rarely lead to prosecutions. There has been some improvement in the attitude of the civilian procuracy: relatives are now able to meet officials in order to bring complaints and investigations are opened in all but a handful of cases. In practical terms, however, these changes have had little impact in curbing impunity, since the overwhelming majority of cases are still left unresolved.

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<sup>199</sup> The decree also reinforced elements of Decree No. 46, by requiring that sweep and targeted operations involve the local military commandant, head of the local civilian administration, a representative of the village elders, and a representative of the military procuracy. Like Decree No. 46, Decree No. 80 requires a commander, upon completing a sweep or targeted sweep, to sign a report including, among other things, a list of those detained during the operation and of all arms and ammunition seized. The list must also be signed by other local officials.

<sup>200</sup> For serious crimes, the Russian procuracy combines the investigative functions performed by police in other countries with the more familiar prosecutorial functions of a public prosecutor. Procuracy officials have the discretion to initiate, suspend, or terminate investigations. Less serious crimes in Russia are investigated by the police.

<sup>201</sup> The procuracy consists of a civilian and military branch, and, although the entire service is headed by the Procurator-General of the Russian Federation, the two branches are otherwise entirely separate. 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 and Spetsnaz forces. Crimes committed by other Ministry of Internal Affairs personnel (including OMON riot police) fall under the jurisdiction of the civilian procuracy.

### ***Lack of Authority***

The civilian procuracy's lack of authority over the conduct of military personnel remains an obstacle to accountability for "disappearances" in Chechnya. The Procuracy General partially addressed this by issuing Decree No. 46 on July 25, 2001, which gives the civilian procuracy oversight (but not formal authority) over the conduct of military operations involving civilians. The decree is supposed to require the presence of representatives from the civilian procuracy during sweep operations. It holds out the promise of greater accountability, but to date its impact remains marginal. It does not, for example, affect the procuracy's oversight during targeted raids, which, particularly when they occur at night, are increasingly the medium of "disappearances." While the number of "disappearances" during sweep operations has declined slightly from 2000-2001 levels, "disappearances" during targeted raids have risen since July 25. There is no evidence that procuracy officials were either informed prior to, or present during, any of the raids that resulted in thirteen of the "disappearances" that took place after July 25 documented in this report.

This report also documents four cases of multiple "disappearance" during sweep operations since July 25, 2001. While in many cases procuracy and other civilian officials are present during sweep operations in communities, as provided for in Decree No. 46, their effectiveness has been limited by direct threats from military servicemen, or at times by sheer logistics: there are insufficient procuracy officials to provide adequate oversight.<sup>202</sup> Memorial found that in most cases villagers were not aware of the presence of procuracy officials during the sweep operations, and that even when such officials were present, for example, during the December operations in Argun and Tsotsin-Yurt, they could not function effectively because they were either threatened or otherwise impeded by military commanders.<sup>203</sup> According to the Council of Europe, procuracy officials did not accompany federal forces during a November 12, 2001 sweep operation at the University of Grozny, during which "unidentified armed forces wearing black masks... [committed] violations of human rights and illegal detentions were reported."<sup>204</sup>

Even where the civilian procuracy has jurisdiction over the units allegedly responsible, they face a major obstacle to the conduct of their investigations—the transfer out of Chechnya of implicated servicemen during the investigation. The "disappearance" of Zelimkhan Murdalov (detailed above) illustrates this phenomenon. The case involved allegations against OMON riot police from Khantemansiisk and therefore fell under the jurisdiction of the civilian procuracy. Despite the direct involvement of the Chechnya republic procurator, the OMON members alleged to have been involved in Murdalov's "disappearance" were transferred back to their home unit before procuracy officials could question them. Some of the case files also went missing. Although a low-ranking suspect was eventually arrested in January 2002, the officers in charge at the time of the "disappearance" escaped arrest. A further example occurred during the investigation into the "disappearance" of Saidmagomed Mutsukaev (detailed above). Mutsukaev "disappeared" while in custody at the Shali police station. When civilian procuracy officials initiated criminal proceedings against the officer in charge of the station and his deputy, both men were transferred back to their home areas, effectively stalling the case.

### ***Lack of Diligence***

Even allowing for the shortcomings in its mandate and noncooperation of military and police units, it is difficult to conclude that the civilian procuracy is serious about ensuring accountability for "disappearances" of persons detained by federal forces. In the majority of the "disappearances" documented by Human Rights Watch in the present report, petitions by relatives resulted in the opening of a formal investigation, but most were subsequently suspended. To the best of our knowledge, only one official has been arrested in relation to a "disappearance" documented in this report.

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<sup>202</sup> In "Armored Filth," Anna Politkovskaia describes how officers threatened two procurators who oversaw a sweep operation in the village of Avtury in November 2001. The procurators were able to arrange the release of seventeen of twenty-five villagers, and were able after the sweep to retrieve some of the property soldiers from the Ministry of Internal Affairs' DON-2 division had looted.

<sup>203</sup> See RFE/RL interview with Tatyana Kasatkina of Memorial, January 8, 2002, <http://www.svoboda.org/programs/RTL/2002/RTL.010802.asp> (accessed March 11, 2002).

<sup>204</sup> Council of Europe Parliamentary Assembly, Political Affairs Committee, "Report: Conflict in Chechnya," Doc. 9319 (January 16, 2002), paragraph 24.

The lack of diligence is evident even in the procuracy's own statistics. Between May and December 2001, the civilian procuracy in Chechnya opened 102 cases (not limited to forced disappearances).<sup>205</sup> By year's end, forty-eight investigations had been suspended and twenty-five remained under investigation. A further fifteen had been sent to military procurators. A total of seventeen prosecutions on all charges had been brought. In twelve of those cases the court proceedings were still underway and three had been closed. Only one case resulted in a conviction (the offense with which the person was convicted is unknown).

Because details regarding the nature of crimes investigated and prosecuted are lacking, it is impossible to determine whether these efforts marked an improvement over the period from 1999-April 2001, when 79 percent of all "disappearances" cases initiated were suspended.<sup>206</sup> In January, Vladimir Kalamonov asserted that when procuracy officials suspended a case this signified nothing more than that they were "awaiting more facts, or waiting for things to add up, or to find new graves."<sup>207</sup> While some suspended cases regarding human rights violations have been reactivated, the procuracy suspends many cases before it takes basic steps, such as questioning witnesses.

The civilian procuracy's inadequate response to investigations into "disappearances" of Chechens applies even to those cases where the body of the victim is found or the person is confirmed to have been in custody prior to their "disappearance." The intensity of procuracy investigations into the "disappearance" of Said-Magomed Dikiev, Muslim Batsiev, Abdul-Vakhab Yashurkaev, and eight other villagers from Argun during a March 2001 sweep operation (see above) was unaffected by the discovery of Muslim Batsiev's body and those of three of the other "disappeared" men in a temporary burial site. The fact that the bodies were moved to the site by the Ministry for Emergency Situations makes the lack of progress all the more damning.

The military procuracy demonstrates a similar lack of diligence in their investigation of abuses involving allegations against service personnel. Their own statistics indicate that as of early March 2001, 118 investigations had been opened for all offences against civilians, which can range from petty theft to murder.<sup>208</sup> It is important to note that military procuracy statistics are cumulative, so the figure of 118 represents the total of all investigations from 1999 to 2001 rather than just figures for 2001. While no breakdown for the March figure was available as of December 2001, sixty of the 110 investigations opened had been completed. Thirty-seven of the completed investigations led to prosecutions, which included eleven prosecutions for murder and one for causing harm through physical negligence.<sup>209</sup> The December statistics indicate that eighteen convictions were secured, including those of two officers. The offences with which the defendants were convicted and the terms of their sentences are not specified, so broader conclusions cannot be drawn. Previously, the majority of the offenses for which servicemen were convicted were either unrelated to attacks on civilians or the sentences received were light.<sup>210</sup>

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<sup>205</sup> All statistics from: Council of Europe Parliamentary Assembly, Political Affairs Committee, "Report: Conflict in Chechnya," Doc. 9319 (January 16, 2002), paragraph 34.

<sup>206</sup> In April 2001, the Russian government made available to the Council of Europe a list of 359 investigations into crimes against civilians in Chechnya. Just under one-third, or 116, concerned "disappearances"; 79 percent of these investigations had been suspended by April 2001.

<sup>207</sup> Transcript from January 12, 2002 meeting. [www.memo.ru](http://www.memo.ru).

<sup>208</sup> "V Chechne za prestuplenia protiv mirnogo naselenia privilecheno k ugolovnoi otvetstvennosti 55 voennykh" (Fifty-five military servicemen are being prosecuted for crimes against the civilian population in Chechnya), Interfax news agency, March 3, 2002.

<sup>209</sup> Council of Europe Parliamentary Assembly, Political Affairs Committee, "Report: Conflict in Chechnya," Doc. 9319 (January 16, 2002), paragraph 34.

<sup>210</sup> In September *Rossiskaia Gazeta*, the State Duma newspaper, published Russian government information regarding eleven out of fifteen convictions, which at that point was described as a comprehensive accounting. Of the eleven, six had either been amnestied or paroled, and five were serving sentences—one for looting, two for murder, one for attempted murder, and one for mishandling a weapon. See [www.rg.annons/anons/arc\\_2001/0920/3.shtml](http://www.rg.annons/anons/arc_2001/0920/3.shtml) (accessed September 20, 2001). A May 2001 analysis by Memorial of military procuracy statistics on convictions revealed that in cases involving excessive force against civilians, defendants were given conditional discharge, suspended sentences or an amnesty on all but one occasion. Memorial "The Status of Investigations into Crimes against Civilians Committed by Representatives of Federal Forces on the

The lack of commitment by the military procuracy to serious investigations of crimes against civilians is even more starkly revealed by their response to the “disappearance” of Mair-Ali and Lema Shavanov (detailed above). The case is unusual only for the remarkable diligence shown by Birlant Shavanova, the men’s mother, in submitting repeated written petitions to the military and civilian procuracy. Shavanova submitted petitions to the local military procuracy at Khankala twice, both of which were forwarded to the military procuracy in Shali. Both petitions were subsequently forwarded to the civilian procuracy on the ground that there was no evidence of the involvement of federal forces. Shavanova submitted a third petition to the Procuracy General of the Russian Federation, which was forwarded to the military procuracy for the North Caucasus military district, and then to military procuracy in Khankala. Shavanova also submitted a petition to the Chechnya republic procuracy. While the civilian procuracy eventually advised her that a criminal investigation had been opened (and nothing more), Shavanova received no notification or response from military procuracies at any level. The only “action” taken by the military procuracy in relation to the case was to deem it outside its jurisdiction and to pass it off to the civilian procuracy.

### ***Inadequate Public Access and Uncooperative Officials***

In the majority of the cases documented by Human Rights Watch in the present report, relatives were able to obtain access to representatives of the civilian procuracy at a local level in order to bring their complaints. Human Rights Watch received fewer complaints about the demeanor of individual procuracy officials toward relatives and in most cases investigations were at least formally opened. This represents a clear improvement in the problems of access and uncooperativeness reported by relatives of the “disappeared” documented in the March 2001 report. Nonetheless the key indicators of progress in establishing accountability for “disappearances”—the resolution of cases and the successful prosecution of those responsible—remain unchanged.

The attitude of the military procuracy remains poor and access to military procuracy representatives is still limited. Their approach to witness protection is indicative. After the “disappearance” of Adam Makharbiev from a checkpoint in Gekhi (detailed above) relatives petitioned the military procuracy in Khankala to conduct an investigation. One of Adam Makharbiev’s cousins, Lema Makharbiev, was detained at the same time but later released. After Lema told investigators that while in custody he had heard Adam’s voice during his detention, he was called on by the military procuracy to give evidence of what he heard. However, officials at the military procuracy refused to provide Lema with any guarantees of safety in exchange for his evidence. Given Lema’s ordeal, and the fact that his testimony would likely have implicated Russian military officials, the unwillingness of the procuracy to offer Lema protection had the effect of silencing him.

### **The Office of the Special Representative**

The effectiveness of the office of the special representative remains limited, primarily by its narrow mandate. Vladimir Kalamanov, the special representative, was appointed in February 2000 as the special representative of the president of the Russian Federation for human rights in the Republic of Chechnya; beginning in April 2000, the Council of Europe has seconded three experts to work in his office.

The special representative has offices across Chechnya, including in Znamenskoe, Grozny, and Gudermes. Like an ombudsman’s office, Kalamanov and his staff receive complaints from citizens and approach the relevant authorities in order to try to resolve them. In nearly every case documented for this report relatives contacted Kalamanov’s office to report the “disappearance” of their loved ones.

According to the special representative, between March 1, 2000 and December 1, 2001, the office received 7,138 formal applications.<sup>211</sup> Of those applications, 1,053 concerned “missing” persons, of whom 223 were found

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Territory of the Chechen Republic during the Course of Military Action 1999-2001.” (May 2001): <http://www.memo.ru/eng/memhrc/texts/status.shtml>. Accessed March 2002.

<sup>211</sup> All statistics cited in: Council of Europe, Information Documents, “Supplementary Data and information on the work of the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic,” SG/Inf (2001) 41 Addendum II (December 14, 2001).

alive, and thirty-seven found dead. The office also states that it has secured 191 amnesties, and the release of fifty-nine persons (although it is not clear if any of those amnestied or released were among the persons registered as “missing”). The statistics indicate that the limits of the office’s effectiveness—more than 75 percent of the “missing” person cases (793) remain unsolved. As noted above, the office makes no distinction between cases where a person simply “goes missing” and those where there is evidence that the person was forcibly detained and “disappeared” at the hands of federal forces. This has the regrettable effect of disguising the scale of the phenomenon of forced disappearance, and may also interfere with the efficacy of the office’s inquiries.

The limited authority of the special representative remains a major flaw. The office has no authority to carry out investigations and cannot compel cooperation from the military or government ministries. On March 26, 2001, the special representative established a Joint Working Group together with the procurator-general of the Russian Federation and the Chechnya republic procurator to coordinate information and ensure that the procuracy is aware of all outstanding cases involving “disappeared” and missing persons.<sup>212</sup> This joint working group met nine times between March and December 2001, and has emerged as a forum for raising general human rights problems and specific cases of abuse, such as forced disappearances. The Council of Europe experts have used the Joint Working Group to, among other things, request progress reports on individual investigations, and raised the problem of military personnel concealing with mud their license plate or other identifying numbers. But Human Rights Watch has been unable to discern any change in the conduct of investigations, or in the conduct of the military, as a result of these meetings.

In some cases, the special representative has also proved reluctant to criticize Russian authorities. A notable exception came in February 2002, when it was reported that Vladimir Kalamanov had acknowledged that Decree No. 46 had not been complied with during large-scale sweep in Argun, Tsotsin-Yurt, and Bachi-Yurt and the absence of procuracy officials during the sweeps naturally led to human rights violations.<sup>213</sup> Given the office’s limited powers, the making of public statements could prove an effective tool, if the office chose to utilize it.

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<sup>212</sup> Not to be confused with the Joint Working Group on Chechnya comprised of members of the Parliamentary Assembly of the Council of Europe and the State Duma of the Federal Assembly of the Federation of Russian.

<sup>213</sup> Council of Europe, “Addendum on the sixteenth interim report by the Secretary General on the presence of the Council of Europe’s experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic – Additional Information provided by the Secretary-General,” SG/Inf (2002)2 Addendum (February 20, 2002), paragraph 8.)

## RECOMMENDATIONS

### To the government of the Russian Federation:

#### *Investigate cases of forced disappearance*

- Establish for each case of “disappearance” a joint investigatory group, composed of both military and civilian procuracy officials, until the military, law enforcement, or security branch responsible for the “disappearance” can be identified and the jurisdiction for the case can be established.

#### *Ensure full cooperation by military and security personnel with investigations by the civilian and military procuracies.*

- Improve access to military procuracy officials to allow complaints to be brought;
- In compliance with U.N. Commission on Human Rights (UNCHR) resolution 2001/24 (April 20, 2001), approve requests for invitations to Working Group on Enforced or Involuntary Disappearances, and other relevant mechanisms and working groups of the commission. Ensure that these thematic mechanisms have full access to the sites of sweep and other search-and-seizure operations, regular and ad-hoc detention facilities, sites of mass or makeshift graves, and official documents relevant to their mandates;
- In compliance with UNCHR resolution 2001/24, establish an independent national commission of inquiry that would ensure the effective investigation and prosecution of those responsible for violations of international human rights and humanitarian law. Its composition and operation should conform to international standards for national commissions of inquiry as established in 2000 by the U.N. High Commissioner for Human Rights;

#### *Prevent forced disappearance*

- Instruct commanders of the United Group of Forces and all Russian Federation forces that are involved in sweep or other targeted search-and seizure operations—including Ministry of Defense troops, OMON, Ministry of Interior troops, and Ministry of Justice troops—of the relevant principles of international human rights and humanitarian law and Russian criminal procedure that must be observed during sweep operations. In particular, they should be instructed that:
  - No one shall be subjected to arbitrary arrest or detention. An individual may be detained only when there is a “reasonable suspicion” that the person committed a criminal offense, and detention of the person is necessary to prevent commission of an offense or to prevent flight, or if one of the other grounds for depriving a person of his liberty, as provided for in article 5(1) of the European Convention of Human Rights, is applicable;
  - A detention record must be kept regarding every detainee, as required by the Cakici vs. Turkey Judgment of the European Court of Human Rights (judgment of 8 July 1999, para. 105). This record should include information on the date, time, and location of detention, the name of the detainee, the reasons for the detention, and the name of the person effecting the detention;
  - Detainees must be informed immediately of the grounds of arrest and any charges against them, and should have immediate and regular access to lawyers of their own choosing;
  - In accordance with article 122 of the Russian criminal procedure code, the procuracy must be informed in writing within twenty-four hours of any arrest, and must take action within forty-eight hours to either sanction or release the detainee;
  - Detainees should be informed of and granted the right to challenge their detention in a court of law, in accordance with article 220 of the Russian criminal procedure code;
  - Relatives of a detained person must be informed of the detention of their family member, the reason for and location of the detention, and must be allowed regular contact with detainees;

- Detainees have the right to outside communication, including with the International Committee of the Red Cross;
  - No physical force may be used in respect of a detainee which has not been made strictly necessary by his own conduct;
  - No detainee may be extrajudicially executed, subjected to enforced disappearance, tortured or otherwise mistreated.
- Instruct commanders of the United Group of Forces that they bear responsibility for the implementation of the above-mentioned requirements, and that they will be held accountable for failure to ensure their general implementation throughout Chechnya;
  - Require all personnel on search-and-seizure operations to identify themselves and provide their military, law enforcement, or security branch affiliation.
  - Instruct all relevant Russian Federation forces that any violation of the above-mentioned requirements will be vigorously investigated, and that the perpetrators of such violations will be brought to justice;
  - Officials of the procuracy and local administration shall be present during all sweep and targeted operations, in accordance with Decree No. 46 and Decree No. 80; these officials should enjoy full freedom of movement during the sweep operation, including full access to any places where detainees are held;
  - Fully implement the Body of Principles for the Protection of all persons under any form of Detention or Imprisonment. In particular, fully observe the safeguards delineated in Principle 12.
  - Fully implement the U.N. Declaration on the Protection of All Persons from Enforced Disappearances, in particular regarding the requirements of article 10, to keep detainees in officially recognized places of detention; maintain accurate information on detainees and their places of detention; and to promptly inform family members of the place of detention.
  - Hold all detainees only in officially recognized places of detention. Cease the practice of secret detention even if it takes place on the premises of an officially recognized detention facility;
  - Direct the office of the president's special representative on human rights in Chechnya and procuracy officials to preserve the distinction between persons alleged to have been "disappeared" at the hands of federal forces and those who are simply missing.
  - Make publicly available regularly updated figures on the number of individuals arrested and charged for security-related crimes in Chechnya, with information on the nature of their alleged crimes and the places of their detention. Maintain accurate registers of detainees' names and places of their detention, and make such registers readily available to detainees' family, counsel, and other legitimately interested persons;

#### **To the International Community:**

- Establish an international commission of inquiry to observe, investigate, and publicly report on violations of international human rights and humanitarian law in the armed conflict in Chechnya. Should the Russian authorities opt not to cooperate with or obstruct the work of the international commission, it should still convene hearings, hear testimony, and publish authoritative reports, thereby creating a comprehensive, independent record of violations.

- Governments should make compliance with UNCHR resolution 2001/24, in particular invitations to the relevant U.N. thematic mechanisms, a key element for cooperation in their bilateral relations with Russia. The extent of compliance with 2001/24 and other measures to address the human rights situation in Chechnya should be a priority agenda item for furthering ministerial and heads-of-state meetings with Russia.
- Press Russia to publicize regularly a detailed list of all investigations undertaken with regard to forced disappearances.

### **Council of Europe**

- The secretary general of the Council of Europe should instruct the experts seconded to the Office of the Special Representative of the President of the Russian Federation on Human Rights in Chechnya to scrutinize the conduct of detentions in Chechnya, with a view to determining whether methods employed by Russian state agencies are in accordance with article 5 of the European Convention on Human Rights. The information should be made available to other Council of Europe agencies competent to make such a determination, in particular the European Committee for the Prevention of Torture. The Council of Europe should inform the relevant Russian authorities of any finding that Russian forces have not upheld the standard required by article 5.
- The secretary general should instruct the experts seconded to the office of the special representative to follow up regularly, wherever possible, with relatives of the “disappeared,” to seek information on specific steps taken by the investigation.
- The Parliamentary Assembly-State Duma Joint Working Group on Chechnya and the Joint Working Group established between the office of the special representative and procuracy officials should continue to monitor the process of accountability. Both bodies should as a matter of priority monitor the progress of investigations and prosecutions in relation forced disappearances, and should report regularly and publicly regarding their findings;
- As envisioned by its 1994 Declaration on Compliance with Commitments Accepted by Member States of the Council of Europe, the Committee of Ministers of the Council of Europe should set in motion a special investigation into Russia's compliance with its Council of Europe commitments. The Committee of Ministers should take into account previous reports to it by the secretary general and experts. These reports had concluded that Russia failed to respond adequately to the secretary general's request, pursuant to article 52 of the European Convention on Human Rights, for information on how the conduct of the Chechnya operation affected the Russian Federation's implementation of its commitments under the convention.

### **United Nations**

- The U. N. High Commissioner for Human Rights should continue her commitment to address human rights issues in Chechnya. She should continue to engage the Russian government on its implementation of resolution 2001/24, and should consider a return visit to the region that would include visits to sites of recent sweep operations, as well as detention facilities and sites known to have served as ad-hoc detention facilities.
- The U.N. Working Group on Enforced or Involuntary Disappearances, the U.N. Working Group on Arbitrary Detention, the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and the U.N. Special Rapporteur on Torture, should continue to pursue the visits mandated by resolution 2001/24.

- The U.N. Commission on Human Rights should adopt a resolution condemning ongoing abuses in the Chechnya conflict, calling on the Russian authorities to comply with previous UNCHR resolutions, and urging them to invite the above-mentioned U.N. thematic mechanisms to visit Chechnya.

### **Organization for Security and Cooperation in Europe**

- The OSCE Permanent Council should instruct the OSCE Assistance Group to Chechnya to, as a matter of priority, gather evidence of violations of human rights and humanitarian law committed in Chechnya; in particular, it should take the initiative to investigate forced disappearances.
- The Assistance Group should be asked to report publicly on any such abuses and make recommendations to the Russian government to curb them.
- The Assistance Group should also make recommendations to the Russian government on accountability. It should closely monitor the progress of investigations into the sweeps discussed in this report. Such monitoring should take the form of regular queries to national, international, and nongovernmental entities for information regarding the progress of investigations and prosecutions and regular reports to the OSCE Permanent Council;
- OSCE member states should request that Russia report to the OSCE Permanent Council on efforts to hold accountable those responsible for the forced disappearances.
- In accordance with the 1994 Code of Conduct on Politico-Military Aspects of Security, articles 30 and 31, the OSCE should insist on Russia's obligations to investigate abuses committed by Russian Federation troops in Chechnya and prosecute those found responsible. The OSCE should also insist that Russia keep the chair-in-office and the OSCE Permanent Council informed on progress in this regard.

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Europe and Central Asia Division*

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