

RUSSIA

Spreading Despair: Russian Abuses in Ingushetia

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I. EXECUTIVE SUMMARY

The brutality of the four-year armed conflict in Chechnya has started spilling across the border to the neighboring republic of Ingushetia.¹

In the summer of 2003, Russian forces based in Chechnya and the forces of the pro-Moscow Chechen administration conducted a series of operations in Ingushetia, in which they replicated many of the same abuses as those they committed during operations in Chechnya.

Alerted to these developments, Human Rights Watch conducted a research mission to Ingushetia from July 5 to 11, 2003. Through interviews with more than forty victims, witnesses, and government officials, we documented the abuses committed by federal and local military, security, and police forces on the territory of Ingushetia in June and early July 2003.

Until recently, Ingushetia remained a relatively safe refuge for tens of thousands internally displaced persons who had fled the fighting in Chechnya. In 2002, claiming the situation in Chechnya had “normalized,” Russian authorities started pressuring internally displaced persons living in Ingushetia to return home. Federal and local migration officials employed various methods to pressure displaced persons to go back—they threatened displaced Chechens with the imminent closure of tent camps in the middle of winter; removed hundreds of people from the camp registration lists effectively denying them aid and causing them to be evicted. Additionally, they blocked the construction of alternative shelters in Ingushetia.

In addition, officials threatened the displaced people with arrests on false charges such as drugs and weapons possession, and impending sweeps in Ingushetia. These threats were realized in the summer of 2003, when Russian authorities finally resorted to what many displaced persons believe to be the most effective means of forcing them back to Chechnya—making Ingushetia an equally perilous place.

In June 2003, Russian and pro-Moscow Chechen forces conducted at least five security operations in settlements for Chechen displaced persons in Ingushetia and two in Ingush villages close to the border with Chechnya. The operations involved numerous cases of arbitrary arrest and detention, ill-treatment, and looting. In addition, Russian forces appeared to be responsible for killing one Ingush civilian and seriously wounding another. In a separate incident, a Russian soldier shot and wounded a sixteen-year-old boy. Similar to the governmental response to abuses committed in Chechnya, authorities failed to diligently investigate the violations and hold perpetrators accountable.

The deteriorating security situation in Ingushetia has marked a new stage in the campaign to compel internally displaced people to return to Chechnya. It has been coupled with new official commitments by the federal government to compensate returning Chechens for their destroyed homes and a new deadline for the closure of tent camps in Ingushetia. Federal and pro-Moscow Chechen authorities have said that the displaced should be back in Chechnya by the beginning of October, when that republic’s presidential elections are scheduled to take place.

This particular combination of threats and incentives has proved to be more effective than previous efforts—reportedly, hundreds of people have returned to Chechnya in recent months.

Meanwhile, the situation in Chechnya remains precarious for civilians. Both Russian forces and Chechen rebels continue to commit serious violations of international human rights and humanitarian law. Against the

¹ Russia consists of eighty-nine administrative units – twenty-one republics, six *krais* (or “territories”), fifty *oblasts* (or “provinces,” two federal cities, one autonomous *oblast* and ten autonomous *okrugs* (or “autonomous districts”). Ingushetia is one of the republics.

backdrop of the forthcoming presidential elections in Chechnya, violence there has escalated, with daily large-scale clashes resulting in numerous deaths on both sides, and continued abuses against civilians.

By harassing the internally displaced through abusive raids in Ingushetia and pressuring them to return to the conflict zone, Russia is violating international standards for the protection of civilians, including those reflected in the United Nations Guiding Principles on Internal Displacement.

Human Rights Watch calls on the Russian government to immediately halt abusive operations in Ingushetia, fully investigate all allegations of human rights and humanitarian law violations, and bring to justice perpetrators of serious violations. The government should cease pressuring internally displaced persons to return to Chechnya and ensure that they continue to enjoy protection and humanitarian assistance in accordance with international law. In addition the government should extend internally displaced persons' status to those who wish to leave the conflict zone. Human Rights Watch also urges the relevant international agencies involved in the region to protest any actions that may endanger the lives and well-being of thousands of internally displaced people residing in Ingushetia.

II. BACKGROUND

Note on Ingushetia

Ingushetia, the smallest of Russia's republics in the North Caucasus, covers an area of 3, 210 sq km (1, 240 sq mi), and has a population of approximately 300,000.² With Chechnya to the east, North Ossetia to the north and west, and Georgia along its southern border, Ingushetia has been a frontier land between Chechnya and its neighbors to the west.³

Although the Ingush and Chechen cultures are distinct, their extensive record of contact has kept their cultural and religious developments inextricably linked. Until the sixteenth century, the Ingush inhabited the middle and highland areas of the Assa Valley, but throughout the following two centuries, driven by climate change and repeated Russian incursions, they migrated from the Caucasus Mountains into the plains, where further association with the Chechen people continued.⁴

During the Soviet era, the two nations were merged (from 1917-1924, 1934-1944 and 1957-1991), divided as autonomous provinces (1924-34), and, for a time, even legally abolished (1944-56) when both nations faced a mass deportation. The forced deportations during World War II claimed the lives of one quarter to perhaps even one half of their populations.⁵ When Chechnya declared its independence in 1991, Ingushetia formed a republic within the Russian Federation.

Ingush and Chechens are also close linguistically, religiously, and socially. Although the two languages are formally distinct, they are sufficiently similar that Chechens and Ingush can easily understand each other; fluency in Russian is also widespread within both nations. The Ingush and Chechen converted to Islam in the 17th to early 19th centuries; both follow one of the two traditional Sufi orders: the Qadiri and the Naqshbandi. The Ingush orders maintain close ties with their local co-religionists in Chechnya.⁶ Ancient mountain traditions still play a

² "Ingushetia: CIS and Baltic Political Geography", *The Columbia Electronic Encyclopedia*, 2003, at <http://www.lupinfo.com/encyclopedia/I/Ingushet.html> (retrieved September 3, 2003).

³ Johanna Nichols, *The Ingush (with notes on the Chechen): Background information*, University of California, Berkeley, February 1997, at http://ingush.berkeley.edu:7012/ingush_people.html (retrieved September 3, 2003).

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Yavus Akhmadov, et al. "Islam in the North Caucasus: A People Divided, Religion in the North Caucasus," WRNI, 1999-2001, <http://www.jmu.edu/orgs/wrni/islam6.htm> (retrieved September 3, 2003).

significant role in the life of both nations. The two nations share a similar social organization in the form tribal and clan divisions. The latter still acts as a significant determinant of one's social relationships and conduct.⁷

Ingushetia is now a refuge not only for persons displaced by the Chechen conflict but also for Ingush people displaced from the 1992 conflict in North Ossetia. In November of that year, Ingush and Ossetians clashed over the disputed Prigorodnyi district, which both ethnic groups claimed as their own.⁸ The conflict brought about the destruction of a total of 2,728 Ingush and 848 Ossetian homes, and drove between 43,000 and 64,000 people from their homes.⁹ While the majority of the displaced Ossetians have since returned to their homes, successive decrees to return the Ingush displaced persons to Ossetia have been met with little success. Only 11,000 to 12,000 Ingush have been able to return; the rest continue to inhabit the Maiskoe district region in caravans and informal settlements.¹⁰

The Plight of Internally Displaced People in Ingushetia

Since the beginning of the second Chechen conflict in 1999, Ingushetia has hosted thousands of internally displaced persons fleeing the conflict zone.

According to official figures, 308,000 displaced persons have been registered in Ingushetia since September 1999.¹¹ Many of them subsequently left for other regions, and some have returned to Chechnya. During periods of the most intensive fighting, however, the displaced have almost outnumbered the population of Ingushetia.

Figures on the current number of displaced persons in Ingushetia vary significantly. Government officials, including Ingush President Murat Ziazikov, said in July 2003 that there were about 62,000 displaced persons in Ingushetia.¹² Meanwhile, the Office of the United Nations High Commissioner for Refugees (UNHCR)—the main provider of humanitarian assistance in the region—said that more than 84,000 internally displaced people were registered in Ingushetia as of July 1, 2003.¹³ Most displaced Chechens live in “spontaneous settlements”—abandoned factories and collective farms, or in private homes. Approximately 15,000 continue to live in five big tent camps, where they have now been for four years.¹⁴

Although Russian authorities stopped officially registering newly arriving displaced persons in April 2001, Chechen internally displaced persons enjoyed relative safety and stability in Ingushetia until 2002, when a change in Ingush political leadership brought changes in policy toward displaced persons. While the former Ingush president, Ruslan Aushev, welcomed the displaced people and repeatedly spoke out against forced returns, his successor, Murat Ziazikov, a former Russian Federal Security Service (FSB) general, was eager to demonstrate his loyalty to the federal government. Shortly after his election in April 2002, federal authorities adopted a detailed plan for the return of the displaced persons to Chechnya.

⁷ Johanna Nichols, *The Ingush (with notes on the Chechen): Background information*.

⁸ Human Rights Watch, *The Ingush-Ossetian Conflict in the Prigorodnyi Region* (New York: Human Rights Watch, 1996), p. 1.

⁹ The Memorial Human Rights Center, *Two years after the War*. 1994 [Online] <http://www.memo.ru/hr/hotpoints/ingushi/ENG/INDEX.HTM> (retrieved on September 17, 2003).

¹⁰ Galina Kovalskaia, Alexander Sorin, “Zone of Risky Living,” *Ezhenedelnyi Zhurnal*, #1, January, 2003.

¹¹ ITAR-TASS World service, citing Ingush acting Prime Minister Timur Mogushkov, June 17, 2003.

¹² Cited in “Over 62,000 Chechen refugees are accommodated in Ingushetia,” ITAR-TASS World Service, July 25, 2003.

¹³ See “Over 84,000 refugees from Chechnya registered in Ingushetia – UN,” Interfax, July 8, 2003.

¹⁴ Regarding the number of displaced persons still living in tent camps, even officials from different governmental agencies give different figures. For example, on July 24, 2003, Head of the Russian Interior Ministry's Federal Migration Service Igor Yunash told Interfax news agency that 13,000 displaced persons live in tent camps in Ingushetia (See “Tent camps in Ingushetia may cease to exist by fall – Federal Migration Service,” Interfax, July 24, 2003). The day before, however, Russian Minister for Chechen Affairs Stanislav Iliasov told ITAR-TASS news agency that 18,000 internally displaced live in the camps (See “Some 18,000 refugees from Chechnya now live in tent camps in Ingushetia,” ITAR-TASS, July 23, 2003).

Russian authorities also viewed the presence of thousands of displaced persons in Ingushetia as a serious obstacle to their new Chechnya strategy, which consisted of blocking independent scrutiny of conditions in Chechnya and zealously persuading the outside world that the situation there is normalizing. With—at that time—more than 150,000 people unwilling to return home the claims of normalization sounded unconvincing. Moreover, displaced persons, retaining close ties with Chechnya, remained one of the major sources of information regarding conditions in Chechnya for the media, human rights groups, and other observers unable to gain access to Chechnya.

After a relatively slow start in the summer of 2002, the campaign to pressure displaced persons to return to Chechnya intensified in the late fall, following the October hostage-taking by Chechen rebels in a Moscow theater.¹⁵ Intending to close the tent camps by the end of the year, federal and local migration authorities, supported by the FSB and the Chechen government committee on displaced persons, put enormous pressure on tent dwellers, using a combination of threats and incentives. Above all, officials threatened those reluctant to leave with arrest on false charges and promised to start conducting sweep operations in Ingushetia in order to apprehend fighters hiding among displaced persons.¹⁶

An international diplomatic and media outcry, in addition to logistical difficulties (lack of housing in Chechnya and problems with relocating thousands of people in the middle of winter), ultimately prevented the closure of the camps, yet the plan was not abandoned.

In the late winter and the spring of 2003, federal and local migration authorities adopted a different strategy. They started arbitrarily taking hundreds of displaced persons in the tent camps off camp registration lists, resulting in their eviction from government-sponsored housing. Without financial means to arrange for other housing, most of the deregistered people had no choice but to return to Chechnya.¹⁷

In addition, the authorities deliberately obstructed the efforts of humanitarian agencies to build alternative shelter for the displaced in Ingushetia. In February 2003, Ingush authorities halted a project to build housing for about 3,000 people and refused to allow the resettlement of displaced persons living in tents into some 180 houses already built by the humanitarian nongovernmental organization Médecins Sans Frontières (MSF) in the town of Sleptovskaia. As of this writing, the houses remained unoccupied, despite the organization's numerous attempts to solve the problem with Ingush authorities.¹⁸

In the summer of 2003, in anticipation of the presidential elections in Chechnya scheduled for October 5, 2003, Russian authorities announced a new deadline for the closure of tent camps and started using an even more aggressive carrot-and-stick return policy.

The government promised that at the end of September 2003 it would start paying compensation for destroyed housing and property.¹⁹ The authorities have suggested, however, that only people residing in Chechnya will receive compensation at this time, while those living in other regions will be considered "later on."²⁰ For many Chechen families who lost everything during the war and have suffered almost four years of tent life, the hope of receiving up to 350,000 rubles (more than U.S.\$10,000) serves as a major incentive to return, even though

¹⁵ On October 23, 2002, about fifty Chechens took hundreds of civilians hostage in a Moscow theater. The act resulted in the deaths of 129, mostly due to the effects of a debilitating gas that Russian special forces used in their rescue operation.

¹⁶ For more details, see "Into Harm's Way: Forced Return of Displaced People to Chechnya."

¹⁷ See Human Rights Watch, "On the Human Rights Situation in Chechnya," *A Human Rights Watch Briefing Paper to the 59th Session of the U.N. Commission on Human Rights*, April 7, 2003.

¹⁸ Ibid. See also Médecins Sans Frontières, "Chronology of developments in Ingushetia," at: <http://www.msf.org/content/page.cfm?articleid=206E30C4-0AD6-4CCF-89773F92436944E2> (retrieved August 23, 2003).

¹⁹ See, for example, "Statement by Russian Minister for Chechnya Stanislav Ilyasov," ITAR-TASS World service, August 25, 2003.

²⁰ See Chechen Prime Minister Anatolii Popov's interview with Russian Ren-TV, August 14, 2003.

the security situation in Chechnya remains daunting. While offering this powerful inducement to return, the Russian government has failed to provide accurate information about the security situation in Chechnya.

As for the “stick” element of the policy, the summer security operations in Ingushetia and other incidents of violence and abuse have instilled fear in Chechen displaced persons. People see the deteriorating security situation in Ingushetia as a clear demonstration of Russia’s resolute plan to force them back to Chechnya by making Ingushetia an equally unsafe place.

The actions by Russian authorities to compel internally displaced people to return to Chechnya violate Russia’s obligations under international law. Chechen displaced persons have the right under article 12 of the International Covenant on Civil and Political Rights (ICCPR)²¹ to choose their place of residence; by compelling them to return to Chechnya, Russia is violating that right. Deliberate deregistration of internally displaced persons absent any cause or due process leading to their eviction is a violation of the right to adequate housing under Article 11 of the International Covenant on Economic, Social, and Cultural Rights.²² This abuse is exacerbated by the refusal of authorities to allow the internally displaced people access to alternative housing in Ingushetia. The campaign to pressure displaced persons to leave Ingushetia is inconsistent with numerous provisions of the United Nations Guiding Principles on Internal Displacement, including the right not to be forcibly returned to a place where one would be at risk, and to be provided with essential food, water, and shelter.²³

The Security Situation in Ingushetia

Against the background of the four-year armed conflict raging just a few kilometers away, the security situation inside Ingushetia had remained surprisingly stable.

Since late 1999, when large numbers of Chechen displaced persons started settling in Ingushetia, federal and Ingush authorities repeatedly claimed that rebel fighters pushed out of Chechnya found safe refuge in settlements and tent camps, hiding among the internally displaced people.²⁴ Nonetheless, although law enforcement agencies have occasionally reported the detention of suspected terrorists or discovery of arms and ammunition depots in Ingushetia, no large-scale operations were conducted in the republic. The Russian military presence was almost non-existent there, and the activity of Chechen rebels mostly imperceptible.

The only large clash between federal forces and Chechen rebels took place in September 2002, when almost two hundred Chechen fighters, coming from Georgia, attempted to break through the village of Galashki, in

²¹ Article 12(1) of the ICCPR states that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” Although the ICCPR does permit derogation on this right during times of public emergency or armed conflict, those limits must be provided for in law, and include only those limits strictly required by the situation.

²² Article 11(1) of the ICESCR states that “the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

²³ For example, Principle 15 states that internally displaced persons have “the right to be protected against forcible return to or resettlement in any place where their life safety, liberty and/or health would be at risk;” Principle 18 of the Guiding Principles states that “at the minimum, regardless of the circumstances, without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation.” Although non-binding, the U.N. Guiding Principles reflect international humanitarian and human rights laws that are binding, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the 1949 Geneva Conventions, and other treaties to which Russia is a party.

²⁴ For example, former commander of the United Group of Forces General Genandii Troshev repeatedly said that “Chechen gangs frequent” Ingushetia, and separatists leaders hide there. (See “General Gennadii Troshev, ‘Chechens Ask Us to Finish Off Gangsters,’” *Defense and Security*, December 24, 2001. On several occasions, Ingush authorities related similar concerns to Human Rights Watch. Human Rights Watch interviews with a Federal Migration Service official, July 2002 and December 2002, Nazran, Ingushetia. (The interviewee requested anonymity.)

eastern Ingushetia, and cross the administrative border with Chechnya. They shot down a Russian helicopter and killed at least seventeen soldiers.²⁵

The security situation in Ingushetia has been deteriorating since late 2002, however. The insistent efforts to pressure back thousands of internally displaced persons has created a climate of fear and instability. At the same time, both federal and Chechen forces seemed to have increased their activity there.

The Ingush Ministry of Internal Affairs was particularly alarmed by numerous attacks on law enforcement personnel. According to an Ingush government official, at least eleven Ingush policemen were shot dead in the past year “in criminal incidents related to Chechnya in one way or another.”²⁶

After the October 2002 hostage crisis in Moscow, Russian federal troops set up positions near all major tent camps. Some were later removed, while some, including the one near the Satsita camp, are still in place. In the spring of 2003, additional federal border subunits appeared in the mountainous areas of Ingushetia, such as in the area of the Shandon gorge, becoming another indication of Russia’s decision to broaden the scope of its “counterterrorist operation.”²⁷

In January and February 2003, Ingush law enforcement agencies (apparently supported by the FSB) conducted at least three operations targeting Chechen displaced persons. After one of these operations, conducted in early January in the Satsita tent camp, one person “disappeared” and another’s mutilated corpse was later returned to relatives.²⁸

The frequency and intensity of the operations in Ingushetia reached an alarming level in the summer of 2003. While previously the sweep-type operations were a very rare occurrence, in June 2003 alone, seven operations of this kind were carried out in displaced persons’ settlements and Ingush villages. Throughout all of 2002, only twenty-two people were arrested in Ingushetia in the course of anti-terrorist operations. By contrast, during the first three weeks of June 2003 alone, eleven people were detained.²⁹ Moreover, for the first time Ingush civilians fell victim to abuses perpetrated by federal forces in Ingushetia.

At the same time, in recent months, Chechen rebels (as well as criminal gangs) were reportedly responsible for an unprecedented number of attacks on Russian troops on Ingush territory.

For example, five Russian soldiers were killed on July 30, 2003, when a truck carrying federal servicemen was blown up by a remote-controlled explosive device near the village of Galashki.³⁰ While a search for rebels was underway, policemen discovered and neutralized a twenty-five-kilogram explosive device in the center of the town of Malgobek.³¹ On August 4, 2003, the Ingush Ministry of Internal Affairs reported that it had prevented another attack near the same town, when a traffic police unit discovered a homemade device containing eight kilograms of an explosive chemical planted near a filling station.³² Several days later, rebel forces attacked a convoy of Russian troops near the village of Nesterovskaia, killing six servicemen and injuring seven more.³³

²⁵ See Jean-Christophe Peuch, “Chechnya: Armed Foray In Ingushetia Adds Fuel To Russian-Georgian Dispute,” Radio Free Europe/Radio Liberty (RFE/RL), September 27, 2002.

²⁶ See Marina Perevozskina, “Igra v budanovtsev: Federalnye voiska v Ingushetii mogut sdelat ee Chechnei” (Playing Budanov: Federal forces in Ingushetia can turn it into Chechnya), *Moskovskii Komsomolets*, August 18, 2003.

²⁷ TVS television report, June 11, 2003.

²⁸ For more details see “On the Human Rights Situation in Chechnya.”

²⁹ Nick Paton Walsh, “Russian Troops Terrorize Farmers as Chechen War Crosses Border,” *The Guardian*, June 26, 2003.

³⁰ Dmitry Zaks, “Five Russian soldiers killed near Chechnya, sparking fears of wider conflict,” Agence France Press, July 30, 2003.

³¹ “Terrorists wanted to bomb a hotel in Ingush town of Malgobek,” Lenta.ru, July 30, 2003.

³² “Terrorist attack prevented in Ingushetia,” Interfax, August 4, 2003.

³³ “Military convoy attacked in Ingushetia, six servicemen killed,” Interfax, August 8, 2003.

There were no apparent cause-and-effect connections between the rebel attacks and the Russian operations; in most cases the Russian authorities did not attempt to connect their security operations in and around IDP settlements and Ingush villages to a specific attack or ambush. In fact, only one of the operations described below resulted in seizure of weapons and arrest of alleged arms dealers, and none of the operations led to the apprehension of suspected Chechen rebels.

Developments in Chechnya

For more than a year, Russian authorities have been claiming that the situation in Chechnya has normalized and that the people displaced by the conflict can safely return home. In reality, the situation in Chechnya has shown no signs of stabilization—the republic remains an active conflict zone, with both sides responsible for serious human rights and humanitarian law violations.

In 2003, Russian authorities took several steps that were supposed to advance the stabilization process. They adopted an amnesty law encouraging the surrender of rebel forces,³⁴ and promised to pay compensation for houses and property destroyed during the war.³⁵ The constitutional referendum held in March 2003 and presidential elections scheduled to take place on October 5, 2003 have been hailed by the government as the major landmarks on the way to a political solution of the Chechnya problem.

None of these steps has visibly changed the dynamics of the conflict, however.

The amnesty did not prompt a large-scale surrender of rebel forces—according to the Chechen procuracy, only 126 former fighters were amnestied as of August 18, 2003.³⁶ The number is insignificant, considering that several thousand rebel fighters are currently operating in Chechnya.³⁷ Instead of welcoming the gesture, Chechen forces marked the announcement of the amnesty with the largest open attack on federal troops since the beginning of this year, storming the town of Argun.³⁸ At the same time, by extending the amnesty to federal servicemen, the Russian government has created yet another tool for shielding its troops from accountability for crimes committed in Chechnya.³⁹

As mentioned above, the promises to pay compensation appear to have been designed as an effective measure for pressuring internally displaced persons to return to Chechnya, rather than as a remedy for past abuse or a step toward normalization.

As for political stabilization, many independent observers, including leading Russian human rights defender Liudmila Alekseeva, believed that the March referendum was flawed and expressed serious doubts that the

³⁴ Decree “On the announcement of amnesty in connection with the adoption of the Constitution of Chechen Republic,” adopted by Russian State Duma on June 6, 2003, *Rossiiskaia gazeta*, June 7, 2003. The amnesty granted immunity from prosecution to Chechen rebels who surrendered before September 1, 2003, as well as to federal servicemen. It did not apply to those accused of “grave offenses,” such as premeditated murder, rape, or hostage-taking.

³⁵ Government of the Russian Federation, Decree 404 “On the procedure of paying lost housing and property compensation to permanent residents of the Chechen Republic who suffered during the settlement of the crisis in its territory,” July 4, 2003.

³⁶ Statement by Chechen prosecutor Vladimir Kravchenko, cited by ITAR-TASS World Service, August 18, 2003. Unwillingness of Chechen forces to surrender may be attributed both to the limited character of the amnesty and to the controversial results of the previous Chechnya amnesty adopted in 1999. The Moscow Helsinki Group has alleged that out of 500 who turned in their weapons under the law, most have since been killed or disappeared. See Matt Bivens, “War Amnesty Is Well Wide of the Mark,” *The Moscow Times*, June 2, 2003.

³⁷ According to Chechen Prime Minister Anatoly Popov, there are currently 2,000-3,000 rebels operating in Chechnya. See, “2,000-3,000 Rebels operating in Chechnya – PM,” Interfax, August 26, 2003.

³⁸ Alexander Raskin, “Argun breakthrough,” *Izvestia*, June 9, 2003.

³⁹ One of the cases documented by Human Rights Watch proves this allegation. See below, case of Imran Guliev.

October elections could be fair and democratic.⁴⁰ Moreover, although the number of abuses, especially forced disappearances, had decreased slightly during several weeks before and after the referendum, it then skyrocketed again. The Chechen minister of internal affairs admitted that in the month following the referendum nearly fifty people disappeared in Chechnya.⁴¹ In mid-August he released new figures, saying that nearly 400 people disappeared in Chechnya since the beginning of the year.⁴² During its missions to the region, Human Rights Watch as well as other human rights organizations, continued to document cases of summary executions, torture, arbitrary detention, and looting in Chechnya.⁴³

Instead of advancing stability, the announcement of presidential elections seemed to have incited a new escalation of violence in Chechnya. In the summer of 2003, reports of armed clashes involving large groups of rebels and leading to numerous deaths on both sides appeared virtually every day. Official field reports confirmed that the situation was far from stable. For example, in a weekly report on August 11, 2003, representatives of the United Federal Group of Forces reported that federal positions came under fire on twenty-one occasions, nine armed clashes took place, and about 140 explosive devices were disarmed. Federal forces, for their part, reportedly killed thirty-six rebel fighters and arrested fifty others. SU-24 fighter-bombers and SU-25 ground attack aircraft completed thirty-four missions, and helicopters completed about 500.⁴⁴

Recent developments in Chechnya clearly demonstrate that Russian authorities cannot guarantee the security of returnees, and by compelling internally displaced to leave Ingushetia, the authorities deliberately put their lives and safety at risk.

III. THE SPREAD OF ABUSES TO INGUSHETIA

In June 2003, Russian and pro-Moscow Chechen forces conducted at least seven operations on the territory of Ingushetia. Five of these operations were carried out in settlements of internally displaced—OOO URS, Nasyr-Kort, Nesterovskaia, Tanzilla, and Altievo; the other two—in the Ingush villages of Arshty and Chemulga.

The operations followed the pattern of sweep operations or targeted raids seen in Chechnya: large groups of armed personnel, often arriving on armored personnel carriers and other military vehicles without license plates, surrounded a settlement or an entire village and conducted either sweep or random checks at peoples' dwellings. The armed personnel, who were in most cases masked, did not identify themselves or provide the residents with any explanation for the operations. During the operations, many civilians were subjected to beatings and other forms of ill-treatment; and some houses were looted. As a result of the seven operations, the armed personnel detained at least eighteen people; ten of those were released several days or weeks after, without ever getting any explanation of the grounds for their detention.

⁴⁰ See for example, Ivan Sukhov, "Intriguing Arithmetic," *Vremia Novostei*, August 13, 2003. The officially reported turnout during the March constitutional referendum was 85 percent, out of which 95.97 percent approved the new Constitution, consolidating Chechnya's status as part of Russian Federation. The figures sharply contrasted the eyewitness accounts of deserted polling stations and cast doubts on the fairness of the electoral process. Lord Judd, the Council of Europe's rapporteur on Chechnya, resigned in protest at the conditions in which the referendum took place. See also Natalie Nougayrède, "La Russie organise un simulacre de référendum en Tchétchénie," *Le Monde*, March 25, 2003; "The vote of the dead souls—Chechnya's flawed referendum on a new constitution," *The Economist*, March 29, 2003.

⁴¹ The figure was released by Alu Alkhanov, Chechen interior minister. See "Chechen kidnappings continuing despite referendum: officials," Agence France Press, April 24, 2003.

⁴² "Nearly 400 people disappear in Chechnya this year," ITAR-TASS, August 17, 2003.

⁴³ For details, see Human Rights Watch, "Into Harm's Way;" Human Rights Watch, "On the Human Rights Situation in Chechnya." See also regularly updated chronicle of the events in Chechnya and Ingushetia published by the Memorial Human Rights Center, available at: <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (retrieved August 24, 2003).

⁴⁴ Cited in: Viktor Paukov, "When guns go off, the police are silent," *Vremia Novostei*, August 12, 2003.

Most of the operations had no obvious purpose, and neither Ingush nor federal authorities provided any explanations of their purpose.⁴⁵ Only two operations—in the Tanzilla and Altievo settlements—resulted in legal proceedings against the detainees. However, these two operations were also conducted in an abusive manner and involved numerous human rights violations, raising serious concerns regarding the legal validity of subsequent investigations.

Russian military appeared to be responsible also for at least two groundless attacks on Ingush civilians near the village of Galashki, killing one and seriously injuring another person in one incident, and shooting a minor in another.

Ingush and federal authorities failed to adequately respond to the proliferation of abuses: no investigations were launched into violations committed during the special operations, and an investigation into the Galashki attack stalled because of the military procuracy's refusal to take over the case.

Human Rights Watch recognizes that Russian authorities have a legitimate right to conduct law enforcement and security operations in any part of the Russian Federation in order to identify and arrest suspected criminals. Any such operations should, however, conform to Russian and international law.

The majority of detentions described below must be considered arbitrary, since no grounds for detention were given and no charges brought against the detainees. In addition, none of the detainees who were later released had access to counsel; their relatives were not informed of the detention; and apparently no detention record was kept.⁴⁶

Other abuses committed by Russian forces during the special operations, including incidents of ill-treatment and looting, also violate Russia's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the ICCPR, and the European Convention on Human Rights (ECHR).⁴⁷

Abuses During Special Operations in Settlements for Internally Displaced People

Special operation in OOO URS settlement⁴⁸

At approximately 4:00 a.m. on June 3, 2003, six armored personnel carriers (APCs), which are used only by Russian forces, and other vehicles, including two Ural trucks, two Gazel vans, and a Volga sedan encircled the

⁴⁵ For example, even when ITAR-TASS news agency briefly reported on the operation in Arshty and Chemulga, the piece mentioned that the "reasons for the operation" were "not reported." See Ruslam Maisigov, "Military block Ingush settlements of Arshty, Chemulga," ITAR-TASS World Service, June 7, 2003.

⁴⁶ Arbitrary detentions are prohibited under Article 9 of the ICCPR. Only arrests conducted in accordance with state legislation specifying the grounds on which individuals may be deprived of their liberty and the procedures to be used in enforcing such deprivations are considered lawful. Moreover, the prohibition on arbitrariness means that the deprivation of liberty, even if provided for by law, must still be proportional to the reason for arrest, as well as predictable. Article 9 also specifically requires that detainees be immediately informed of the reasons for their arrest and promptly told of any charges against them, and that they be brought promptly before a judge empowered to rule upon the lawfulness of the detention. Article 5(1) of the European Convention on Human Rights (ECHR) contains a similar provision. The *Cakici v. Turkey* Judgment of the European Court of Human Rights (July 8, 1999, para. 105) requires that a detention record (including 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) must be kept regarding every detainee. Principle 17(1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which applies to all people who are detained, states that a detained person shall be entitled to have the assistance of legal counsel, be informed of his right by the competent authority promptly after arrest, and provided with reasonable facilities for exercising it.

⁴⁷ The ICCPR and the ECHR declare the rights to liberty and security of person, to privacy, home, family and correspondence, and to the peaceful enjoyment of possessions. Both the ICCPR and the ECHR allow interference with these rights only under strictly defined conditions, none of which seem to be met in the cases described below.

⁴⁸ OOO URS is the name of an abandoned factory where the settlement is located.

OOO URS settlement on the western outskirts of Nazran. With the exception of the vans, the vehicles did not have license plates, or the plates were covered with mud. Dozens of armed personnel in camouflage uniforms, many of them masked, forced their way into peoples' homes, breaking the doors if the dwellers did not open them fast enough. They forced all men, including teenagers and the elderly, outside and put them on the ground, face down with their hands behind their heads. The uniformed men did not identify themselves or provide any explanation. Most of them spoke Russian, although some spoke Chechen.⁴⁹

The armed personnel beat several people while taking them out of their homes. For example, fifty-one-year-old Alik A. (not his real name) told Human Rights Watch that he woke up that night as a man in camouflage poked an automatic rifle into his face, forcing him outside. When Alik A. turned around to take his coat, the serviceman hit him with a rifle butt in the shoulder. According to Alik A., two days later his shoulder was still black from bruises.⁵⁰

Another witness said the armed personnel threw her neighbor, a minor, down the stairs and slammed his head against the wall so that for the next couple of days he suffered from a severe headache and his eyes were swollen.⁵¹

Over the next several hours, the armed personnel photographed and checked the identity documents of the displaced Chechens and conducted unsanctioned searches in their shelters. Witnesses reported several cases of looting during the searches. Fatima F. (not her real name) mentioned that the armed personnel took a video camera, video tapes, and several pairs of shoes from her neighbors' place;⁵² Alik A. said that the uniformed man who was conducting a body search on him while he was laying on the ground took away his penknife and took 1,200 rubles (U.S.\$ 40) out of his pocket, but returned the money after Alik A. started shouting that he was being robbed.⁵³ According to the Memorial Human Rights Center, the armed personnel also took away a box of jeans (stored for sale) from a family that was not at home that night; stole boxes with humanitarian aid from the house of the settlement's commandant; and took away radio-recorders from two cars belonging to displaced persons.⁵⁴

After the armed personnel left, the settlement dwellers learned that four people had been taken away. Three of them were released the next day but one was held for sixteen days. One of the three, Abubakar A. (not his real name), told Human Rights Watch that he was on the ground along with other men from the settlement when the servicemen lifted him up and put him into the Ural truck, along with three other men, saying they were going to check their identities. The armed personnel drove them away. The drive took about six hours, yet the witness did not know where he was taken, because he was hooded when transferred from the car to the place of his detention. Abubakar A. told Human Rights Watch that he was kept in solitary confinement and interrogated about the rebel fighters' whereabouts.⁵⁵ In a petition on file with the Memorial Human Rights Center, Abubakar A. complained that in detention he was handcuffed to a pillar during the day and at night, and that two interrogators severely and repeatedly kicked him, and tortured him with electric shock.⁵⁶ He told Human Rights Watch that on the second day of detention he was put into a car along with two other detainees from his settlement, all three of them

⁴⁹ Human Rights Watch interviews with settlement dwellers: Sultan S., Alik A., Lisa L., Fatima F., Larisa L. and Aminat A. (not their real names), OOO URS, Nazran, Ingushetia, July 4, 2003.

⁵⁰ Human Rights Watch interview with Alik A. (not his real name), OOO URS, Nazran, Ingushetia, July 4, 2003.

⁵¹ Human Rights Watch interview with Fatima F. (not her real name), OOO URS, Nazran, Ingushetia, July 4, 2003.

⁵² Ibid.

⁵³ Human Rights Watch interview with Alik A., OOO URS, Nazran, Ingushetia, July 4, 2003.

⁵⁴ Memorial Human Rights Center, "Ingushetia – the Zone of 'Stability and Security?'" June 26, 2003, available at <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (retrieved July 31, 2003).

⁵⁵ Human Rights Watch interview with Abubakar A. (not his real name), OOO URS, Nazran, Ingushetia, July 7, 2003.

⁵⁶ Memorial Human Rights Center, "Ingushetia – the Zone of 'Stability and Security?'" The witness did not relate these details when interviewed by Human Rights Watch. He was generally reluctant to talk and looked scared.

hooded, and taken to a quarry between Grozny and Argun. The servicemen ordered them to remain hooded for ten minutes after the servicemen left and then to go home, which they did.⁵⁷

Suleiman S. (not his real name), also detained during the operation in OOO URS settlement, believed he and the other detainees were taken to Grozny. The servicemen did not release him along with the others, and he spent sixteen days in detention. He told Human Rights Watch that he was kept in solitary confinement and was never informed of the grounds for his arrest or of his procedural status. He was interrogated twice as to the identities of his neighbors detained during the operation. Suleiman S. could not explain why he was kept in detention for more than two weeks—the servicemen told him that it was “because of the holidays.”⁵⁸

One of the settlement dwellers told Human Rights Watch that the first three detainees were in very bad shape when they returned from detention. Their neighbors immediately called an ambulance, and the doctors wanted to hospitalize the men, yet the victims refused. According to the witness, the three men were suffering from pain in their backs, apparently caused by beatings on their kidneys, and their wrists were swollen as if they had been hung by the wrists.⁵⁹

After the operation, the settlement dwellers filed a joint petition with the local procuracy. However, the procuracy requested additional individual petitions. “But someone said we would be taken away again,” Alik A. told Human Rights Watch. “I asked them [the procuracy], ‘Can you give us any security guarantees if two or three of us file additional petitions?’ They said ‘No.’ Then everybody refused to file additional petitions.”⁶⁰

The settlement dwellers interviewed by Human Rights Watch, especially those detained during the operation, were visibly scared and dispirited, and were reluctant to talk to human rights investigators. According to one of the witnesses, the detainees were explicitly warned not to talk to anybody about what happened to them.⁶¹

Special operation in Nasyr-Kort settlement

On June 7, 2003, at about 5:00 a.m. unidentified armed personnel arrived to the Nasyr-Kort settlement near Nazran on three UAZ jeeps and a PAZ bus, without license plates. The men blockaded the settlement, not letting anybody out. They surrounded one of the buildings of the abandoned dairy farm that serves as shelter for the displaced people, and conducted searches inside the building. Some displaced persons believed that the armed men were representatives of the Chechen law enforcement structures.⁶²

Without any explanation the men took away Umar U. (b.1975) and one other person. Human Rights Watch was unable to meet with the two released detainees: according to other displaced persons, the two men were afraid of talking to anybody after their arrest.⁶³ A brother of one detainee, Abdulla A. (not his real name), told Human Rights Watch that people were scared because they think talking to “journalists” might result in further persecution. As for his brother’s detention, Abdulla A. stated that the armed men put a plastic bag on his brother’s head when detaining him at home. For the next two days the relatives had no information about his whereabouts. The family went to Chechnya to look for him and on the third day after the detention Abdulla A. and other family members found him in a hospital in the Chechen city of Gudermes and took him home. Abdulla A. said that his brother was in bad shape, because he had been beaten and held with a bag on his head for a full day.⁶⁴

⁵⁷ Human Rights Watch interview with Abubakar A., OOO URS, Nazran, Ingushetia, July 7, 2003.

⁵⁸ Human Rights Watch interview with Suleiman S. (not his real name), OOO URS, Nazran, Ingushetia, July 4, 2003. June 12 is Russia’s independence day, usually celebrated as part of a long weekend.

⁵⁹ Human Rights Watch interview with Fatima F., OOO URS, Nazran, Ingushetia, July 4, 2003.

⁶⁰ Human Rights Watch interview with Alik A., OOO URS, Nazran, Ingushetia, July 4, 2003.

⁶¹ Human Rights Watch interview with Sultan S. (not his real name), OOO URS, Nazran, Ingushetia, July 4, 2003.

⁶² Human Rights Watch interview with Abdulla A. (not his real name), Nasyr-Kort, Ingushetia, July 7, 2003.

⁶³ Human Rights Watch interviews with displaced persons in Nasyr-Kort, Ingushetia, July 7, 2003. Umar U. is also a pseudonym.

⁶⁴ Human Rights Watch interview with Abdulla A., Nasyr-Kort, Ingushetia, July 7, 2003.

According to the Memorial Human Rights Center, Umar U. was taken to one of the Ministry of Internal Affairs departments in Grozny and then transferred to Gudermes. Law enforcement officials interrogated him, seeking information about an alleged rebel fighter from his native village, Tsotsin-Yurt, and then forced him to sign a confession that he was a rebel fighter himself who voluntarily came to surrender under the amnesty. He was released on condition that within a month he would “find” a submachine gun and “voluntarily” hand it in.⁶⁵

Special operation in Nesterovskaia settlement

On June 3, 2003, at about 1:00 p.m. four cars arrived at the Nesterovskaia settlement, located at the abandoned dairy farm in Sunzhenskii district of Ingushetia. Masked men jumped out of the cars and immediately started shooting into the air, causing panic among the settlement dwellers.⁶⁶ Rustam R. (not his real name) arrived at the settlement in his car after the operation had already started. When he approached the farm, the armed men opened fire on his car, but missed. The men ordered Rustam R. and one other young man, Adam A. (not his real name), into their car, and took both away. They also seized Rustam R.’s car.⁶⁷

Both detainees were taken to an unknown location in the Gudermes area in Chechnya. Rustam R. would not provide Human Rights Watch a detailed account of his detention, saying that they were warned not to talk. He said that the abductors treated him well, but that they did not explain the grounds for his detention. He was released on June 18, 2003, and Adam A. returned to the camp several days later. No charges were brought against either of the men, and no explanation was given as to why they were kept in detention for more than two weeks.⁶⁸

According to Memorial, Ingush policemen who stopped the car with the detainees when it was leaving Ingushetia said that representatives of Chechen security force carried out the operation.⁶⁹

Special operation in Tanzilla settlement

At about 7:00 p.m. on June 12, 2003, armed masked men in camouflage uniforms, most of them speaking Russian and some speaking Chechen, arrived at the gates on the Tanzilla settlement in the center of Nazran. Officials claim the servicemen were pursuing two cars that stopped near the camp. According to witnesses, the masked men jumped out of their vehicles and immediately seized all men and teenagers who were near the gates at the moment. Settlement dwellers were not allowed to enter or leave the settlement.⁷⁰

Raisa R. (not her real name), who was returning home after the operation started, was not allowed through the cordon into the settlement, and she witnessed the events from outside. She told Human Rights Watch that armed personnel severely beat the men with clubs and rifle butts and threw them face down onto the ground, where they stayed for several hours. Meanwhile, the armed men were searching the cars they were allegedly pursuing and moving guns and ammunition from one car to another, and had a cameraman shooting the scene. The witness was unsure whether there were any weapons already in the cars, yet she said she saw the soldiers putting their own weapons and body armor into the vehicles for the filming. According to the witness, many of those detained were bleeding heavily and could not rise to their feet on their own. The armed men lifted them up

⁶⁵ Memorial Human Rights Center, “Ingushetia – the Zone of ‘Stability and Security?’”

⁶⁶ Human Rights Watch interview with Lema L. (not his real name), Nesterovskaia, Ingushetia, July 6, 2003.

⁶⁷ Human Rights Watch interview with Rustam R. (not his real name), Nesterovskaia, July 6, 2003.

⁶⁸ Ibid.

⁶⁹ Memorial Human Rights Center, “Ingushetia – the Zone of ‘Stability and Security?’”

⁷⁰ Human Rights Watch interviews with Raisa R., Khadizhat Kh., Taus T. (not their real names) and other witnesses, Tanzilla settlement, Nazran, Ingushetia, July 7 and 8, 2003.

and threw them into a bus.⁷¹ Several other witnesses (who were watching the scene through the windows of a café located on the territory of the settlement and facing the street) corroborated this account.⁷²

The armed men arrested nine men near the settlement.⁷³ Human Rights Watch does not have the names of all of the detainees, but possesses information and details about three of them. Two of them were residents of the Tanzilla settlement. The first one, Courah C. (not his real name), was sitting near the gates of the settlement reading a newspaper when the operation started. His wife told Human Rights Watch:

That evening I was coming back from the market place and saw my husband sitting near the gates. He was reading a paper or may have been doing a crossword. I did not see any cars or servicemen around. It all happened in a matter of minutes. I had not even taken my shoes off when I heard screams outside and heard women saying that some men were detained near the camp. I immediately thought of my husband, because he was there, near the gates.... I wanted to come out, but they did not let me, and I was watching through the café window. I saw him lying on the ground, he was bleeding, I saw blood on his arms and face. I went to bring his identity papers, but they did not take them.⁷⁴

Another detainee from the settlement was Kharon Kh. (not his real name), a high school student who also happened to be near the gates at the time of the operation. That evening he went to get some water for dinner, and while waiting for his turn near the water-pump, wandered into the street. His father told Human Rights Watch:

I heard that they had detained people, and ran out, but they did not let anybody out of the gates. He took his last exam at high school that day... . When they left, I did not even know my son was among the detainees. I was waiting for him to come back the whole night, and the next day. Only the next day, in the evening an official came with the list [of detainees]. I knew my son did not have any papers on him and wanted to give them his passport. But he did not take it, just ordered me to come next morning. Next morning I came to the Ministry of Internal Affairs and told them what I saw. In my absence, they conducted a search at our place, but did not take anything. An investigator told me my son was in detention in Ossetia. I went there, but they did not let me see him.⁷⁵

Both Courah C. and Kharon Kh. spent one and a half months in detention. They were kept in a pretrial detention center in Vladikavkaz, North Ossetia and Kharon Kh. was later transferred to Piatigorsk, in Stavropol region. According to Kharon K.'s lawyer, both were charged with possession of arms, but released late July in accordance with article 27.1(1) of the Russian criminal procedure code – “non-involvement of the accused in the perpetration of the crime.” The lawyer is considering suing the authorities who carried out the operation for moral and physical harm inflicted on his client by an unlawful detention.⁷⁶

During the operation, the servicemen also detained Aslambek A. (not his real name), who was married to a woman from the Tanzilla settlement. A local police official claimed that Aslambek A. was “a supporter of the militant Islamic wahhabi movement” and that he was detained and charged with “terrorism” and other “serious

⁷¹ Human Rights Watch interview with Raisa R. (not her real name), Tanzilla settlement, Nazran, Ingushetia, July 7, 2003.

⁷² Human Rights Watch interviews with Khadzhat Kh., Taus T. and Zargan Z. (not their real names), Tanzilla settlement, Nazran, Ingushetia, July 7 and 8, 2003.

⁷³ Ibid.

⁷⁴ Human Rights Watch interview with Zargan C. (not her real name), Tanzilla settlement, Nazran, Ingushetia, July 7, 2003.

⁷⁵ Human Rights Watch interview with Khamzat Kh. (not his real name), Tanzilla settlement, Nazran, Ingushetia, July 7, 2003.

⁷⁶ Human Rights Watch interview with Kharon Kh.'s lawyer, Nazran, Ingushetia, September 9, 2003.

crimes.”⁷⁷ Human Rights Watch has no information to confirm or deny these allegations, but is concerned about the serious violations that have characterized the investigation of his case.

On July 8, 2003, a group of several dozen armed personnel in camouflage, some of them masked, arrived to Alina tent camp, where Aslambek A.’s parents and eight siblings lived in two adjacent tents. The parents were not at home; that day they had gone to visit Aslambek A. in detention. According to a neighbor, the armed men did not introduce themselves and did not explain the purpose of their visit. They turned everything in the tents upside down and took away some documents, family pictures, and a toy gun belonging to one of the boys.⁷⁸

The armed personnel also took away two minors – Aslambek’s fourteen-year-old brother Ramzan (not his real name) and his seventeen-year-old sister, Makka (not her real name), along with a woman who was visiting the family. The servicemen took both minors to a local police station, where they stayed for several hours. Makka told Human Rights Watch:

They did not explain anything.... We asked “Why?” but they just said, “Move forward!” They put me in the back of an UAZ jeep, and there were masked men sitting next to me. There [at the police station] they interrogated us separately, in separate rooms, one by one.... All major officials were sitting around. It lasted for two or three hours. They asked about our brothers, and other relatives in the family pictures. They threatened [me]: “We know everything, tell us! We know your house, your gates, everything.” After the interrogation, I signed something.⁷⁹

Makka M. did not know what exactly she had signed, because she hardly spoke Russian and could neither read nor write it.

According to Makka M., among the documents the armed personnel seized from their place were their older brothers’ death certificates and an appeal prepared by Aslambek A.’s lawyer, in which he described the torture his client was subjected to in order to force him into confession.⁸⁰

The police official told Human Rights Watch that they did not “detain the kids, but just invited them, along with their aunt” to give some “explanations.” Explaining the way the two minors were apprehended in the camp, the official complained that “all the bandit groups are hiding in the camps,” and that the tent dwellers “attack” the authorities when they conduct checks. “Had we conducted the questioning there, we would have had problems, including smashed car windows,” he added. “And this way we just invited them over and were done in half an hour.”⁸¹

Special operation in Altievo settlement

At about 3:00 p.m. on June 22 armed masked men arrived in two cars at the Altievo settlement on the territory of an abandoned dairy farm. A Ministry of Internal Affairs official informed Human Rights Watch that the operation was carried out by forces of the Oktiabrskii ROVD from Grozny.⁸² According to witnesses, the police forces were looking for one of the settlement dwellers, Minkail M. (not his real name), who started fleeing when he realized that the armed personnel were after him. The servicemen chased Minkail M. and eventually seized him when he randomly ran into one of the houses in the settlement, belonging to Suleiman S. (not his real

⁷⁷ Human Rights Watch interview with the head of criminal investigations department at Sunzhenskii district department of Internal Affairs (ROVD), Sleptovskaia, Ingushetia, July 8, 2003.

⁷⁸ Human Rights Watch interview with Malika M. (not her real name), Alina tent camp, Ingushetia, July 8, 2003.

⁷⁹ Human Rights Watch interview with Makka M. (not her real name), Alina tent camp, Ingushetia, July 8, 2003.

⁸⁰ Ibid.

⁸¹ Human Rights Watch interview with the head of criminal investigations department at Sunzhenskii District Department of Internal Affairs (ROVD), Sleptovskaia, Ingushetia, July 8, 2003.

⁸² Human Rights Watch interview with a high-ranking Ministry of Internal Affairs official, Nazran, Ingushetia, July 7, 2003. The interviewee requested anonymity.

name). They beat Minkail M. with rifle butts, put him in one of the cars, and drove away.⁸³ His wife told Human Rights Watch that her husband used to be a fighter during the first war and is now charged with murder and burglary.⁸⁴

The alleged legal grounds for this arrest does not, however, justify the police conduct during the operation. According to numerous witnesses' accounts, they were responsible for looting and deliberately endangering the safety of other settlement dwellers. In the house of Suleiman S. (where they apprehended Minkail M.) the servicemen stole a camera and 5,600 rubles (approximately US \$190).⁸⁵ When the settlement dwellers, mostly women, including Minkail M.'s wife, approached the servicemen trying to see what was going on, the servicemen started shooting at the women's feet to disperse the crowd.⁸⁶ According to Satsita S., one of the servicemen then dropped to his knee and fired a shot at a boy who was running away. The shot missed and the boy escaped unharmed.⁸⁷

The settlement dwellers did not file any complaints about the operation, explaining that they were scared that the servicemen might return.⁸⁸

Abuses during Special Operations in Ingush villages

Special operation in Arshty

On the morning of June 6, 2003, federal forces on six APCs and other military vehicles surrounded the village of Arshty in southern Ingushetia and blocked all ways in and out. The operation lasted for two days, during which the servicemen conducted unsanctioned searches in peoples' homes, looted and damaged civilian property, and ill-treated several people, one of whom was hospitalized.

On the first day of the sweep an FSB official from Sunzhenskii district who entered the village, along with the head of the local administration and a local policeman, accompanied the servicemen during the checks in peoples' houses. According to Murad Firzauli, head of the local administration, this helped to prevent looting. However, the next day, June 7, no authorities were allowed into the village, including the vice prime minister of Ingushetia, the deputy chief prosecutor of Ingushetia, and the Sunzhenskii district prosecutor, all of whom tried unsuccessfully to enter the village.⁸⁹ In order to keep the servicemen under control, Firzauli suggested they should form two groups — one accompanied by himself, and one by the local policeman. Yet, according to Firzauli:

[On the 7th,] they formed four groups instead – we went along, checking [with the first two groups], and right after us the other groups came, stealing everything. From some people they stole gold and necklaces, from some – money, from others – a tape-recorder. They managed to carry away a big tape-recorder! Where people were not at home, they broke doors. They were smashing doors, although I told them not to do it here... The second day they were checking the same houses, and that's when all this stealing and looting began.⁹⁰

⁸³ Human Rights Watch interviews with Aslan A., Satsita S. (not their real names) and other displaced persons in MTF Altievo settlement, Ingushetia, July 7, 2003.

⁸⁴ Human Rights Watch interviews with Satsita S., MTF Altievo settlement, Ingushetia, July 7, 2003.

⁸⁵ Human Rights Watch interviews with Aslan A., Satsita S. and other displaced persons in MTF Altievo settlement, July 7, 2003. See also: Memorial Human Rights Center, "Ingushetia – the Zone of 'Stability and Security?'"

⁸⁶ Human Rights Watch interviews with Aslan A., Satsita S. and other displaced persons in MTF Altievo settlement, July 7, 2003.

⁸⁷ Human Rights Watch interview with Satsita S., MTF Altievo settlement, Ingushetia, July 7, 2003.

⁸⁸ Human Rights Watch interviews with Aslan A., Satsita S. and other displaced persons in MTF Altievo settlement, July 7, 2003.

⁸⁹ Human Rights Watch interview with Murad Firzauli, Arshty, Ingushetia, July 5, 2003.

⁹⁰ Ibid.

On the first day, federal forces ill-treated some villagers, before the head of the local administration managed to impose some order. At about 8:00 a.m. on June 6, four APCs drove into the yard of Timur T. (not his real name.) Federal forces threw three smoke grenades into the yard and started shooting into the air. Timur T. described the event to Human Rights Watch:

I heard explosions and shooting, and saw the flashes. In the yard I saw one of the kids, terrified, and lifted him to my arms. But they immediately swooped down on me, and tossed the child away – I did not see where they took him – and threw me onto the ground. They did not ask any questions, but were filming everything. They turned everybody face-up and filmed, and then put us back facedown onto the ground. Three of my brothers and my nephew were also on the ground, and they [the servicemen] - beat them with rifle butts. Then they checked our last names and said that was a mistake. Our father is a vice prime minister's cousin. After everything they did they said it was a mistake! The worst thing is all these insults we have to swallow. They keep humiliating us and there is nothing we can do, not even say a word.⁹¹

On June 7, the servicemen broke into the house of eighty-year-old Atarik A. (not her real name). Murad Firzauli, who was present during the search, informed them that the elderly woman was the only one living there, and that she was not at home. Not listening to him, the servicemen started turning everything in the house upside down. They broke a safe, a chest, and a trunk; they stole some clothes and 8,000 rubles (approximately U.S. \$250) that were hidden under a mattress on Atarik's bed.⁹² "These were savings from my pension," Atarik A. told Human Rights Watch. "When I returned home, everything was on the floor; they trampled and dirtied everything with their boots."⁹³

The servicemen also drove three APCs into the yard of Khumid Albakov, a member of the Ingush parliament. The family was not at home at the time of the operation. One of the APCs broke the gates of the house. According to the Memorial Human Rights Center, the servicemen occupied the house for the time of the operation, damaged the family's property, and took away some furniture, linens, and other things.⁹⁴ Albakov's nephew, who lives nearby and was present during the operation, told Human Rights Watch that the servicemen reversed APC into the yard and started loading it with loot, such as cushions and pillows.⁹⁵

Vakha V. (not his real name), a resident of Arshty, was away when the operation started. On June 7, he rushed back home worried about his nineteen-year-old son who had stayed in the village. As his car approached the village, two military vehicles blocked the way. Then, according to Vakha V.:

Soldiers jumped out, stopped us, and started throwing stuff from the car all over the road, swearing at us. I asked what was the matter, but they immediately hit me in the face with a rifle butt, and continued to beat me up. They broke several of my ribs and I had to go to a hospital right away. I have a medical certificate about the injuries.⁹⁶

When interviewed by Human Rights Watch on July 5, 2003, Vakha V. had a visible, fresh scar on his face. He told Human Rights Watch that a local policeman from the neighboring village of Chemulga who witnessed the beating did not dare to intervene, but ran to notify a military unit permanently located near the village. The

⁹¹ Human Rights Watch interview with Timur T. (not his real name), Arshty, Ingushetia, July 5, 2003.

⁹² Human Rights Watch interview with Murad Firzauli, Arshty, Ingushetia, July 5, 2003.

⁹³ Human Rights Watch interview with Atarik A. (not her real name), Arshty, Ingushetia, July 5, 2003.

⁹⁴ Memorial Human Rights Center, "Ingushetia – the Zone of 'Stability and Security?'"

⁹⁵ Human Rights Watch interview with Akhmed A. (not his real name), Arshty, Ingushetia, July 5, 2003.

⁹⁶ Human Rights Watch interview with Vakha V. (not his real name), Arshty, Ingushetia, July 5, 2003.

military also refused to take any measures to stop the abuse, however, saying their intervention could only make things worse. Vakha V. did not file a complaint with the procuracy, thinking it would be in vain.⁹⁷

The Memorial Human Rights Center documented several other cases of ill-treatment and looting during the operation in Arshty.⁹⁸

According to the head of the local administration, the villagers complained orally about the servicemen's behavior during the operation, and specifically about looting, yet were afraid to file written complaints with the procuracy. Local procuracy officials along with the deputy chief prosecutor of Ingushetia visited Arshty after the operation, yet they did not question either witnesses or victims, and just ordered the head of the administration to collect and hand to the procuracy the villagers' written complaints – if there were any.⁹⁹

From a knowledgeable official Human Rights Watch learned that the operation was carried out by Moscow OMON (special-purpose police unit) troops, temporarily seconded at the Khankala military base in Chechnya.¹⁰⁰

Special operation in Chemulga

On June 17-18, federal forces conducted another operation in the village of Chemulga, located in southern Ingushetia not far from Arshty. The village was surrounded by military vehicles, including APCs, and the servicemen checked identities of persons and searched cars entering and leaving the village.¹⁰¹ According to the Memorial Human Rights Center, the head of the local administration and a local policeman were present during the operation, and the servicemen did not commit serious abuses. However, they beat up a local resident, who was trying to enter his house through a window, because his brother had left with the keys.¹⁰²

Attacks on Ingush Civilians

Killing of Umar Zabiev, Wounding of Tamara Zabieva

On June 10, 2003, three Ingush civilians—sixty-five-year-old Tamara Zabieva and two of her sons, Ali and Umar Zabiev—were weeding their potato field near the village of Galashki. At approximately 6:00 p.m. they heard a column of military vehicles passing by and saw helicopters, apparently providing air cover for the column. About an hour later they drove back home in their truck when the car suddenly came under heavy machine gun fire.¹⁰³

More than fifty bullets were shot at the car.¹⁰⁴ Umar Zabiev, who was driving, lost control over the vehicle; the car ran into a tree on the roadside and caught fire. According to Ali Zabiev, the shooting was coming from a nearby forest; there was no prior warning or shooting into the air; and no effort to stop the car. Zabiev told Human Rights Watch that during the shooting his mother was injured in the back, neck, and head. When the brothers took her out of the car, she was unconscious. Ali and Umar did not sustain serious injuries during the shooting. Umar stayed with his mother and sent Ali to the village for help.¹⁰⁵

About forty minutes later, villagers from Galashki, local police, and Zabiev's family members arrived at the site of the shooting. Musa Zabiev, the oldest brother and a major in the Ministry of Internal Affairs troops, told

⁹⁷ Ibid.

⁹⁸ See: Memorial Human Rights Center, "Ingushetia – the Zone of 'Stability and Security?'"

⁹⁹ Human Rights Watch interview with Murad Firzauli, Arshty, Ingushetia, July 5, 2003.

¹⁰⁰ Human Rights Watch interview with a military official, Ingushetia, July 5, 2003 (the interviewee requested anonymity).

¹⁰¹ Human Rights Watch interview with Bislan B. (not his real name), Chemulga, Ingushetia, July 5, 2003.

¹⁰² Memorial Human Rights Center, "Ingushetia – the Zone of 'Stability and security?'" ; Human Rights Watch interview with Bislan B., Chemulga, Ingushetia, July 5, 2003

¹⁰³ Human Rights Watch interview with Ali Zabiev, Galashki, Ingushetia, July 5, 2003.

¹⁰⁴ Human Rights Watch researchers counted more than fifty bullet holes when they inspected the vehicle on July 5, 2003.

¹⁰⁵ Ibid.

Human Rights Watch that they found Tamara Zabieva unconscious and sent her to the local hospital, but were unable to find Umar that evening.¹⁰⁶

The search for Umar went on into the night, and at about 10:00 p.m. two local residents, who were combing the forest, were stopped by a group of armed military men, speaking unaccented Russian. The military men interrogated them about the purpose of their search and the villagers' reaction to the shooting. Three hours later, having received some commands through a radio transmitter, the military men released the two villagers.¹⁰⁷

Next morning, Umar Zabiev's body, bearing clear marks of torture and gunshot wounds, was discovered twenty meters away from the spot where the two villagers were detained the night before. The body was hidden in the forest, 1,700 meters away from the road. Musa Zabiev told Human Rights Watch:

We would have never found the body if it weren't for the two men who had been detained at night. They suggested we should go and check around the place where they had been stopped. And there we saw blood and traces of dragging, which we followed.... Umar had multiple fractures — his jaw and right arm were broken, and the teeth on the right side were knocked out. There was a stab-wound in the kidney area. His eyes were bruised and swollen, and on the leg there were traces from beating with a rifle butt.... It was clear that they were finishing him off. They took a final shot [to his head].¹⁰⁸

Musa Zabiev believes that the servicemen who had fired at the car later found Umar and his mother; they took Umar away, but left Tamara Zabieva, thinking she was dead.¹⁰⁹

In the proximity of the burial place local police found more than one hundred used cartridges and a machine gun cartridge belt, used band-aids, cigarette stubs, and insoles. They also found numerous empty water bottles and food packages, including tinned pork meat cans and tea and sugar packages with the Russian Ministry of Defense marking on them. Food items were hidden in small pits covered with soil.¹¹⁰

Military officials immediately started denying any involvement of federal servicemen in the incident. The day after the shooting, the deputy commander of the United Group of Forces, General Istrenko, a representative of the military intelligence unit, and a representative of the military procuracy from Khankala, Chechnya, visited the site of the incident. However, none of them has demonstrated any willingness to investigate the involvement of servicemen in the shooting. Musa Zabiev described his discussion with General Istrenko:

The general denied everything, the very possibility of the military's involvement, and the shooting. I got an impression that the general arrived in order to somehow find my relatives' connections to rebel fighters; in order to somehow lump the blame [for the incident] on rebels. When someone is really interested in solving the case, his behavior, his attitude is very different.¹¹¹

The Sunzhenskii district civilian procuracy has been thoroughly and aggressively investigating the case. After discovering ample evidence of federal servicemen's involvement, an investigator tried to transfer the case to the military procuracy, but the latter refused to take it over. Due to procedural limitations, the civilian procuracy

¹⁰⁶ Human Rights Watch interview with Musa Zabiev, Galashki, Ingushetia, July 5, 2003.

¹⁰⁷ Ibid. See also: Memorial Human Rights Center, "Ingushetia – the Zone of 'Stability and Security?'"

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Site of occurrence inspection report, Sunzhenskii district procuracy, June 11, 2003. On file with Human Rights Watch.

¹¹¹ Human Rights Watch interview with Musa Zabiev, Galashki, Ingushetia, July 5, 2003.

cannot take further measures to identify individual perpetrators or a unit involved, and without the military procuracy's involvement, the case will most likely remain unsolved.¹¹²

Wounding of Imran Guliev

On June 4, 2003, sixteen-year-old Imran Guliev was on a riverbank near Galashki with three friends, gathering stones for construction purposes. At approximately 4:00 p.m. the teenagers saw a column of APCs driving by.

One of the APCs slowed down, and a soldier sitting on top of the vehicle took aim and shot at the boys, wounding Imran in the leg. Imran told Human Rights Watch that right after the shot the soldier pushed two of his subordinates off the vehicle and they picked up the bullet case. The soldiers clearly heard the screams and saw Imran falling, but did not bother to stop.¹¹³ Imran's friend ran for help and the boy was taken to a local hospital, where he spent the next twenty days.

Imran's friends and three other bystanders witnessed the incident. They remembered the APC's number – "825," and they could clearly describe the soldier who shot at the boys. According to one of the youngsters, the soldier's skin was darkish; he had a scar on one of his cheeks; and he was wearing a T-shirt, camouflage pants, and a bandana covering his head.¹¹⁴

Imran's father, Sultan Guliev, addressed the authorities almost immediately after the incident. He rushed to the village administration, local police, local procuracy, and FSB, urging the authorities to stop the column. His efforts proved futile — the APCs drove through the village and left unhindered.¹¹⁵

The military procuracy has to date refused to open an investigation into the incident. According to Sultan Guliev, the procuracy believed that the case was not worth pursuing, since the serviceman would be in any case acquitted under the recent amnesty.¹¹⁶

Response of the Authorities

One of the most alarming developments witnessed by Human Rights Watch in Ingushetia was the authorities' unwillingness to acknowledge that the abuses even took place, let alone to investigate them and punish the perpetrators.

Federal forces participating in the Ingushetia operations enjoy complete impunity, which has long been a characteristic feature of the Chechnya conflict. As mentioned above, no investigations have been launched into the raids on settlements for displaced persons and Ingush villages, and the victims are actively discouraged from pursuing their cases with the authorities. The investigation launched by the Ingush civilian procuracy into the brutal attack on Umar Zabiev and Tamara Zabieva came to a standstill because of the military procuracy's refusal to take over the case or assist the investigators in any way.

Overall, the reaction of Ingush authorities to the escalation of abuses on their territory has been mixed. For example, an Ingush procuracy official bitterly complained to Human Rights Watch about the impudence and arbitrariness of Russian forces, and the impunity they enjoy.¹¹⁷ At the same time, a high-ranking Ingush Ministry

¹¹² Human Rights Watch interview with an official at Sunzhenskii district procuracy, Sleptovskaia, Ingushetia, July 8, 2003 (the interviewee requested anonymity).

¹¹³ Human Rights Watch interview with Imran Guliev, Galashki, Ingushetia, July 6, 2003.

¹¹⁴ Human Rights Watch interview with Khusein Kh. (not his real name), Galashki, Ingushetia, July 6, 2003.

¹¹⁵ Human Rights Watch interview with Sultan Guliev, Galashki, Ingushetia, July 6, 2003.

¹¹⁶ Ibid.

¹¹⁷ Human Rights Watch interview with an official at Sunzhenskii district procuracy, Sleptovskaia, Ingushetia, July 8, 2003 (the interviewee requested anonymity).

of Internal Affairs official fervently denied any allegations that the situation in Ingushetia is worsening.¹¹⁸ He insisted that the operations conducted on Ingush territory conform to the law and are targeted against criminals hiding in the republic. According to the official, no abuses or violations have occurred during the raids, and the brutality of the servicemen was merely the fruit of the displaced persons' imagination.¹¹⁹

The Ministry of Internal Affairs official's account of the special operations in Arshty, Nesterovskaia, Tanzilla, OOO URS, and Altievo was inconsistent and contradicted facts documented by Human Rights Watch. For example, the official claimed that all nine people apprehended near the Tanzilla settlement were legally detained and charged with "very serious criminal offenses;" that in southern Ingushetia operations were conducted only in the forests, and "not a single shot was fired in an inhabited area;" and that in all circumstances the servicemen identified themselves. Regarding the Galashki incident, the official insisted, "nothing has been proved there yet, including the military's involvement."¹²⁰

According to same official, Ingush authorities were informed about the general plans of the Russian or pro-Moscow Chechen forces to conduct operations in Ingushetia, but not about specific locations, "in order to prevent a leak." He insisted that these operations were nothing out of the ordinary. He told Human Rights Watch:

Nothing extraordinary is going on here. Ordinary measures. Of course, some people are interested in presenting all this in a different light, but all these are lawful measures, lawful detentions.... Only lawfulness and harshness, nothing else.... We never touch the innocent, and people always know who conducted the operation and why. But they just try to present it in such a light, to lump their problems on someone else so that someone else would solve them. They often play foul like that.¹²¹

However, the official further complained about the difficulties of conducting operations in settlements, saying that his policemen "die during every operation," and that the camps' dwellers "shoot down the servicemen." Moreover, talking about the Galashki incident, he repeatedly mentioned that "military actions are in place there, with daily shootouts and attacks."¹²²

He underscored the Ministry's preoccupation with return and dismissed the security risks returnees might face in Chechnya:

We would like them to leave and settle in their houses, which are absolutely intact, safe and sound. [By staying here] they just cause further harm to their houses and gardens. Take a car, go to Chechnya. Absolutely intact houses, the whole villages abandoned. What is the need for staying here, in these farms, in these horrible, unsanitary conditions, while everything is marvelous there? There is nothing scary out there [in Chechnya]. People live freely. But they don't think it's worth returning because the freedom of movement is limited there. They may get their documents checked. And many of these people have problems with the law.

Human Rights Watch's efforts to obtain commentary on the developments in Ingushetia from the Ingush President's administration, the Ingush government, and the local FSB proved futile.

The failure of Russian authorities to investigate the abuses, prosecute the perpetrators, and provide redress for victims violates Russia's obligations under international law. The ICCPR requires in article 2 that states

¹¹⁸ Human Rights Watch interview with a high-ranking official at the Ingush Ministry of Internal Affairs, Nazran, Ingushetia, July 7, 2003 (interviewee requested anonymity).

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Ibid.

“ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.” Persons shall have their right to a remedy determined by “competent judicial, administrative or legislative authorities,” or other competent state authority. The state must ensure that the competent authorities shall enforce such remedies when granted.¹²³ The U.N. Human Rights Committee, in its draft General Comment on article 2, notes that “States Parties must ensure that those responsible are brought to justice. As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant. These obligations arise notably in respect of those violations recognized as criminal under international law, such as torture and similar cruel, inhuman and degrading treatment.”¹²⁴

The United Nations Commission on Human Rights recognized in an April 2002 resolution on impunity that “accountability of perpetrators, including their accomplices, for grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring, ... ultimately, reconciliation and stability within a State.”¹²⁵

IV. CURRENT DEVELOPMENTS IN INGUSHETIA: CONTINUED ABUSES AND RENEWED PRESSURE TO RETURN

The majority of cases documented by Human Rights Watch researchers took place in June 2003. Recent reports indicate that the situation has not improved in the subsequent two months. The media, human rights groups, and local sources have continued to report on security incidents and raids targeting internally displaced people. Following are three illustrative examples.

On July 4, 2003, three armed men in the center of Nazran abducted Ali Astamirov, a thirty-four-year-old Chechen who has been an Agence France Press (AFP) journalist in Ingushetia and Chechnya for more than a year. According to media reports, prior to the abduction, he had recently received anonymous threatening phone calls. The official investigation, opened several days after the abduction, did not produce any result. Neither AFP nor the journalist’s family has received ransom demands.¹²⁶ Despite the AFP’s numerous appeals to the authorities, as of late August, Ali Astamirov remained missing.¹²⁷

On August 21, 2003, about twenty-five masked and armed men abducted five Chechens from a hospital in the village of Sleptsovskaya. According to information obtained by Human Rights Watch from an official source, the armed men were FSB agents and military personnel from Khankala, and the operation was aimed at detaining Anzor Suleimanov, a suspected member of an armed Chechen group. The servicemen found Suleimanov in a hospital ward and started severely beating him and another man, Ali Shaipov, who was apparently accompanying Suleimanov. Terrified by the raid, a medical resident and a patient whom he was treating at the moment tried to leave the hospital. The servicemen rushed after them, shooting, caught both in the hospital yard, and started beating the men. The servicemen took away the suspected fighter and his companion, the patient they caught in

¹²³ 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 European Convention on Human Rights contains a similar provision in article 13. Russia ratified the European Convention on May 5, 1998. The European Court of Human Rights has established that the state’s obligation to respect the right to life includes a duty to diligently investigate murders and other cases of deprivation of human life. See *Kaya v. Turkey*, Judgment of February 19, 1998, para. 107.

¹²⁴ U.N. Human Rights Committee, Draft General Comment on Article 2, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant Unedited Version, U.N. Doc. CCPR/C/74/CRP.4/Rev.3 (2003), paragraph 15.

¹²⁵ United Nations Commission on Human Rights Resolution 2002/79, April 25, 2002, preamble.

¹²⁶ “French reporter kidnapped in Ingushetia,” ITAR-TASS World Service, July 6, 2003.

¹²⁷ “AFP asks Putin to help find journalist missing in Caucasus,” Agence France Press, August 4, 2003.

the hospital yard, and two other men who tried to stop the beating in the yard. As of this writing, none of the men had been released. Sunzhenskii district procuracy opened a criminal investigation into the abduction.¹²⁸

On August 27, 2003, Russian Ministry of Internal Affairs troops opened gunfire in the village of Chemulga. According to the acting minister of internal affairs of Ingushetia, the servicemen were drunk, and their shooting damaged a mosque and a private house in the village.¹²⁹

Against the backdrop of a deteriorating security situation in both Ingushetia and Chechnya, Russian authorities have stepped up pressure on internally displaced people in July and August, 2003. Officials have publicly announced October 1, 2003, as a new deadline for dismantling the tent camps and the return of displaced persons.¹³⁰ As before, Russian officials claim that all returns to Chechnya will be voluntary, and that they may provide some alternative housing in Ingushetia to tent dwellers unwilling to return.

At the same time, Chechen Prime Minister Anantolii Popov asserted that only 5 percent of the internally displaced do not want to go back.¹³¹ While it may be true that the vast majority eventually want to return to Chechnya, they clearly do not wish to do so under current circumstances. A survey conducted by Médecins Sans Frontières in February 2003 showed that more than 90 percent of the internally displaced living in tent camps did not want to return to Chechnya, fearing for their lives.¹³²

In mid-August, residents of one of the five big tent camps, Bella, complained that the authorities had threatened them with imminent closure of the camp and were forcing them to leave. Some 200 people from the camp were reportedly relocated to a temporary accommodation center at a former pesticides storehouse. After several people started feeling sick, migration authorities rushed to return them back to the camp, where their tents had already been removed.¹³³

Meanwhile, Chechnya does not seem prepared to accommodate even those who voluntarily choose to return. According to media reports, several dozen refugees who went back to Grozny in August had to spend a night or two on the streets, because the promised accommodations were not ready.¹³⁴

As of this writing, efforts to press displaced persons to return have been more successful than ever, with a reported 3,000 people having returned to Chechnya in late July and early August 2003.¹³⁵

The voluntary nature of these returns remains highly questionable. Neither the displaced themselves nor international organizations monitoring the situation seem to believe that the tent dwellers are free to make their choices.

¹²⁸ Human Rights Watch interview with an Ingush official, August 27, 2003 (the interviewee requested anonymity). See also Yuri Bagrov, "Gunmen seize five Chechens at clinic," *The Independent*, August 23, 2003.

¹²⁹ "In Ingushetia drunk servicemen damaged a mosque and a dwelling house," *Gazeta.ru*, August 30, 2003.

¹³⁰ On August 14, 2003, Chechen Prime Minister Anantolii Popov announced the new deadline at a press-conference in Moscow. See "All Chechen refugee camps in Ingushetia to close by 1 October 2003," *Interfax*, August 14, 2003.

¹³¹ At a meeting with foreign journalists on August 26, 2003, Anatolii Popov said, that "Naturally, there will be a category of refugees who will not want to return to Chechnya under any circumstances. About five percent feel this way," see "Number of Chechen refugees in Ingush tent camps drops by two-thirds in 2003 - PM," *Interfax*, August 26, 2003.

¹³² Médecins Sans Frontières, "Left without a choice: Chechens forced to return to Chechnya," *A Médecins Sans Frontières Report*, April 2003.

¹³³ Ruslan Isayev, "Refugees placed in former warehouse for pesticides," *Prague Watchdog*, August 11, 2003. See also Timur Aliev, "Refugees Under Growing Pressure to Go Home," *The Moscow Times*, August 20, 2003.

¹³⁴ See for example, Timur Aliev, "Refugees Under Growing Pressure to Go Home," *The Moscow Times*, August 20, 2003.

¹³⁵ "3,000 refugees back to Chechnya over past month," *ITAR-TASS World Service* (citing Ingush President Murat Ziazikov), August 14, 2003.

Almost 800 displaced persons from the Bella camp sent a letter to Ingush President Murat Ziazikov and to the Russian presidential commission for human rights complaining about strong pressure from Russian authorities to leave their camp.¹³⁶

The Office of the United Nations High Commissioner for Refugees challenged the voluntary nature of returns, specifically objecting to the shuttling of about 200 internally displaced from the Bella camp, and expressing concern about the lack of a viable program of alternative housing in Ingushetia.¹³⁷ Amnesty International and Médecins Sans Frontières have also raised concerns that the displaced persons are being returned to Chechnya against their will and without any reliable security guarantees.¹³⁸

V. RECOMMENDATIONS

To the Government of the Russian Federation:

- Immediately stop abusive operations in Ingushetia carried out in violation of international human rights and humanitarian law. Ensure that all military and police personnel involved in the operations act in accordance with their obligations under Russian and international law. In particular, they should be instructed that:
 - No one shall be subjected to arbitrary arrest or detention. No one should be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law;
 - A detention record must be kept regarding every detainee, as required by the *Cakici v. Turkey* Judgment of the European Court of Human Rights (judgment of July 8, 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 of the grounds of arrest and any charges against them immediately, and should have immediate and regular access to lawyers of their own choosing;
 - In accordance with articles 92 and 94 of the Russian criminal procedure code, the procuracy must be informed in writing within twelve hours of any arrest, and the detainee should be brought before a judge within forty-eight hours;
 - Detainees should be informed of and granted the right to challenge their detention in a court of law;
 - Relatives of a detained person must be informed of the detention of their family member and the reason for and location of the detention; and they must be allowed regular contact with detainees;
 - No physical force may be used in respect of a detainee which has not been made strictly necessary by his own conduct.
- Undertake a full and objective investigation into abuses committed during the operations conducted in Ingushetia in the summer of 2003. Ensure that the military procuracy is involved in the investigation process and assists the civilian procuracy in identifying and prosecuting the military personnel responsible for violations;
- Instruct all relevant military and law enforcement officials that they will be held accountable for failure to implement the above-mentioned requirements, and for the failure to duly investigate the abuses;

¹³⁶ "Chechen refugees complain of pressure to leave tent camp," Agence France Press, August 9, 2003.

¹³⁷ UNHCR, "Ingushetia: UNHCR protests treatment of Chechen displaced persons," *UNHCR briefing notes*, August 15, 2003, <http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.htm?tbl=NEWS&id=3f3cce330&page=news> (retrieved August 26, 2003).

¹³⁸ See Amnesty International, "Russian Federation: Ingushetia must remain safe haven for displaced Chechens," *Amnesty International press-release*, August 22, 2003; Médecins Sans Frontières, "One of the three largest camps in Ingushetia, Bella, is being emptied, under the indifferent watch of the international community," *A Médecins Sans Frontières press-release*, August 8, 2003.

- Stop pressuring internally displaced persons into returning to Chechnya and ensure that they continue to enjoy protection and humanitarian assistance in accordance with international standards, including the United Nations Guiding Principles on Internal Displacement;
- Undertake a comprehensive assessment of the security situation inside Chechnya and make its results public to ensure that displaced persons relocating to Chechnya are fully informed of the current situation in Chechnya;
- Ensure that those who wish to stay in Ingushetia are provided decent shelter.

To the International Community:

- Governments, in particular the U.S. government and those of European Union member states, should advance the recommendations contained in this report in multilateral forums and in their bilateral dialogues with the Russian government. Using in particular their upcoming summits with Russia this fall, leaders of the U.S. and the E.U. should firmly protest any measures that may endanger the lives and well-being of thousands of internally displaced people residing in Ingushetia, and raise concern about the deteriorating situation in Ingushetia. They should send observers to Ingushetia to monitor and report on the conduct of the Russian forces in the republic and the situation of internally displaced persons there. They should further insist on accountability for all reported crimes by federal troops against civilians in Chechnya or Ingushetia and call on the Russian authorities to publish a detailed list of all current and past investigations into such abuses, clearly indicating their current status. They should renew calls for access to international monitors to the region, including the U.N. Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on violence against women, and reiterate the need for the Russian government to cooperate fully with the Council of Europe and the Organization for Security and Cooperation in Europe.

United Nations

- Through relevant agencies involved in the region, such as UNHCR and UNOCHA, continue a thorough monitoring of the situation to ensure that all returns to Chechnya are voluntary;
- Urge the Russian government to desist from compelling the internally displaced to leave tent camps and return to Chechnya and call on it to implement the recommendations issued by the Representative of the Secretary-General on Internally Displaced Persons following his recent visit to the region;
- Urge the Russian government to fully implement the United Nations Guiding Principles on Internal Displacement;
- Assist the Russian government in assessing conditions for return, including the security situation in Chechnya and the state of temporary shelter offered to relocating displaced persons;
- Ensure that the internally displaced who stay in Ingushetia continue to receive humanitarian assistance and enjoy protection provided through relevant U.N. agencies;
- UNHCR should deploy a team of staff members to rotate through the displaced persons' camps and settlements in order to intervene in urgent protection problems in the community, and oppose any measures that may endanger life and well-being of the displaced. The team should compile and maintain in a timely and consistent manner data on all displaced persons who were victimized during the special operations, and require an adequate response from Russian authorities.

Council of Europe

- The Parliamentary Assembly should adopt a resolution calling on Russia to stop pressuring displaced persons to return to Chechnya while conditions are unsafe and to ensure that they continue to enjoy assistance and protection in Ingushetia. The resolution should also acknowledge the deteriorating situation in Ingushetia and urge the Russian government to take measures to prevent the spreading of the Chechnya conflict to the territory of the neighboring republic. It should call on the Russian government to bring the situation under control and ensure that any law enforcement operations conducted in Ingushetia conform to Russian and international law;

- The Secretary General should call on Russian procuracy officials to fully investigate abuses committed by Russian forces on Ingush territory, including the cases of arbitrary detention, ill-treatment and looting, and attacks on Ingush civilians. He should insist that these investigations should fully comply with the standards for investigations into alleged human rights violations developed in the case law of the European Court of Human Rights;
- The Commissioner for Human Rights should visit Ingushetia to address the deteriorating human rights situation in the republic;
- The experts seconded to the office of the Special Representative of the President of the Russian Federation for Human Rights in Chechnya should consider an extraordinary visit to Ingushetia. They should seek to ensure that the rights of the internally displaced are not violated at any stage of the return process, both in Ingushetia and Chechnya, and make public any breaches found.

Organization for Security and Cooperation in Europe

- The Permanent Council should initiate an urgent debate about the deteriorating situation in Ingushetia, and call on the Russian government to desist any forced returns. They should seek to secure a speedy return to the region by the OSCE with a clear mandate to monitor and publicize human rights.

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Europe and Central Asia Division

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