

**RUSSIA**  
**(CHECHNYA AND DAGESTAN)**

**CAUGHT IN THE CROSS FIRE**  
**Civilians in Gudermes and Pervomayskoye**

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## SUMMARY

The fighting in Chechnya escalated in December 1995 and January 1996, as the war entered its second year. Civilians were the primary victims of the renewed fighting, caught between two warring sides—Russian forces and pro-independence rebels led by Dzhokhar Dudayev. As has been the case throughout this war, the Russian Army continues to show total disregard for the safety of the civilian population. The shelling of the village of Pervomayskoye in January 1996 is only one of the most recent, dramatic examples of the Russian Army's systematic violation of humanitarian law during its war in Chechnya. The pro-Dudayev forces, for their part, have also violated international humanitarian law, endangering the safety of noncombatants by using civilian property for military purposes and by taking civilians hostage and using them as human shields.

Despite Russian forces' total disregard for their obligations under international humanitarian law, the international community has been reluctant to maintain pressure on the Russian government to end the horrendous conduct of its troops and to hold abusive forces accountable. During recent months, as fighting escalated and civilians were repeatedly targeted, the Russian government continued to receive financial and diplomatic concessions from the international community. In late November 1995, the European Parliament gave its assent to ratification of the partnership and cooperation agreement between the E.U. and Russia; in February Russia was granted full membership in the Council of Europe; and in March the International Monetary Fund announced a new three-year US\$10.2 billion loan to Russia, without there being any attempt by the member states to link such financial support to efforts to end Russian forces abusive conduct in the war in Chechnya.

This report—the fifth in a series—is based on a fact-finding mission conducted jointly by Human Rights Watch/Helsinki and the Memorial Human Rights Center in Dagestan from January 16-23, 1996. Human Rights Watch/Helsinki, which is the sole author of this report, takes no position concerning Chechnya's claim for independence. We are solely concerned with the parties' compliance with international humanitarian law designed to protect the lives of noncombatants.

In mid-December 1995, Russian troops used indiscriminate and disproportionate force to clear out a pro-Dudayev unit that had attacked Russian troops in the Chechen city of Gudermes. The operation in Gudermes, the village of Shelkovskaya, and other nearby villages resulted in large-scale destruction and cost the lives of uncounted civilians in the town itself; other civilians died in outlying areas as they fled Gudermes, the victims of arbitrary shelling. Human Rights Watch/Helsinki received reports that the operation killed at least 267 civilians, wounded many others, and forced tens of thousands of civilians to flee their homes. In mid-January, Chechen forces took 2,000 civilians hostages in Kizlyar, Dagestan. Russian federal forces' botched operation in Pervomayskoye to free the hostages not only failed to achieve the government's aims but led to the complete destruction of the village.

The scale and methods of the Russian operations in Gudermes and Pervomayskoye, as well as the large number of civilian victims, point to a complete disregard for the safety and security of civilians in clear violation of international humanitarian law. (See "Violations of the Laws of War," below.)

According to refugees interviewed by Human Rights Watch/Helsinki in January 1996, pro-Dudayev fighters in Gudermes were aware that their actions could result in full-scale hostilities in the town. Nevertheless, they also took up fighting positions in a hospital, mingled with civilians seeking shelter from shelling in basements, and may have intentionally sought cover among the refugees fleeing the town.

Chechen rebels committed one of the most willful violations of humanitarian law when, on January 9, they seized a hospital in Kizlyar along with more than 1,000 hostages, and then used a group of 160 hostages as human shields to ensure safe passage back to Chechnya, only to be stopped by Russian forces in Pervomayskoye. These acts are especially heinous, as a hospital building became, for both sides, the object of attack, and many of the victims were civilians, including children, women, the sick and the elderly.

After two days of fighting with the Chechen guerrillas in Pervomayskoye, January 14 and 15, the Russian government claimed that all hostages were dead. Its forces then began a massive aerial and artillery attack that has effectively demolished the town. There is no evidence that the Russian government had taken steps to verify its claim that the hostages were all dead before it began its aerial assault. What is more, the government's claims were all the more questionable given that it had made similar claims on two occasions during the previous two days, only to retract them later. The ensuing shelling by Russian forces and the subsequent mop-up operation in Pervomayskoye exceeded the bounds of proportionality, either destroying entirely or severely damaging almost every house in the village.

During the operations in Gudermes and during the Pervomayskoye hostage crisis, the Russian government and federal troops maintained a near-complete information blockade, released disinformation, impeded journalists' ability to travel in the zone of conflict, and attacked the credibility of critical journalists. Especially alarming was the near-total blockade on aid from international humanitarian organizations, including the International Committee of the Red Cross, Médecins Sans Frontières, and Salvation, a Muslim relief organization.

## RECOMMENDATIONS

Human Rights Watch/Helsinki condemns in the strongest terms the conduct of both parties to the war in Chechnya documented in this report.

### **To the Parties to the Conflict:**

#### **To the Government of the Russian Federation:**

- Cease indiscriminate and disproportionate attacks on civilian objects;
- Cease attacking civilians traveling in vehicles or on foot;
- Grant humanitarian organizations unrestricted access to the conflict zone;
- grant full and ongoing access to the Assistance Group of the Organization for Security and Cooperation in Europe (OSCE);
- Engage humanitarian organizations for evacuation of civilians from villages before shelling and other forms of direct attack begin;
- Cease impeding the press from travel in the conflict zone;
- Reinforce the code of military conduct among troops, conscripts and *kontraktniki*<sup>1</sup> alike, emphasizing the consequences of looting and other illegal conduct;
- Bring to justice officers and enlisted men suspected of humanitarian law violations in open trial before independent tribunals and punish those found guilty in a manner consistent with international law.

We also call on the Russian government to facilitate a meeting of the Ministry of Defense and the Ministry of Internal Affairs on the one hand, and local and international human rights organizations on the other to respond to the latter's documented evidence of humanitarian law violations. Finally, we call on the Russian government publicly to condemn the abuse by Russian forces, which has become a mainstay of the war.

### **To the Chechen Forces:**

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<sup>1</sup> Russia has general military conscription. Soldiers fighting as conscriptions are referred to as *prizyvniki*; the Russian army also has soldiers fighting voluntarily on a contract basis. These are referred to as *kontraktniki*, and they are paid at a much higher level than conscripts.

- Cease taking civilians hostage;
- Cease using civilians as shields, facilitate access by humanitarian relief organizations to evacuate civilians from potential battle areas;
- Condemn hostage-taking and renounce it as a tactic;
- Impose a code of military conduct that punishes hostage-taking, using humans as shields, and other such conduct prohibited by international humanitarian law;
- Cease assuming positions in civilian structures and in areas heavily populated by civilians;
- Bring to justice commanders and troops guilty of these violations in conformity with international standards of due process;
- Grant humanitarian organizations full and ongoing access to the conflict zone under its forces' control.

## **The Role of the International Community and Recommendations for Action**

### **The United Nations**

The United Nations Human Rights Commission, whose fifty-second session begins in Geneva on March 18, must take advantage of this critical moment strongly to condemn the conduct of the war. It is incumbent upon the commission forcefully to condemn these flagrant and well-documented humanitarian law violations. The commission's last session, in February 1995, issued a chairman's statement (a document weaker than a resolution) expressing "deep concern over the disproportionate use of force by the Russian Armed Forces." In July 1995, the United Nations Human Rights Committee, which considered the first periodic report by Russia since the collapse of the Soviet Union, deplored violations of the right to life in Chechnya.

### **Recommendations**

Human Rights Watch/Helsinki calls on the commission to pass a resolution condemning violations of humanitarian law and human rights in Chechnya and requesting that the government of Russia invite the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the United Nations Working Group on Arbitrary Detention to visit the area with the aim of reporting to the fifty-third session of the commission.

### **The Council of Europe**

According to Article 3 of the Council of Europe Statute, "Every Member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realization of the aims of the Council."

On January 26, one month after Gudermes and ten days after Pervomayskoye, the Council of Europe's Parliamentary Assembly passed a favorable vote to admit Russia to the Council of Europe. On February 28 the Committee of Ministers reaffirmed the vote and granted Russia full membership in the Council of Europe, Europe's foremost human rights body. In a public statement prior to the Parliamentary Assembly's vote, Human Rights Watch/Helsinki urged that Russian not be granted membership until the relevant committees of the Parliamentary Assembly (Committee of Non-member States, Political Affairs Committee and Legal Affairs Committee) received a satisfactory explanation of the events in Gudermes and Pervomayskoye and a guarantee that those responsible for indiscriminate and disproportionate shelling and targeting of civilians in Chechnya were being disciplined or brought to justice.

When passing its vote in favor of Russian membership the Parliamentary Assembly established an ad hoc committee to "monitor the situation in Chechnya and to respond to Russia's request for assistance with proposals ... that

might be acceptable to both sides." The ad hoc committee, which will be formally constituted on March 19, will have twelve members including two from Russia, and is to report back to the Parliamentary Assembly in "due course".

### **Recommendations**

Human Rights Watch/Helsinki urges that the Parliamentary Assembly as a matter of urgency request a report of the ad hoc committee on Russian and Chechen forces' conduct during the latest campaign, and take the initiative to engage parliamentary counterparts within the Russian Duma to seek an end to violations of human rights and humanitarian law in Chechnya. In this effort the assembly should remind Russia of its obligations under Opinion No. 193 (1996) on Russia's request for membership in the Council of Europe according to which Russia states its intent "to settle international as well as internal disputes by peaceful means (an obligation incumbent upon the member states of the Council of Europe)..." and "to respect strictly the provisions of international humanitarian law, including in cases of armed conflict on its territory." Should Russia prove resistant to efforts by the Council of Europe and should patterns of abusive conduct (as described in this report and other reports by Human Rights Watch, the Memorial Human Rights Center and other organizations) persist the Parliamentary Assembly must stand firm and engage the so-called 508 procedures which can lead to the suspension of Russia's parliamentary delegation to the assembly.

Referring to the Council of Europe Committee of Ministers' Declaration on Compliance with Commitments Accepted by Member States of the Council of Europe (adopted November 10, 1994) Human Rights Watch/Helsinki strongly urges the member states, the secretary general, and the Parliamentary Assembly immediately to initiate the monitoring procedure under the Committee of Ministers. Referring to the gravity of violations in Chechnya, Human Rights Watch/Helsinki urges the Committee of Ministers to decide on the procedures outlined in paragraph 4 of the declaration.

By granting Russia membership of the Council of Europe, the Committee of Ministers and the Parliamentary Assembly have both a moral and a legal obligation to speak out against the abuse of civilians in Chechnya and as a matter of urgency to activate all available Council of Europe mechanisms to seek an end to the human suffering in Chechnya.

### **The OSCE**

With the OSCE Assistance Group in Grozny reportedly facing problems of access and dangerous ground conditions, it is incumbent upon central OSCE institutions --the Permanent Council and the chairman-in-office-- to provide the political support necessary for the Action Group and for humanitarian relief organizations to carry out their work in Chechnya. In particular, the OSCE should establish a high-level interlocutor within the Ministry of Defense and Ministry of Interior in Moscow and within the United Group of Forces in Chechnya (the Russian military command in Chechnya) who will be responsible guaranteeing access for humanitarian relief organizations. The Action Group proved indispensable in forging the summer armistice, but as a result of its role as a peace negotiator was unable to fulfill much of its human rights mandate. However, the Action Group appears to have renewed its effort at tackling human rights problems.

### **Recommendations**

Human Rights Watch/Helsinki urges the Action Group to continue this trend, and especially to raise abuse—documented by the Action Group itself and by human rights organizations—at regular meetings with the Russian command.

### **The European Union**

Furthermore, Human Rights Watch/Helsinki urges the European Union (E.U.) troika (currently comprised of Spain, Italy and Ireland) and the United States to use their leverage with the Russian government and to lead an effort within the OSCE Permanent Council to engage the Russian government at the highest level in talks aimed at curbing civilian casualties in the Chechen conflict and bringing to justice those responsible for such abuses.

The European Union distinguished itself with early activism on the Chechnya war but allowed its involvement to wane prematurely, sacrificing key concessions that would have been useful instruments of leverage now that hostilities have resumed. In June 1995, the E.U. Council of Ministers again upheld the freeze on the interim trade accord that underlies the E.U.'s agreement on partnership and cooperation with Russia (both of which have a clearly stated human rights conditionality clause), first imposed in January 1995 due to violations of human rights and humanitarian law in Chechnya. Following Russian-Chechen cease-fire negotiations and the establishment of a permanent OSCE presence in Chechnya in April 1995, the E.U. softened its position. A European Union summit in Cannes in July 1995 recommended lifting the freeze on the interim agreement before a verifiable peace accord had been established and in total absence of any Russian attempt to seek accountability for humanitarian law violations. As military activities resumed in Chechnya in October the European Parliament again discussed the question of ratification of the overall partnership and cooperation agreement and at end of November 1995, it gave its assent to ratification.

In January 1996 in response to the Pervomayskoye hostage seizure, the European Parliament passed a resolution condemning actions both by Russian and Chechen forces, and reminded "the Russian [g]overnment that the continuation of its policy of repression is placing a strain on relations between Russia and the European Union and affecting the operational conditions of the [p]artnership [a]greement and the [i]nterim [a]greement."

Despite the moral as well as formal obligation established through human rights conditionality clauses in the above-mentioned agreements between the E.U. and Russia—both to condemn the abuse of civilians in Chechnya and to become actively engaged in bringing an end to such violations-- the E.U. Council of Ministers and the European Commission have refrained from strong public *démarches*.

### **Recommendations**

Human Rights Watch/Helsinki urges the E.U. troika and the E.U. commissioner, Mr. Hans van den Broek, to remind the Russian government of its human rights obligations under the agreements between the E.U. and Russia and to insist on an end to violations against the civilian population in Chechnya.

Human Rights Watch/Helsinki urges the European Parliament to ask that the E.U. Council of Ministers and the European Commission keep it fully informed about its efforts to bring about human rights improvements in Russia.

### **The U.S. Government**

The Clinton administration has recently offered strong public criticism of the conduct of the war in Chechnya, including in its response to Gudermes and Pervomayskoye. While this criticism is welcome, it stands in sharp relief to the administration's resistance to making Chechnya the centerpiece of any high-level meetings with the Russian government throughout 1995, either bilaterally or in multilateral fora. President Clinton declined to use his May 1995 summit in Moscow as a forum for protesting abuse in Chechnya, forfeiting a major opportunity. Indeed, he made no significant remarks on the subject at the post-summit press conference, which had featured President Yeltsin's false proclamation that military activities had ended. President Clinton reserved his more critical remarks for a speech delivered at Moscow State University. The *State Department Country Report* on human rights practices in Russia during 1995 accurately assigned blame to Russia for the "greater scale" of violations as compared to the Chechen side, noting in particular that "indiscriminate and disproportionate use of force in Chechnya by Russian troops resulted in thousands to tens of thousands of civilians killed." In a speech delivered just after Pervomayskoye had been obliterated, Secretary of State Warren Christopher designated Chechnya as one of the "troubling signs of Russian reform under strain. . . . This week's events provide more evidence that the current military cycle of violence in Chechnya will only deepen the war. The cycle of violence can end only through ... negotiations." The attack in Gudermes prompted U.S. State Department spokesman Nicolas Burns to state, "The operation in Chechnya is a grave, grave mistake, and too many people have died," and to call on both sides to cease hostilities.<sup>2</sup>

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<sup>2</sup> Dmitry Kuznets, "Russia: Residents Return to Chechen Town to Bury Dead," Reuter, December 25, 1995.

Despite this U.S. recognition of Chechnya as Russia's foremost human rights problem, Assistant Secretary of State John Shattuck failed to include Chechnya on a list of U.S. concerns for the upcoming United Nations Human Rights Commission when he gave a briefing for NGOs in Washington in mid-February 1996. Similarly, the Clinton administration (and European governments as well) made no visible effort to link support for a new three-year US\$10.2 billion IMF loan to Russia, announced last month, with significant progress on resolving the Chechen conflict.

The Clinton administration has declined to raise Chechnya at the United Nations, deferring to the OSCE. Yet since the OSCE does not have the purely human rights mechanisms of the United Nations, and since the scale of civilian suffering has been so great, human rights and humanitarian law violations in Chechnya must indeed be investigated and condemned at the highest levels of the United Nations.

### **Recommendations**

We urge the U.S. government to support the U.N. Human Rights Commission resolution described above. We also call on Secretary of State Christopher to use his March 22-23 visit to Moscow roundly to condemn abuse in Chechnya and to request of his interlocutors a blueprint for accountability and ending the abuse.

## **VIOLATIONS OF THE LAWS OF WAR**

Gudermes (Chechnya) and Pervomayskoye (Dagestan) are parts of the Russian Federation, and the hostilities there between Russian and Chechen forces constitute a non-international armed conflict. As such, they are governed by both Common Article 3 to the 1949 Geneva Conventions and Protocol II, to which the Russian Federation is a party, as well as customary international law. The application of these laws does not imply any recognition of the independence or belligerent status of the Chechen forces; the pro-Dudayev fighters and commanders are, however, bound to observe these standards even though they lack the capacity to sign the Geneva Conventions.<sup>3</sup> Because the Chechen forces are not recognized as privileged combatants in an international armed conflict, they may be tried and punished by the Russian government for common crimes; nor do they enjoy prisoner of war status under the Geneva Conventions if captured. Russia may, however, agree to treat captives as prisoners of war, and the Chechen forces may do the same.

### **The Prohibition of Attacks Against Civilians**

Attacks against the civilian population are prohibited by the laws of war. United Nations General Assembly Resolution 2444,<sup>4</sup> adopted by unanimous vote on December 19, 1969, expressly recognized the customary law principle of civilian immunity and its complementary principle requiring the warring parties to distinguish civilians from combatants at all times. The preamble to this resolution clearly states that these fundamental humanitarian law principles apply "in all armed conflicts," meaning both international and internal armed conflicts. United Nations Resolution 2444 affirms, ". . . the following principles for observance by all government and other authorities responsible for action in armed conflicts:

- (a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
  
- (b) That it is prohibited to launch attacks against the civilian populations as such;

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<sup>3</sup> As private individuals within the national territory of a State Party, certain obligations are imposed on them. International Committee of the Red Cross, *Commentary on the Additional Protocols of 1977* (International Committee of the Red Cross, Geneva: 1987) ("ICRC Commentary") at 1345.

<sup>4</sup> *Respect for Human Rights in Armed Conflicts*, United Nations Resolution 2444, G.A. Res. 2444, 23 U.N. GAOR Supp. (No. 49) at 168, Human Rights Watch/Helsinki (1988). March 1996, Vol. 8, No. 3 (D)

(c) That distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible.

Protocol II reiterates the prohibition on attacks against civilians, and in Article 13(2) stipulates: "Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited."

Protocol I to the Geneva Conventions, which applies to international armed conflicts, also provides authoritative guidance in interpreting the prohibition of attacks on civilians. Article 57 of Protocol I, discussing the conduct of military operations, provides that "constant care shall be taken to spare the civilian population, civilians and civilian objects," and continues, "those who plan or decide upon an attack shall...take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life."

In situations of internal armed conflict, generally speaking, a civilian is any one who is not a member of the armed forces or of an organized armed group of a party to the conflict. Accordingly, "the civilian population comprises all persons who do not actively participate in the hostilities."<sup>5</sup>

Both sides to the conflict have blatantly disregarded the safety and security of civilians in their conduct of hostilities, as the large civilian death toll underscores. Chechen rebels in Gudermes were fully aware that their actions could result in full-scale hostilities in the town, yet they took up fighting positions in a hospital, mingled with civilians seeking shelter from shelling in basements, and may have intentionally sought cover among the refugees fleeing the town. Russian forces, in turn, used surface-launched missiles against Gudermes, which constituted an indiscriminate attack likely to result in harm to the civilian population there. The massive aerial and artillery attack on Pervomayskoye that demolished the town was similarly an indiscriminate attack as the Russian government had apparently taken no steps to verify its claim that all the hostages held there were dead before beginning the assault.

#### **Prohibition of Indiscriminate Attacks: The Rule of Proportionality**

The prohibition of indiscriminate or disproportionate attacks is intimately connected to the prohibition on attacks on civilians.

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<sup>5</sup> R. Goldman, "International Humanitarian Law and the Armed Conflicts in El Salvador and Nicaragua," *American University Journal of International Law & Policy* 2 (1987) p. 553. 8 March 1996, Vol. 8, No. 3 (D)



Indiscriminate attacks are those “(a) which are not directed at a specific military objective” or those which employ methods or means of combat “which cannot be directed at a specific military objective.”<sup>6</sup> Among those methods specifically considered as indiscriminate in Protocol I are “bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village” or other area with a concentration of civilians or civilian objects, and attacks which may be expected to cause civilian deaths, injuries, or destruction of civilian objects “which would be excessive in relation to the concrete and direct military advantage anticipated.”<sup>7</sup> This principle of proportionality limits even attacks on ostensible military objects.

Military objectives are those “which by their nature, location, purpose or use” contribute effectively to the enemy’s military action and “whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage .”<sup>8</sup> Where there is doubt whether a target normally dedicated to civilian purposes is being used to contribute effectively to military action, it shall be presumed not to be so used. Dwellings, civilian shelters, schools, churches, convoys, and hospitals are normally civilian objects.

Disproportionate or excessive damage to civilian objects is a relative concept. For instance, if the destruction of a bridge is of paramount importance for the occupation of a strategic zone, “it is understood that some houses may be hit, but not that a whole urban area be leveled.”<sup>9</sup> There is never a justification for excessive civilian casualties, no matter how valuable the military target.<sup>10</sup>

### **Other Prohibited Acts**

Common Article 3 which governs the conduct of internal armed conflicts states:

- (1) Persons taking no active part in the hostilities, including members of armed forces who had laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

The provision, which is virtually a convention within the Geneva Conventions, goes on to list specific acts which are prohibited “at any time and in any place whatsoever” with respect to persons who take no active part in hostilities. “Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture” is the first set of acts explicitly condemned by Article 3. Protocols I and II of the Geneva Conventions elaborate on this and other prohibited acts, as well as the requirement of “humane treatment.” Other prohibitions relevant to the hostilities in Gudermes and Pervomayskoye are discussed below.

### **Hostage-Taking**

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<sup>6</sup> Protocol I, Art. 51(4)(a) and (b).

<sup>7</sup> Protocol I Art. 51(5).

<sup>8</sup> Protocol I Art. 51(5).

<sup>9</sup> ICRC, *Commentary on the Additional Protocols*, p. 685.

<sup>10</sup> *Ibid.*, p. 626.

Common Article 3 to the Geneva Conventions, which applies explicitly to internal armed conflicts, unambiguously forbids hostage-taking, as does Protocol II.<sup>11</sup> "Hostages" are defined by the International Committee of the Red Cross as follows:

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<sup>11</sup> Common Article 3 provides: "To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (b) taking hostages." See also Human Rights Watch/Helsinki 10 March 1996, Vol. 8, No. 3 (D)

[H]ostages are persons who find themselves, willingly or unwillingly, in the power of the enemy and who answer with their freedom or their life for compliance with the orders of the latter and for upholding the security of its armed forces.<sup>12</sup>

### **Using Civilians as Shields**

It is likewise forbidden to use the presence of civilians to immunize military points or areas, or operations from attack.<sup>13</sup> Conducting military operations from facilities that are in active use for civilian purposes, such as hospitals, shelters or bunkers, amounts to using the presence of civilians as a shield. Similarly, taking hostages from civilian hospitals and using them as shields is a blatant violation of the laws of war. The violation of the prohibition on using civilians to render military areas or operations immune from attack does not, however, release the other side from its obligations to avoid or minimize loss of life or harm to civilians.<sup>14</sup>

Even where the target of an attack is not considered a civilian object, where the attack nevertheless may affect the civilian population, the attacker has an obligation to give effective advance warning unless circumstances do not permit.<sup>15</sup>

### **Interfering with the Care of the Sick and Wounded**

The wounded and sick shall be respected and protected, whether or not they have taken part in the conflict. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the required medical care. It is forbidden to distinguish among them on any grounds other than medical ones.<sup>16</sup>

It is forbidden to attack medical units and transports. Under Protocol II, their protection may cease only if they are used to commit hostile acts outside their humanitarian function and after a warning has been given with reasonable time limits, and remains unheeded.<sup>17</sup> The distinctive emblem of the Red Cross must be respected in all circumstances.<sup>18</sup>

### **Displacement of Civilians for Reasons Related to the Conflict**

There are only two exceptions to the prohibition on displacement, for war-related reasons, of civilians: their security or imperative military reasons. Article 17 of Protocol II states:

The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

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<sup>12</sup> *ICRC Commentary* at 874.

<sup>13</sup> Protocol I, Art. 51(7).

<sup>14</sup> See Protocol I, Art. 51(8) and Art. 57.

<sup>15</sup> Protocol I, Art. 57(2)(c) and 57(5).

<sup>16</sup> See Protocol II, art. 7.

<sup>17</sup> See Protocol II, art. 11.

Displacement of civilians merely to deny a social base to the enemy has nothing to do with the security of the civilians, nor is it justified by "imperative military reasons," which require "the most meticulous assessment of the circumstances" because such reasons are so capable of abuse.<sup>19</sup>

## GUDERMES

### Introduction

Fighting in Gudermes, which broke out on December 14 and lasted until about December 24, was the heaviest in Chechnya since a cease-fire was signed between Russian forces and Chechen rebels on July 30, 1995. About thirty kilometers east of Grozny, Gudermes is the second largest city in Chechnya, with a population of about 58,000 at the time hostilities broke out,<sup>20</sup> one-third of whom were ethnic Russians.<sup>21</sup> Gudermes came under Russian control without a battle on March 30, 1995.<sup>22</sup> However, up until the Chechen rebels launched their large-scale attack on December 14, small-arms fire occurred almost every night, especially near the Russian command headquarters. Against a background of an extremely unstable military situation and general fear among the population, the decision by Russian authorities to hold elections for Russian parliament and for Chechnya president in mid-December 1995 brought tensions to a critical point, not only in Gudermes but in other areas controlled by Russian forces.<sup>23</sup>

According to refugees interviewed by Human Rights Watch/Helsinki and Memorial, pro-Dudayev fighters began to make their way in small groups into Gudermes beginning around December 10, reportedly intending to disrupt the elections. At 5:30 a.m. on December 14, shooting broke out near the Gudermes train station across from the Russian command point. Throughout the first five days, when six hundred pro-Dudayev fighters kept about 170 Russian soldiers pinned down in the area around the town's train station and command headquarters, Russian forces pounded the town, using artillery and surface-launched shelling, supported by rocket strikes from helicopter gunships and briefly from tanks. Russian forces gained control of the town by December 24.

### Estimating Civilian Deaths

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<sup>19</sup> ICRC, *Commentary on the Additional Protocols*, p. 1472.

<sup>20</sup> Estimate cited by Ramzan Bazhaev, mayor of Gudermes, in a news clip that was not broadcast. This does not include about 7,000 displaced persons from other towns in Chechnya.

<sup>21</sup> Umar Jaftaev, head of the public refugee reception center in Khasavyurt, estimated that 18,300 refugees had arrived in the area, most of them from Gudermes. Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996.

<sup>22</sup> BBC Monitoring Summary of World Broadcasts: Former USSR, "Russia: Russians Claim to have Captured Gudermes without Losses or Damage," April 1, 1995.

<sup>23</sup> Pro-Dudayev fighters penetrated Urus Martan and Shatoi, in western Chechnya, to lead the effort to disrupt elections, but promised village elders not to engage in any military activities. Many commentators, including then Human Rights Ombudsman Sergei Kovalev, criticized the Russian government for insisting on holding elections in circumstances that were so obviously neither free nor fair. Human Rights Watch/Helsinki did not monitor the elections in Chechnya, nor did any other international human rights monitors. Human Rights Watch/Helsinki, *Human Rights in Chechnya*, March 1996, Vol. 8, No. 3 (D).

The exact number of civilian deaths resulting from the events in Gudermes is unclear. Although the Russian military claimed on December 26, 1995 that 267 civilians had been killed,<sup>24</sup> this figure could be inaccurate, since the press, human rights and humanitarian organizations had been banned from the city until that date, and were routinely blocked from entering it thereafter. Said Baimuradov, a Gudermes resident, told Human Rights Watch/Helsinki and Memorial, "After everything died down they said on the radio that around 400 civilians died."<sup>25</sup> An actual body count of civilians is difficult, since according to Muslim tradition, corpses are buried as soon as possible after they are found, and then reburied in traditional cemeteries when circumstances permit. Thus, as Khasan, a sixty-year-old man from Gudermes, noted, "If people went to the town and didn't see corpses, they would think there weren't any casualties. But there were casualties, they were buried." Assuming the estimate of 267 is reasonable, about twice as many casualties were reported to have been suffered among civilians as among Russian servicemen and Chechen rebels combined.<sup>26</sup>

According to refugee testimony and journalists' estimates, about 40 percent of the city's buildings were damaged or destroyed at a cost of an estimated 1.5 trillion rubles (approximately US\$321,000,000).<sup>27</sup>

### Accountability

Human Rights Watch/Helsinki believes both Russian forces and Chechen rebels bear responsibility for these tragic deaths and for the destruction of civilian property: Chechen rebels, while claiming to have planned merely to disrupt elections, in fact engaged Russian forces in a protracted battle at a time when a large population center was nearly full of civilians.

Russian forces, in response, unleashed disproportionate and indiscriminate force from inaccurate weapons when they knew this could cause large numbers of civilian casualties. Indeed, on the second day of fighting, Minister of Internal Affairs Gen. Anatolii Kulikov stated that Russian forces held back from using aerial bombardments (which in fact got underway just after 9:00 p.m. on December 17, when the polls officially closed and when the majority of civilians Human Rights Watch/Helsinki and Memorial interviewed had left), because "you cannot imagine how many victims there would have been. Elections, use of aviation, victims among civilians—now, is that really compatible?"<sup>28</sup> Other military spokesmen referred to the presence of civilians to explain why the "full force of tanks artillery were not used"<sup>29</sup> and to explain the delay of a full-scale assault.<sup>30</sup>

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<sup>24</sup> Estimate given by Gen. Anatolii Shkirko, then commander of the Unified Group of Federal Forces in Chechnya, as cited in Iliia Maksakov, "Gudermes Cleansed of Fighters," *Nezavisimaia Gazeta* (Moscow), December 26, 1995, p. 3.

<sup>25</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 18, 1996.

<sup>26</sup> On the 9:00 p.m. broadcast of *Vremia* ("Time"), December 26, 1995, Russian Public Television news, an unnamed military spokesman was quoted as stating that seventy-eight Internal Ministry troops were killed and more than 150 wounded, and that the bodies of forty rebels had been found in Gudermes.

<sup>27</sup> As reported in the Russian newspaper *Segodnia* (Today) and on NTV (Nezavisimoe Televedenie, or independent television) news, December 31, 1995, 7:00 p.m. The 1.5 trillion estimate was confirmed by Russian Minister of Economic Yevgenii Yasin on January 4, Radio Ekho Moskv, January 4, 1996.

<sup>28</sup> Interview on "Vremia," December 15, 1996, 9:00 p.m.

<sup>29</sup> Quote by anonymous military spokesman in Lida Poletz, "Chechnya Mayor Says 100 Dead in Second Biggest Town," Reuters, December 2, 1995.

<sup>30</sup> Gen. Stanislav Kavun, a deputy commander in Chechnya made this assertion. See Elaine Monaghan, "Russian Forces Break Through Chechen Rebel Lines," Reuters, December 23, 1995; 3 March 1996, Vol. 8, No. 3 (D)

While Russian military officials were publicly asserting their concern for civilian casualties, however, civilians were being shelled out of public view, since the Russian command barred the press and humanitarian organizations from the area through December 25.<sup>31</sup> The Russian command attempted to maintain its monopoly on information even after it regained control of Gudermes, systematically turning back journalists and humanitarian organizations on many roads, especially in eastern Chechnya.<sup>32</sup>

### **Failure to Warn Civilians**

Many refugees described the general chaos caused by the local authorities' failure to inform them about the impending hostilities or later the existence of a humanitarian corridor, as well as the fact that roads out of town were blocked in the days preceding December 14.<sup>33</sup> What is more, local residents were further misled by the Gudermes government, which, on the morning of December 14, just after fighting broke out near the train station, made radio announcements instructing people not to leave Gudermes. Said Baimuradov, a Gudermes resident, told Human Rights Watch/Helsinki and Memorial that just after the fighting broke out,

I heard [it] on the radio, 'Elections are underway so don't worry, elections will take place anyway. No one should leave, no one will shoot at you. This is all temporary, we'll destroy the fighters.' And then heavy fighting went on until December 23 or 24.<sup>34</sup>

One refugee reported to Human Rights Watch/Helsinki and Memorial that she was warned by Chechen rebels (who had made their way into Gudermes beginning on December 10) of the impending danger. Visita Musayeva claimed:

We know some rebels, ones who are fighting now, they told us about it, but we didn't believe them. "Who would bomb us? We're civilians," we thought. Some of the fighters told us, "Don't leave for Dagestan, the same thing'll happen there too."<sup>35</sup>

This failure on the part of Chechen fighters, who had access to Gudermes and sufficient prior knowledge of coming hostilities, violates international humanitarian law, which requires conflicting parties to take necessary measures to evacuate civilians from the conflict zone in the event of coming hostilities, and requires that civilians be given fair warning about a coming attack.

The outbreak of hostilities caught other residents completely by surprise. Aina Zainalabdieva, who fled Gudermes on December 16, for example, found out about the fighting on her way to work and was unable to reach her house before the rockets started to fall. She told Human Rights Watch/Helsinki and Memorial:

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<sup>31</sup> On the press ban, see Ilya Maksakov, "Information Blockade Surrounds the Battles in Gudermes," *Nezavisimaia Gazeta* (Moscow), December 22, 1995, p. 1.

<sup>32</sup> See below, "Blocking of Humanitarian Organizations." On December 31, for example, Russian command gave NTV News, Russia's main non-government news program, "colossal" problems in getting its camera crew to Gudermes. As reported on *Sogodnia*, NTV news, December 31, 1995, 9:00 p.m.

<sup>33</sup> Larisa Kerimova, for example, reported to Human Rights Watch/Helsinki and Memorial that "troops completely surrounded the town on December 10 or 11, and wouldn't let anyone leave." Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996.

<sup>34</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 18, 1996

<sup>35</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996. According to unconfirmed rumors, unnamed Chechen commanders told Gudermes residents, "You surrendered the city to the Russians. Now we will force the Russians to destroy it." See Richard Boudreaux, "Bitterness Fills Chechnya as '2nd War' Replaces Peace Pact," *The Los Angeles Times*, March 1996, Vol. 8, No. 3 (D)

On the morning of the fourteenth, I was going to work with my son-in-law. We got as far as the railroad crossing, and we met a man there who asked us where we were going. When he found out we were going to work, he said, "Go home, the war is starting." I was surprised. "What war? There's nothing going on." He said, "No, but there will be." We didn't get home by the time the shooting started. We ran like crazy and managed to take cover in a neighbor's basement.<sup>36</sup>

Despite Russian military authorities' claims to the contrary, nearly every refugee interviewed by Human Rights Watch/Helsinki reported having had no knowledge of the existence of a humanitarian corridor, and all therefore believed themselves trapped in the city as Russian forces pummeled it with shells and artillery fire. A very few heard that a safe route existed but did not know where it was. "Kheidi,"<sup>37</sup> a Gudermes resident who lived on Krainaya Street, for example, told Human Rights Watch/Helsinki and Memorial:

We heard about [the existence of a humanitarian corridor], but we left however we could. We left along the flatlands, where they said there was a rice field. The men knew the way. . . . We walked for a long time through the field, without a white flag. We didn't even know we needed one. They kept telling us on television that no one would touch us in Gudermes. They even said that on the day before the fighting.<sup>38</sup>

Aina Zainalabdieva also confirmed that she had been totally uninformed about the existence of a humanitarian corridor. "Our neighbor just got us out," she said. "He works as a bus driver."<sup>39</sup>

Some refugees, including at least four children, froze to death on their way to Dagestan—deaths that might have been avoided had the Russian government given adequate warning and permitted humanitarian organizations to evacuate civilians. Umar Javtaev, head of the refugee intake center in Khasavyurt, told Human Rights Watch/Helsinki and Memorial, "I know for a fact that three children froze to death on the way (they were brought here on a dump truck) and their parents took them back [to Gudermes] to be buried. I don't know their names, but I saw them."<sup>40</sup>

Adam Satikhanov, head of the refugee intake center in Osman-Yurt, reported, "It's painful to hear how they came here. They walked about twenty or thirty kilometers, two to three days with children. The children froze on the way, and one of them died here."<sup>41</sup>

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<sup>36</sup> Human Rights Watch/Helsinki and Memorial interview, Osman-Yurt, January 21, 1996.

<sup>37</sup> Individuals who provided testimony but wished to remain anonymous have been given pseudonyms placed in quotation marks.

<sup>38</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavurt, January 20, 1996.

<sup>39</sup> Human Rights Watch/Helsinki and Memorial interview, Osman-Yurt, January 21, 1996.

<sup>40</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996.

The child mentioned by Satikhanov was five-year-old Zali Zelimkhanova. Melkhash Zelimkhanova, the girl's mother, told Human Rights Watch/Helsinki and Memorial, "We walked as far as Komsomolskoe. They were flying around and shooting, but I didn't see anyone get killed. When we were in the basement [in Gudermes] it was very cold, and by the time we got here my daughter, Zali, got sick and died a sudden death. I took her back there and buried her on the mountain. I can't stay here because she died here, but there's nothing left in Gudermes."<sup>42</sup>

## **Indiscriminate Shelling**

### **Gudermes**

While the Russian military did not unleash air strikes on Gudermes until after December 17—perhaps sparing it the large-scale devastation inflicted on Grozny last year—shelling killed hundreds of civilians and damaged or destroyed 40 percent of Gudermes's structures. While it is impossible to determine responsibility for indiscriminate fire from small arms, machine guns, grenade-launchers, or mine-launcher fire in Gudermes, there is substantial and credible evidence that Russian forces were responsible for long-range artillery shelling, grad (surface-to-surface rocket) barrages, and shelling and strafing from helicopters. Moreover, although Russian military spokesmen claimed to be shelling only the train station and command headquarters, residents reported damage and casualties in many parts of the city, including areas where there were no rebels. While the commander of the United Group of Forces in Chechnya acknowledged that Russian firepower may have resulted in civilian deaths, his further attempt to shift the blame to the Chechen side for opening fire first reveals a disturbing lack of understanding, at the highest level, of Russian forces' obligation to minimize civilian casualties, no matter who fires first.<sup>43</sup>

### **The Area Around the Train Station**

According to refugees' accounts, on the morning of December 14 shelling began around the train station and the Russian command point not far from it, located next door in a teachers' college, as well as in nearby residential neighborhoods. Individuals or any gathering of people on the city streets during these military activities came under small arms, machine-gun or grenade-launcher fire.

The largest number of civilian casualties and the worst damage to civilian structures appear to have occurred in neighborhoods near the train station and teaching college. Liuba Abdulkhojaeva, who lived near the train station on Zheleznodorzhnaya Street, described to Human Rights Watch/Helsinki and Memorial a casualty she witnessed as she and her son dashed back to their home when the shooting started at 5:30 a.m. on December 14:

I was on my way to work. Finally we had to run out to the street [to go to a bomb shelter], and there we saw dead people laying everywhere, neighbors, legs blown off. We couldn't go up to the people lying in the street, the shooting was too heavy. The troops who were shooting were standing really close, near the train station. I saw a mother lying dead and a baby, maybe eight months old, maybe a year. The baby was screaming, he got out of his blankets and was waving his arms around, but no one could help him. They lay on the road, the main street goes through [our neighborhood].<sup>44</sup>

Mrs. Abdulkhajieva fled Gudermes on December 17. When she returned on December 25, she saw the dead bodies of her neighbors, although the exact circumstances of these deaths are unknown:

I saw buildings that were destroyed, and on some of them only the walls remained. There were bodies in the square in front of the train station, only civilians. I knew a few of them. There was Uncle Vanya, there were a lot of elderly Russians, some of them lived by themselves and were alone and

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<sup>42</sup> Human Rights Watch/Helsinki and Memorial interview, Osman-Yurt, January 21, 1996.

<sup>43</sup> In a radio broadcast on *Ekho Moskvy* (Echo of Moscow), December 26, 1995, 12:00 p.m., Gen. Anatolii Shkirko, then Chief Commander of the United Group of Forces in Chechnya, said, "Whoever opens fire first is to blame, they are the ones who attack. It's hard to say now, how many civilians died from our bullets, how many from the rebels."



helpless—they couldn't leave [Gudermes] on their own. A car from the burial office came around, and there was a Russian guy working on it (he used to be a metal worker) and a Chechen, a young fellow. I said to them, "Over there are bodies. I saw bodies there." I went around to all my neighbors to find out who left and who stayed. In our building as soon as you go through the gate there was a woman's body lying there; it was my neighbor, Anya. We lived side by side for twenty-four years. All those days, no one collected the bodies, as though that's the way it's done.

Torita Khuseinova lived near the train station, on Vokzalnaya Street. She left Gudermes on December 17 together with Liuba Abdulkhajieva and returned on December 24. She confirmed that all the apartment buildings on Zheleznodorozhnaya burned down. She also said:

When I returned to Gudermes [on December 24], I found out that my neighbor Dasha had been killed. She was a Russian woman, around seventy years old. People I know said that she was killed on December 19 when the train station was being stormed. Our house was on fire, and she ran to the building across from it and was killed near the gate.<sup>45</sup>

"Kuraish," a woman in her forties, who worked in the train station, was wounded by gunfire during what had appeared to be a quiet spell in the fighting on December 16. She was trying to cross the railroad tracks to find her son-in-law and grandson.

[On the morning of December 14] the shooting was getting heavier, and it was impossible to go to work, since you couldn't even go outside. The shooting was getting thicker, and I could see that buildings started to burn. We saw a building burn down completely, we started to put the fire out, then a second and third building, then an office started to burn. The mayor's building and school caught fire too. . .

On the sixteenth I decided to go see my son-in-law and grandson—where they had gotten to, where they fled to. When we got as far as the railroad polyclinic, the shooting got heavier. [We waited] and later saw two men cross the railroad, and we decided that if they let those two through they would let us through. We set off, and when we had two steps left, they shot me on the leg, in my ankle, the bone was damaged (now it turns out it was broken). I started bleeding heavily, and I started to faint. I knocked on someone's door, but no one answered. We walked a little further, and a Russian woman helped me. Her daughter wrapped up my wounds and gave me white fabric and a stick and told us to walk with a white flag, and maybe no one would shoot. That's what we did, and we made it home.

One of my neighbors was killed out on the street. He was coming home from night shift; no one could pick his body up off the street because of the shooting. I saw it happen from our courtyard. My neighbor's daughter was also wounded from the shooting.<sup>46</sup>

Leila, a woman who lived near the teachers' college, described the deaths of her neighbors:

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<sup>45</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 18, 1996.

I lived near the teaching institute, where there was heavy fighting. Everything started so unexpectedly. We managed to hide in the wine cellar, where we store tomatoes. We didn't come out until the seventeenth, but my neighbor went out and was killed immediately. He was about fifty-five. I didn't see him get killed, they wouldn't let women out of the cellar. . . . You would see dead and wounded people lying on the streets and you couldn't help them because you were only thinking about how to save your own children. There was one woman who had asthma, she couldn't stay in a cellar. She went out and she was killed.<sup>47</sup>

### **Eastern Gudermes**

According to refugee testimony and press reports, Russian armored personnel carriers came through Gudermes around 9:30 a.m. on December 14. They entered from the east along the Makhachkala road, firing cannons on the residential neighborhoods that precede the train station, but were eventually turned back. Ruslan, a thirty-one-year-old man who lived on the Makhachkala road, told Human Rights Watch/Helsinki and Memorial:

At first the tanks got close, and then they retreated because of return fire from fighters. Two houses near ours immediately were blown up by shells. I personally saw eight civilians, about 200 meters from our street. I saw a man wounded in the throat, with a five-year-old child. There was another man, he had been in the cellar with us, his head was cut off, and other parts of his body were blown off. The mine shelling didn't stop. Sometimes there was a break for a half hour. In our village alone, I saw about ten or twelve people dead, and downtown, they say it was awful. None of my acquaintances was killed, but there was a man I used to say hello to—he was killed by shell fragments.<sup>48</sup>

PMK-6, a residential neighborhood on the eastern edge of Gudermes near the train station consisting primarily of two-story apartment buildings, suffered in particular from mine-launcher fire, especially in the area near the mosque. A displaced woman told Human Rights Watch/Helsinki and Memorial that when she emerged from her cellar on December 16, there were "ten to fifteen mine shells on every street. I found one myself—there were five of them lying in our kitchen garden. When I started to dig it up my neighbor pushed me away and said, 'What are you, crazy or something!'"<sup>49</sup>

Shelling and bombing caused particular destruction around the residential area east of the train station. Visita Musayeva estimated that when she returned to Gudermes on December 20 and 25, 95 percent of all houses were destroyed, apparently the result of air strikes and grad and mine shelling that had occurred after she fled: "Some houses had no roofs, and some houses [were just completely destroyed]; others had no walls, no frames, no windows, some had no gates."<sup>50</sup>

PMK-8, a neighborhood farther east and also consisting mainly of two-story apartment buildings, suffered some of the worst damage in Gudermes. Tamara Atangirieva recalled:

On December 15, we went to our neighbor's cellar because we don't have one. We had our own house and it was half-destroyed. I think a rocket fell on it; there was no roof, and one of the walls collapsed,

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<sup>47</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996.

<sup>48</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 20, 1996.

<sup>49</sup> Human Rights Watch/Helsinki and Memorial interview with Luiza Khamadova, Khasavyurt, January 18, 1996.

<sup>50</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996.

but there was no fire. There was a hole in the wall. The houses near ours were also damaged. We lived in a residential area, and I didn't see fighters there.<sup>51</sup>

Larisa Kerimova also lived in PMK-8, on Boevaya Street. She told Human Rights Watch/Helsinki and Memorial about the destruction of three houses in the neighborhood:

It was impossible to go out on the street. If you went out, Russian tanks would shoot people. My grandmother went deaf from the bombing. Her house burned down. Six people on our street died. Our whole street was on fire. Khamid Magomedov was killed, he was under forty. His house [on Boevaya Street] was burned and he was killed. His relative and her child were killed too. His relative's name was Tamara.

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<sup>51</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996.

A woman who asked to remain anonymous said that her home, a private house near PMK-8, had been intact when she fled on December 17.<sup>52</sup> When she returned to Gudermes on December 19, "[The house had] no ceiling whatsoever. I saw five big craters: they were a meter wide and half a meter deep. My neighbor said that the craters were left by a rocket. There were fighters there, but I don't know where they were exactly."<sup>53</sup>

Jomaldin Bakhaev who lived in Workers' Village, near the PMK neighborhoods, told Human Rights Watch/Helsinki and Memorial how shelling killed his sister-in-law, Malika Bakhaeva:

On the night of December 14, five women went to the mosque for bread. My sister-in-law went there too. People would generally gather around the mosque. They would talk about everything that was happening in town. They handed out free bread there. Anyone who could get there would bring back bread. They hit the mosque, and a mine shell landed nearby. My sister-in-law was killed by the shell fragments. On the sixteenth, thirty people—all civilians—were killed in two days. I took part myself in the burials of my sister and five other people, including my neighbor, Sultana Shakhmurzaeva. We buried them temporarily in the garden.<sup>54</sup>

Torita Khuseinova reported that she saw, as she was fleeing Gudermes on December 17, that "half of the houses in the Workers' Village were burned."<sup>55</sup>

Several teenage boys were wounded in a mine shell explosion in the Workers' Village on December 14. One of them was the son of Sura Batyshae, a thirty-seven-year-old woman who lived in the Workers' Village area. She told Human Rights Watch/Helsinki and Memorial:

My Albert was wounded near our home. He got forty fragments. We got four of them out in Gudermes, one here, and the rest are still in him. The boy next door, Anvar Tomkhaev, was wounded in the same explosion. He's nineteen. Another teenager, Dekhan, was wounded, but he can still walk.<sup>56</sup>

### **The Downtown Area**

The downtown area of Gudermes, located between the district command point and the train station, also saw heavy fighting and suffered considerable damage. Tatiana Tabsultanovna, who lived in the center on Prospekt Pobeda and fled on December 18, told Human Rights Watch/Helsinki and Memorial:

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<sup>52</sup> The woman asked us not to use her name or reveal any details about her because she also gave testimony about Russian soldiers' looting practices.

<sup>53</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996.

<sup>54</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 18, 1996.

<sup>55</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 18, 1996.

Our building was just built, and it was hit by a dummy shell. It made a hole big enough for any car to drive through it. And the building next door, School No. 116, was totally bombed. The law office was bombed. A cluster bomb blew six holes in a row on it. The whole street was lit up like lightning. Not a single building on Prospekt Pobeda remained intact. Tanks shot up our street, there wasn't a single miss. Every strike hit a building.<sup>57</sup>

Mrs. Tabsultanovna remained in the basement along with her children until her building was hit. She went to another cellar on Sovetskaya Street until that street was bombed as well. She told Human Rights Watch/Helsinki and Memorial that on Sovetskaya Street:

I saw one man get killed, he had been in a basement in a building next door to where I was staying. The shelling let up a little, and he went outside and was killed by a bomb or a rocket, I don't know for sure. He had seven children.

They would aim [their] tanks on the houses and on people. [Pro-Dudayev] fighters walking by our buildings, they were armed with automatics. They returned fire, but there is a difference between shooting from an automatic and from a big weapon.<sup>58</sup>

Zura Garbulatova, a mother of children ranging in age from seven to nineteen, also lived on Sovetskaia Street. She told Human Rights Watch/Helsinki and Memorial that she saw three buildings burning on her street, possibly the same referred to by Ms. Tabsultanovna, and reported that Kirov Street was badly damaged.

I came back to Gudermes on December 20. There was still shooting. A few houses on Kirov Street were completely destroyed, as were a few on Sadovaya Street. Only the house on the corner was intact—its windows and doors were broken.<sup>59</sup>

A hospital building on the corner on Kuybishev Street suffered no damage, but street fighting all around it put the hospital staff and patients in danger. At least one building next door to the hospital was hit, according to Visita Musayeva, who had taken shelter in the hospital's basement. She told Human Rights Watch/Helsinki and Memorial:

There was a basement in the hospital, where there were civilians and the wounded. Among the wounded were two Russian soldiers and wounded Chechens, my neighbors. We couldn't go out because all night on the fourteenth there was intense artillery fire. That night they bombed [sic] the building next to the hospital and other buildings were damaged as well, but less.<sup>60</sup>

Ms. Musayeva's home was near the hospital on Kuybishev Street and across from the market. "An acquaintance of mine was wounded in both legs across from the bazaar. He survived. He had just gone out on the street," she reported.

Zhavan Daudova lived on Vatutin Street in the center of Gudermes in a building in which combatants of one side had apparently taken up fighting positions. After Ms. Daudova fled on December 17, the house was totally destroyed:

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<sup>57</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996.

<sup>58</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996.

<sup>59</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 18, 1996.

How it all started I don't know, but they were shooting. There were people running around on the streets bleeding, dead people on the streets. We spent three days in the cellar, me and my son Salambek, he's eight, and my neighbors. First they were shooting from automatics, they were shooting from the floors of our building. Then there was really heavy shooting, and that's when houses started to be destroyed. My building was totally destroyed, a big building on Vatutin Street. We had recently moved there. We invested so much money into it! I didn't go myself [to see the damage], my neighbor's husband was there. Our building was hit by a helicopter. I don't know what they threw onto it, but the building isn't there and neither is any of my property.<sup>61</sup>

Ms. Daudova described corpses that she saw on the streets as she was fleeing on December 17, although she was unable to identify them, in part because of her haste: "I saw dead people on the streets, some were stabbed, some were shot, and there were small children. I didn't go near them. I was afraid. I was so terrified. I just wanted to save my own hide. There were bodies near Rasvet [a shop], near the train station, on Orjonikidze Street, around the mosque."<sup>62</sup>

Aina Zainalabdieva, who was on her way back to her home, heading through a residential neighborhood, reported, "Before my eyes [near Frunze Street] I saw a shell explode; it threw two men in the air; a third man had his legs blown off. Then I ran into [my neighbor's] cellar, and I saw two women running with five children. These two women [who joined us in the cellar] were wounded. They brought my children to the cellar later."<sup>63</sup>

### **Northern Gudermes**

On December 14, Chechen fighters took up positions in Hospital No. 2 on the northern edge of Gudermes, making the hospital a focus of military activities in this otherwise residential area.<sup>64</sup> Patients were evacuated from the hospital on December 16, after the hospital had come under shelling. Yet even after the evacuation, about 120 Gudermes residents remained in the hospital basement. During what were thought to be breaks in the shooting, people continued to stream to the hospital, either in an attempt to bring in the wounded or to seek shelter in the basement, only to be cut down either by sniper or rocket fire. Said Baimuradov, who fled Gudermes on December 19, heading north, recalled, "On the way I saw a lot of dead bodies, of women, children; a few dogs were pulling them around."<sup>65</sup>

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<sup>61</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996.

<sup>62</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996.

<sup>63</sup> Human Rights Watch/Helsinki and Memorial interview, Osman-Yurt, January 21, 1996.

<sup>64</sup> "Vesti," Channel Two news, December 14, 1996, 5:00 p.m.

Kaluga Albaskhanov, a sixty-two-year-old resident of the village of Naibere, was a patient in Hospital No. 2 when the battle in Gudermes began on December 14. He noted that there were "a lot" of patients in the hospital when Chechen rebels seized it, but was unable to estimate exactly how many, and reported that after the 14th, wounded continued to stream to the hospital. He was evacuated on December 16 on a KAMAZ truck<sup>66</sup> "because they were bombing the hospital. The surgery area was bombed completely, so after the 15th they brought us out of there."<sup>67</sup>

Some refugees interviewed by Human Rights Watch/Helsinki and Memorial reported seeing heavy damage to homes and apartment buildings and the corpses of civilians in the residential area around the hospital. Aishat Shamurzaeva saw the hospital building being shelled by helicopter on December 18, after patients had been evacuated, but at a time when residents apparently still thought they could bring their wounded for treatment:

On the morning of the fourteenth around 4:00 (we weren't sleeping) first we heard shooting, light shooting, and towards the morning you could hear the artillery fire. We [stayed] in our neighbor's basement for five days, until the nineteenth. On the eighteenth, we went out for a bit to drink tea and saw a helicopter bombing [sic] a private house and Hospital No. 2. But the same day, before the bombing started, I saw a woman bringing her husband who was wounded on a sled to the hospital. So there probably were still people there. On the nineteenth, it became absolutely impossible, with helicopters bombing [sic] and the grads.<sup>68</sup>

Among the approximately 120 civilians remaining in the hospital basement was "Kheidi," a mother of four children, who lived near the hospital on Krainaya Street and had to crawl with her children to the hospital's basement:

We stayed home until the seventeenth, and then went to the basement of Hospital No. 2. The hospital isn't far, but we barely made it there, crawling. On our way, we saw dead bodies and people who were wounded—people without arms or without legs, and children, five or six years old. A crowd of people crawled to the hospital early in the morning, and there was shooting from all around. There were a lot of people in the hospital, around 120. A lot of children, and a lot of them were wounded and frightened. The ones who were wounded basically had fragment wounds. I saw [a lot] wounded in the backs of their necks.<sup>69</sup>

In addition, many people were killed by sniper fire. Visita Musaeva, for example, told Human Rights Watch/Helsinki and Memorial that she saw snipers in camouflage uniform on the roof of the farmers' market. "Civilians would run to their homes [when shelling started] where a shell fell, and right there would get shot by a sniper; they wouldn't let people get out of their basements. I saw two people killed that way, with bullets in the forehead and in the heart. I didn't see a single rebel killed by a sniper, only civilians."

### **Outlying Villages**

The Shelkovskaya district, about twenty-five kilometers northeast of Gudermes on the Dagestan border, is strategically located in the hills of the Terek River bank. The district center and at least one other village in the area came under intermittent helicopter and long-range artillery shelling following the Gudermes events, causing civilian deaths and damaging civilian property. Pro-Dudayev fighters were indeed in the area, although it was impossible to verify their exact number. Tamara Esuyeva, who lived in the Shelkovskaya district center, told Human Rights Watch/Helsinki and Memorial that the shelling killed at least four people, driving most women and children from the town:

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<sup>66</sup> The acronym for Kamskii Avtozavod, or Kamskii Car Factory.

<sup>67</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 20, 1996.

<sup>68</sup> Human Rights Watch/Helsinki and Memorial interview, Osman-Yurt, January 21, 1996.

It was about a week or two before New Year's, I don't remember the exact date. I went to the market in Shelkovskaya and saw three helicopters flying and bombing [sic]. That day three women were killed and one man. When I got home the children were crying, they were afraid. The helicopters were flying high and were shooting rockets, probably, I saw smoke. They fired more than once, two or three times that day, and the next day we gathered our things and left.<sup>70</sup>

Kharkovskoye, a village of about 200 homesteads in the Shelkovskaya district, came under shelling around December 30 or 31 from long-range grad launchers and helicopters. On December 31, Russian forces reportedly urged women and children to evacuate the village by 10:00 a.m. Khava, a woman from Kharkovskoye, told Human Rights Watch/Helsinki and Memorial:

There were two or three [fighters] in the village. They came there from the battlefield, and probably [Russian forces] got suspicious and started shelling. Some houses in the village had their roofs blown off, and there were a lot of broken windows. The shells hit mostly on the outskirts of the village where there were farms, garages, and the club. There were a lot of Russian troops all around, but they would shoot only from helicopters and long-range weapons that were five or six kilometers away. No one shot at us as we were leaving the village. It was foggy from smoke from the fires.<sup>71</sup>

Naibere, a village located about twenty kilometers southeast of Gudermes, was shelled around December 16. Across from Naibere, on the other southern side of the Baky-Rostov highway, lie Novogroznenskii, Tsenteroi and Alleroi—all villages under Dudayev control most recently taken by Russian forces. According to local villagers, Russian forces fired heavy barrage (*shkvalnyi*) shells and long-range grads at these villages. Said Akhmad Kadyrov, a Naibere resident, told Human Rights Watch/Helsinki and Memorial:

On the first day a woman and a man died, and on the second, two women and two men. There were no Dudayev fighters, but here were eighteen self-defense fighters, just like there are in every village, according to our agreement [with Russian authorities]. There was no rebel base there. All my relatives stayed in our cellar during those days. We have a cellar four-by-four meters, and there were about sixty people in it: women, children, elderly people. We all barely fit in there. We left the village at 2:00 a.m. by foot. It was below zero, there was a snowstorm. The next day they started shelling again around noon and fired from tanks and long-range grads. It was as though they were getting revenge for Gudermes.<sup>72</sup>

Madina Baimuradova, a mother of five children ranging in age from three months to fifteen years, spent three to four days in a cold basement waiting for an opportunity to leave the village. "We got in a car in Nizhni Suvorovki [Suvorov-Yurt] and went to Engel-Yurt and the same day Engel-Yurt got hit with grads. We stayed there two or three days, but then they brought us here."<sup>73</sup>

Zhanna Khajimuradova, a resident of Engel-Yurt, told Human Rights Watch/Helsinki and Memorial: They didn't shell our village until the sixteenth. Then on the sixteenth, they started to bomb us. We left in the evening that same day, when they started to bomb [sic] us with grads. About twenty shells came down at a time; they destroyed about fifteen or sixteen houses. My brother-in-law told me [about the damage]; he went back to the village to have a look. On the morning of the seventeenth, we

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<sup>70</sup> Human Rights Watch/Helsinki and Memorial interview, Mogilevskoye, January 21, 1996.

<sup>71</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996.

<sup>72</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 20, 1996.



all went along the railroad tracks towards the border with Dagestan. And we saw them bombing Suvorov-Yurt and Gudermes from airplanes.

### **The Targeting of Fleeing Civilians**

As they have since the beginning of the war, Russian helicopters fired at civilians who were on the roads trying to escape hostilities in Gudermes.<sup>74</sup> In some cases, civilians were targeted in broad daylight as they moved along snowy fields, circumstances that should have allowed, for example, for a helicopter to discern clearly that its target was a group of women with children in their arms, dragging children on sleds, or carrying them in bags on their backs. In others cases, Russian helicopters fired selectively at moving vehicles without determining first whether civilians were traveling in them.

Civilians fleeing Gudermes to Dagestan were attacked on three main routes. The first runs north through Komsomolskoye and Azamat-Yurt, where civilians fled either on foot through the fields or in buses. The southeastern route took them through Kurchaloi, Maitrup and some Dudayev-held territory. The due-eastern route, to Kadi-Yurt and Engel-Yurt, took some through fields between railroad tracks and the Baky-Rostov highway.

### **The Northern Route**

Human Rights Watch/Helsinki and Memorial received testimony about attacks on civilians along this route on December 16, 17, and 18, and about vehicles being selectively stopped by helicopters.<sup>75</sup> The route proved most dangerous through the fields past Komsomolskoye, about five kilometers north of Gudermes. People chose to trudge through the fields because Russian helicopters persistently fired rockets or strafed the roads, although the fields did not prove much safer. On December 17 at least one car carrying refugees was strafed by helicopter fire. According to "Leila," who saw the incident:

We went along fields and along the road. There was a lot of shooting by helicopters, especially aimed at cars. [The cars] wouldn't take people who could walk on their own, just children. Our car got by, but the next one got shot at and I saw women and children who were killed. I saw it and I started to cry. They died practically before my own eyes. Helicopters were circling above Gudermes the whole time, they were shooting at cars leaving the city, but there were refugees in the cars.<sup>76</sup>

Aza Terkmurzaeva, a thirty-three year-old woman, fled Gudermes on December 18 through this route. On the road between Azamat-Yurt and the village of Steпноye, she saw a burned out car with the burned corpses of two children:

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<sup>74</sup> See especially, Human Rights Watch/Helsinki, "Partisan War on the Eve of the World War II Commemoration," *a Human Rights Watch Short Report*, vol. 7, no. 8, May 1995.

<sup>75</sup> On December 18, Tatiana Tabsultanovna, a Gudermes resident and mother of a two-month child, left Gudermes on a bus filled with women and small babies. After the bus reached the city limits, a helicopter set off a warning flare and eventually forced the passengers to get out with their infants. "There was some shooting, but I don't know where it was coming from. Our bus was small and overloaded, you could tell. We hung up diapers in the window to show we were refugees. Then a helicopter circled over us and gave us a signal to stop. Then the driver told us to get out with the children to show them. It was very cold, the wind was blowing, it was snowing. People were walking along the road toward Dagestan. You could see them clearly against the snow. We got out and waited an hour for the helicopter to fly away." Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996.

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Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996. March 1996, Vol. 8, No. 3 (D)

We asked the driver to stop—all of us had brothers and sisters who were missing. When we looked inside, we saw two small children, burned. The mother was probably in the back seat with her two children, and two men were in the front. It was a Zhiguli, model six. It was all burned and shot through. You could tell that it was shot at from a helicopter. There weren't any fragments around, there were just holes in the car.<sup>77</sup>

On December 16, helicopters shot at a passenger car carrying a wounded teenager and his mother on an unpaved road heading toward Azamat-Yurt. Sura Batyshev told Human Rights Watch and Memorial:

What do you mean, did we get out safely! They fired at us from helicopters and airplanes. As soon as we saw them we tried to hide along with a truck. I heard that two days later, women and children walking with a white flag on the road were shot at, and one woman was wounded in the arm. She was in this hospital, but later they took her to Makhachkala. It was a sniper that shot at her.<sup>78</sup>

### **The Eastern Route**

The fields between the Baky-Rostov highway and the railway track proved deadly for fleeing civilians. Helicopter strafing killed or injured around fifteen people who fled due east along the fields between the railway tracks and the Baky-Rostov highway. "Kheidi," who took this route on December 18, but headed east through Engel-Yurt with her husband and son, reported:

They were shooting at us from helicopters. There were four helicopters as we were walking. They were shooting around 3:00 in the afternoon; a lot of people were either killed or wounded. They would get close, make a circle above us, and shoot. Then they would make a circle and then go away, but kept coming back over and over again and shooting. There were thirty or thirty-five people walking with us, and only sixteen or seventeen made it. Some of the people who made it were wounded. We took the wounded with us. We put some of them in the hospital in Engel-Yurt, others in Khasavyurt. You had to keep lying down on the ground to save yourself, and there was snow and mud. When we got to Engel-Yurt, two helicopters flew by and shot at people while we were trying to hitch a ride.

Aslambek Abzotov told Human Rights Watch/Helsinki and Memorial about a conversation he had with a woman in Kadi-Yurt, who described to him a scenario that may confirm the above:

In Kadi-Yurt on the road I met a woman I know. When she told me this she hugged me and cried. They were shooting machine guns from airplanes at people running through the field, and not only that, they turned the plane around and started firing again. There were a lot of victims, most of them were women and children.<sup>79</sup>

Refugees interviewed by Human Rights Watch/Helsinki and Memorial who fled along this route earlier also reported seeing many dead bodies in the fields. Maria Adamova, who is partially blind, walked as far as Kadi-Yurt (about twelve kilometers southeast of Gudermes) on crutches, while her sister carried Maria's five-month-old baby. She reported seeing a number of bodies of civilians along the road from Gudermes and in the field leading into the woods:

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<sup>77</sup>Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 18, 1996. We were unable to determine whether Mrs. Terkmurzaeva was in fact confirming the incident described by Leila, above, or whether she was describing a separate incident.

<sup>78</sup>Human Rights Watch/Helsinki and Memorial interview, Central City Hospital, Khasavyurt, January 20, 1996.

<sup>79</sup>Human Rights Watch/Helsinki and Memorial interview, Mogilevskoye, January 21, 1996. Human Rights Watch/Helsinki, March 1996, Vol. 8, No. 3 (D)

[There were bodies of] women, children, old people. It was impossible to bury them, because helicopters kept flying above. They fired rockets down on us. The dead were lying in a field, in the reeds. They were probably running from the road when they were shot.<sup>80</sup>

Zura Garbulatova, a mother of seven children who fled on December 16 described being shot at in broad daylight along the fields:

We started out at 6:00 a.m. We walked along the road, and between us, you could say, the shells landed. Helicopters were bombing. We walked, but we couldn't all go together; we were afraid of the helicopters. We went towards Engel-Yurt along the steppe, and then got to Kadi-Yurt through the fields.

Kaluga Albaskhanov, a sixty-two-year-old man who was evacuated on December 16 from Hospital No. 2, saw a helicopter strafe a bus carrying refugees on the way to Engel-Yurt:

I saw a large number of refugees, woman and children, along the road from Gudermes to Engel-Yurt. Some were walking, some were riding in cars or trucks or buses. There were two buses in front of us with refugees, they were shot at from a helicopter. A small girl was wounded, but people managed to jump out of the bus.<sup>81</sup>

Amat Aliyev, who fled on December 14, the first day of hostilities, said:

Some people were lucky, they got out on buses, but we walked twenty-five kilometers, with a lot of children, we carried the little ones . . . It was cold and windy, it was snowing [hard]. Helicopters were circling over us the whole time. They didn't shoot at us, but they sometimes would set off rockets, probably to scare us. A lot of people were frightened [by this] so they turned off into the woods.

The helicopters flew low over the road. We hid from them under the railroad bridge, some people hid in a ditch. They were laughing at us, shouting something and spitting from the helicopter. They shook their legs at us like this, as if they wanted to kick us. And suddenly we see something falling from the helicopter, like a bomb. We all fell to the ground, and after a little while got up, went up and had a look—it was a soldier's boot, it fell off some soldier's leg.<sup>82</sup>

### **The Southeastern Route**

Visita Musayeva, who fled around noon on December 15, reported to Human Rights Watch/Helsinki and Memorial two incidents of shooting at civilians along this route:

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<sup>80</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996.

<sup>81</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 20, 1996.

We left on a bus with a neighbor who was taking his family out. There was shelling, but none of us got hurt. Some people I know did get hurt: a shell landed on their motor car—the whole family was bombed. There were a lot of cases like that. Aminat, she was there, she died. I don't remember her last name.<sup>83</sup>

### **The Use of Human Shields**

During the Gudermes events, pro-Dudayev rebels used civilians as shields, in clear violation of international humanitarian law. In some cases, rebels mingled with civilians in apartment buildings where the latter were seeking shelter in basements, or left the city with groups of civilians, claiming that the latter need guides or guards to find the right roads out of town. "Konstantin," for example, told Human Rights Watch/Helsinki and Memorial that rebel units were in a building on Boevaya Street while civilians were seeking refuge from shelling in the building's basement.

"Luiza" told Human Rights Watch/Helsinki and Memorial of how a rebel unit accompanied a group of residents out of Gudermes:

I was in the bomb shelter along with other people for three days without food or water. On December 17, the fighters took us across the railroad tracks and put us in cars that took us to Azamat-Yurt. As we were leaving Azamat-Yurt, we saw in the sky a terrible number of planes above Gudermes. Black smoke was hanging above the city.<sup>84</sup>

### **Looting**

Civilians from Gudermes had their personal property stolen both during and after the battle in Gudermes. While it is difficult to determine who was responsible for theft while homeowners were absent, some refugees related to Human Rights Watch/Helsinki and Memorial incidents in which they were forced by Russian troops to hand over property. Our sources in most cases requested anonymity as a condition for giving testimony. When "Raisa" returned to her home in Gudermes on December 29, she found the ceiling and walls of her home blown away and saw soldiers in the yard of the house next door:

I saw them drive an armoured personnel carrier up the house next door. [The soldiers] were smiling: "What do you have in your yard" "What's in the house?" They even checked out my bags. Then they said, "If you don't keep your mouth shut we'll destroy you." They came into my yard, looked all around, and took everything. From the cellar they took carpets, dishes, food, everything. This was during the day.<sup>85</sup>

Another refugee, "Ramiz," told Human Rights Watch/Helsinki and Memorial:

We left on December 15. I went back [to Gudermes] twice: on December 20 and 25. The Red Cross gave my mother medicine, but the soldiers took it all. Russian soldiers would come in and search everywhere. There were five or six boxes of medicine. They took them on December 25.<sup>86</sup>

Looting of civilian homes took place before the battle in Gudermes as well. Yet another woman, "Tamara," reported that looting was common before the December 14 events as well as after them:

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<sup>83</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996.

<sup>84</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, December 18, 1996.

<sup>85</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996. "Raisa" was afraid to reveal any details describing her house and the neighborhood she lived in.

<sup>86</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 17, 1996. March 1996, Vol. 8, No. 3 (D)

At night when you're going to sleep you could hear soldiers, knotraktniki.<sup>87</sup> We wouldn't see conscripts in the city. They would have forty-five-days shifts. When they were about to be shipped out, you wouldn't dare leave your own house because they would get drunk and start to shoot. They would ship out on the Moscow-Makhachkala train, so they would leave [Gudermes] at 8:00 a.m. On one of those nights, we all left the house. They started shooting and then went into the house where they had been shooting. They took all my chickens. They stole geese, carpets. They came to our house and just made themselves at home—they cleaned out the kitchen, the shed, they took flasks, dishes. They didn't care whether you were Russian or Chechen—they cleaned out everyone. I remember when they first came to Gudermes, I was at the market and they were taking whatever they wanted and didn't pay. They would say, "Let Dudayev pay you!"<sup>88</sup>

Aslamabek, who asked us not to reveal his last name, got his family out of Gudermes and returned to the home of his father, who lived in the outskirts of Gudermes. He reported to Human Rights Watch/Helsinki and Memorial, "I came home and everything was turned upside down; I thought my father had taken everything to the cellar, but it turned out that soldiers came and took everything. My father told them, 'Don't touch [this stuff],' but they do what they please. Soldiers live out in country houses, they're dug in out there. They would come by every day after December 21 or 22."<sup>89</sup>

### **Blocking Humanitarian Assistance**

The Russian command imposed a de facto ban on the press and on humanitarian organizations in Grozny and eastern Chechnya in response to the events in Gudermes and Pervomayskoye. The International Committee of the Red Cross (ICRC) was unable to begin its humanitarian relief operation in Gudermes until December 26, and by January 3, the ICRC had been stopped at checkpoints and forbidden access to the roads in and around Grozny, including to Gudermes. The Russian command in Grozny and Moscow refused to give ICRC officials an explanation for these restrictions and indeed failed to respond to their requests for an interlocutor until late January. The Médecins Sans Frontières/Belgium was unable to distribute relief and medical supplies to Gudermes, since a near-total ban on their travel was in effect at checkpoints throughout December and January. The Russian military refused at any level to engage in talks with either relief organization, and thus brought to a halt most of their work.<sup>90</sup>

## **PERVOMAYSKOYE**

### **Introduction**

On January 9, 1996 a group of pro-Dudayev fighters, led by Salman Raduyev (who had led Chechen operations in Gudermes), seized 2,000 hostages in Kizlyar, Dagestan. En route to Chechnya, the rebels were stopped with 160 hostages in Pervomayskoye, a village about fifty-five kilometers south of Kizlyar and thirty kilometers north of Khasavyurt. On January 15, 1996, Russian forces launched a retaliatory military operation in Pervomayskoye primarily to seek and destroy the rebels for precipitating the hostage crisis. In the process, the entire village of 320 homesteads was destroyed.

In Kizlyar and Pervomayskoye, Chechens took civilians hostage. They also committed summary executions, used civilian objects (a hospital and apartment buildings) as military objects, and used civilians as human shields. The

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<sup>87</sup> Soldiers for hire, or "contractors."

<sup>88</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 18, 1996.

<sup>89</sup> Human Rights Watch/Helsinki and Memorial interview, Mogilevskoye, January 21, 1996.

<sup>90</sup> "Northern Caucasus: ICRC Stalled in Chechnya." ICRC Bulletin, ICRC News 3, January 25, 1996, retrieved from Internet. Also, Human Rights Watch/Helsinki and Memorial interview with Thierry Dalimier, head of Chechnya delegation for Médecins Sans Frontières/Belgium, Moscow, January 26, 1996.

Russian operation that began on January 15, supposedly intended to release the hostages, not only put their lives in mortal danger, but clearly violated the principle of proportionality upheld in international humanitarian law.

The group of about two hundred Chechen rebels stormed Kizlyar, a town of about forty thousand inhabitants, about 10:00 a.m. on January 9, first attacking the town's airport, railroad station and Russian troop barracks. The pro-Dudayev fighters then headed for the town's center, where they seized about two thousand hostages, herding them into the town's hospital—a most obvious civilian object, a textbook repetition of the Budennovsk tragedy.<sup>91</sup> As of February 8, the Russian Attorney General's Office estimated that thirty-two people were killed—including hostages, passersby and seven police officers—and about sixty were wounded in shoot-outs between rebel forces and local law enforcement. Damage to Kizlyar was estimated at 1 trillion rubles, or approximately US\$2,127,659.<sup>92</sup>

On January 10, 1996, after negotiations with local Dagestani officials, the rebels released all but about 160 hostages in exchange for a safe route back to Chechnya.<sup>93</sup> The group of rebels departed the same day with the remaining hostages as human shields, but were stopped by Russian forces in Pervomayskoye, a village of about 1,000. Surrounded by Russian troops, rebels began to occupy civilian's homes and to force hostages to dig a network of trenches leading from the village's outer road to homes on the outer edge of the village.<sup>94</sup> Hostages worked day and night for four days under threats of death by their captors. "Natasha," the sister of a hostage, stated that when her brother was at last released, his hands were covered with blood and blisters from digging.<sup>95</sup>

Soon after the rebels arrived in Pervomayskoye, almost all villagers fled to the neighboring village of Sovetskoye and Terechnoye on their own initiative. Magomet Aliyev, the imam of the local mosque, told Human Rights Watch/Helsinki and Memorial:

There wasn't a single death among people from our village, that's quite fortunate. The rebels disarmed the special forces (OMON) then went into the village, and took up defensive positions on the village's outer edge. People from the outskirts started to leave to stay with relatives. But then they saw that rebel fighters were occupying homes, and gradually they had to leave the village without their things, leaving their homes open with their money, their gold, everything. We thought the rebels were just going to leave the hostages and retreat, but it turned out that we left the village for the last time and went toward Sovetskoye and Terechnoye in a whole column with children.<sup>96</sup> Ten people from our village remained as hostages. They were old people who remained to look after their herds, but [the rebels] have released them by now.

Beginning on January 15, Russian forces pounded Pervomayskoye with artillery and helicopter-launched shelling for three days and destroyed the village entirely. It appears that this disproportionate use of force that cost the lives of about sixteen hostages whom Chechen rebels had scattered in houses throughout the village.

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<sup>91</sup> In June 1995, Chechen rebels seized a hospital in the city of Budennovsk on. Russian forces ultimately stormed the hospital.

<sup>92</sup> See Igor Korolkov, "Why Was Raduev Able to Leave Pervomayskoye," *Izvestia*, February 8, 1996, p. 1. It is interesting to note that the official cited from the prosecutor's office requested anonymity.

<sup>93</sup> See David Hoffman, "Russian Troops Block Escape of Chechen Hostage Takers," *The Washington Post*, January 11, 1996, p. 1.

<sup>94</sup> Human Rights Watch/Helsinki and Memorial interview with Magomet Aliyev, *imam* of the Pervomayskoye mosque, Terechnoye, January 22, 1996.

<sup>95</sup> Human Rights Watch/Helsinki and Memorial interview, Terechnoye, January 22, 1996.

<sup>96</sup> Human Rights Watch/Helsinki and Memorial interview, Terechnoye, January 22, 1996. March 1996, Vol. 8, No. 3 (D)

Representatives from Human Rights Watch/Helsinki and Memorial visited Pervomayskoye on January 23 to examine the destruction in the village. Not a single structure remained intact, neither homes, the market, nor the mosque. Based on that visit, Human Rights Watch/Helsinki and Memorial estimate that about 10 percent of all homes were razed to the ground; damage to the walls and ceilings of about half of the remaining homes made them uninhabitable; and approximately 40 percent suffered significant damage, but appeared habitable. Civilians lost their homes, their property, their valuables. Magomet Aliyev commented, "There's nothing left. People are left with nothing, without clothes, nothing."

As of January 29, according to Izudin Salakhov, head of the Pervomayskoye village administration, between seventeen and twenty families had returned. "We have been promised up to 200 million rubles [approximately US\$428,000] to each family to repair homes, depending on size of home and extent of damage, and 50 million as compensation for destroyed property. If they really gave us this money . . . we could get started, but so far we haven't received a kopek.<sup>97</sup> The Russian Federal Migration Service promised sixty units of temporary housing, but as of January 29, had sent only fourteen.

### Threats of Communal Violence

Human Rights Watch/Helsinki was concerned about potential ethnic tension and collective punishment against Chechens and Chechen refugees in Dagestan during the Kizlyar-Pervomayskoye hostage crisis.<sup>98</sup> Dagestan shares a long border with Chechnya and has a very mixed ethnic composition dominated by ethnic Avars. Tens of thousands of refugees from Chechnya reside in western Dagestan and in the areas bordering Chechnya. The hostage seizure sparked threats among Avars in Kizlyar as well as in Makhachkala, the capital of Dagestan, and other Dagestani cities to take local Chechens hostage and to avenge the deaths of their loved ones and relatives.<sup>99</sup> Yet as this crisis was unfolding, President Boris Yeltsin made a stunningly irresponsible remark on Russian television: "Rebels intruded into Dagestani territory, and Avars are ready to cut the throats of Chechens," he said. This provocative statement could well have caused this tinderbox to ignite. Thanks in most part to the Dagestani government's careful and evenhanded conduct, communal violence and collective reprisals were avoided.<sup>100</sup> Indeed, we found no evidence of serious inter-ethnic conflict in Dagestan set off by the Kizlyar-Pervomayskoye hostage crisis.

Adam Satikhanov, head of refugee reception in Osman-Yurt in Dagestan, recognized that there were isolated threats of ethnic-based violence, but explained that an attitude of distrust toward both pro-Dudayev rebels and the Russian government prevented these from becoming widespread:

There were some extremists who were making noise, but . . . local Dagestanis have an objective attitude. Many believe that the [hostage crisis] was planned to sharpen tensions between Avars and Chechens. Avars are the most populous ethnic group of Dagestan, and [the government] wants to drag them into the war with Chechnya . . . As far as the rebels are concerned, . . . we condemn them. Our people feel for these refugees with our hearts—they have nothing, they leap from their bomb shelters with just the shirts on their backs.

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<sup>97</sup> See Igor Rotar, "Rumors of Restoring Pervomayskoye Strongly Exaggerated," *Izvestiia*, February 29, 1996, p. 1.

<sup>98</sup> In the wake of the Budyennovsk hostage crisis last summer, for example, local officials in the Stavropol *krai* (the region in which Budyennovsk is located) took reprisals against local Chechens either by refusing to guarantee their safety and encouraging them to leave their villages, by demanding that all people without propiskas (obligatory residence permits) leave Stavropol within seventy-two hours, by making inflammatory public statements, and by standing by while Cossack groups evicted individual Chechen families. See Human Rights Watch/Helsinki letter to President Boris Yeltsin, June 28, 1996.

<sup>99</sup> See Nikolai Gritchin, "Kizlyar Buries Its Dead," *Izvestiia*, January 11, 1996, p. 5. See also Igor Rotar, "Whose Dagestan?: Forces Want to Drag the Republic into the War," *Izvestiia*, January 26, 1996, p. 2.

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Human Rights Watch/Helsinki, "Dagestanis Upset by Chechen Rebel Actions," *Izvestiia*, January 14, 1996, Vol. 8, No. 3 (D)

But some refugees from Chechnya expressed fear of reprisals that verged on panic. They described several violent incidents between Chechens and Avars, but left unclear whether these were cases provoked by the hostage crisis or rather were victims of everyday violence. "Leila," a refugee from Gudermes living in Khasavurt, described how a local leader tried to calm the panic inspired by President Yeltsin's statement, cited above:

There was an awful panic. Some factory leaders came, they calmed us down. They said, "Nothing will happen, don't worry." Yeltsin there in Moscow drove us to this panic [by saying that] "Avars are going to slaughter Chechens!" Then immediately we started up to leave with our children and the sick. You don't know what it's like in the town center here . . . . The Avar leader made a speech and said that Yeltsin had no business saying that, that it caused a panic, that it sowed inter-ethnic hostilities.<sup>101</sup>

#### *Human Rights Watch/Helsinki*

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**We gratefully acknowledge the Carnegie Corporation, the Henry M. Jackson Foundation, the Moriah Fund and the John Merck Fund for generous support of the Human Rights Watch/Helsinki's work on Russia and of its Moscow office, which contributed to this report.**

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<sup>101</sup> Human Rights Watch/Helsinki and Memorial interview, Khasavyurt, January 21, 1996.