

# Report

## Chechnya

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## Introduction

The conflict in Chechnya has been going on for two and a half years now. The Russian forces have kept perpetrating, behind closed doors, massive human rights violations -attested and condemned since the beginning of the conflict by NGOs as well as international organizations (United Nations, Council of Europe, European Union). The crimes committed have remained unpunished.

The Russian authorities continue to justify this war by the legitimate fight against terrorism, but the methods used belong to a wholly different reality. In Chechnya, the civilian population is still the first victim of a conflict which the Russian government is unwilling to put an end to, in spite of their obligation and commitment to do so.

As the 58<sup>th</sup> session of the UN Commission on Human Rights has opened, the FIDH again wishes to raise the alarm with the international community.

On the basis of the previous FIDH/Memorial<sup>1</sup> joint reports that characterized the facts exposed as war crimes and crimes against humanity, the FIDH has chosen to analyze the mechanisms of the system implemented by the Russian forces allowing the perpetration of systematic human rights violations and providing impunity to the perpetrators of these crimes. The violations cannot be reduced to isolated acts and attributed only to uncontrolled soldiers.

In that perspective, the FIDH mandated an international investigative mission in Ingushetia and Moscow in February 2002, in order to collect testimonies on the sweep operations and on the systematic lootings and rackets. The mission consisted of Anne Le Huerou (France), academic, Bleuenn Isambard (France), academic, and William Schabas (Canada), professor of international law. The heads of mission would particularly like to thank the representatives of the Memorial Human Rights Centre and the members of Memorial's representation in Nazran for their welcome and assistance.

This mission comes within the framework, and in support, of the research and investigation activities carried out by Memorial in Moscow as well as in Ingushetia and Chechnya since the conflict started. Besides, this report relies on the testimonies collected in Chechnya and Ingushetia by Memorial and published in the last six months.

## Context

The current war is part of the Russo-Chechen history marked by a succession of confrontations since the 18<sup>th</sup> century. The conflict history is highlighted in the annex to this report. Concerning the current conflict, two main phases have followed one another.

The first stage of this war goes from October 1999 -as the Russian forces started to deploy in the territory- to March 2000, with the end of the siege of Grozny. This phase was characterized by massive and indiscriminate bombings on the whole territory, and by the establishment of a filtration system of the population –as all the men are suspected of supporting the terrorists- in order to find and eliminate the combatants.

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<sup>1</sup> FIDH/Memorial joint reports: Chechnya: Crimes Against Humanity. A year of unpunished crimes. October 2000. Chechnya: Crimes Against Humanity. When will they be tried? February 2000.

From March 2000, the conflict entered a new phase, as the systematic bombings were replaced by a guerilla war. Attacks led by Chechen combatants against the soldiers or the pro-Russian administration members have been followed by sweep operations, firstly in the south of the country. Since the war started, some cities and villages have suffered over thirty sweep operations, which are accompanied by lootings, destructions, arbitrary detentions, violence, and sometimes summary executions and rapes.

The filtration system is becoming generalized as the places of detention with the same characteristics are multiplying, whether they are legal (departments of the Interior, temporary detention centers) or illegal (graves, abandoned buildings). Finally, a very high number of disappearances has been reported, following arrests at check points or during sweep operations. Inhabitants sometimes discover communal graves containing bodies which are often mutilated in a horrible way.

In January 2001, the management of the antiterrorist operation was transferred to the FSB (former KGB). This was to mark the start of a normalization and a massive withdrawal of the troops. A year later, the sweep operations keep being as numerous, whereas -as observed by the mission- there is a generalization of operations carried out, mostly at night, by groups of masked men (black hoods) similar to death squadrons'. The conflict is still going on behind closed doors, as the NGOs, inter-governmental organizations and independent media are denied free access to the Chechen territory.

## **Part 1. Generalization and systematization of the sweep operations and massive violations accompanying them**

The civilian population in Chechnya continues to be the main victim of the war started in autumn 1999. The phase of massive bombings characteristic of the beginning of the war is over, but the Chechen civilians are now subjected to continued, repeated, systematic and indiscriminate acts of violence, intimidation and reprisals by the federal forces. Indeed, the combing operations -now carried out nearly daily- have considerably intensified since autumn 2001. They can represent up to 4,000 armed men who surround a village, preventing any entry or exit, even for the sick and the wounded, sometimes during several days. Masked and armed men carry out targeted arrests by night. This is very frequently the case in some regions, like Ourous-Martan.

It should be pointed out there is a situation of total and chronic insecurity for the whole Chechen population, which can extend to places deemed protected, such as hospitals, or to Ingushetia today.

### **A. Sweep operations**

Since early January 2002, the sweep operations ("zachistka" in Russian) have followed one another, as the federal troops go from one village to another and stay in each place for 2 to 12 days. These operations mainly concern the regions in the south of Chechnya and its center, Grozny and its outskirts, while the regions in northern Chechnya are less subjected to such operations. (A map is featured in annex)

- From 30 December 2001 to 3 January 2002, Tsotsin-Yurt was the scene of a sweep which lasted six days and resulted in five dead and six disappeared. (Memorial, 16 January 2002)
- 3-7 January 2002, sweep in Argun, 2 dead and 2 disappeared. According to military sources, 12 combatants were also killed, but Memorial could not check this information. (Memorial 23 January 2002)
- On 11 January 2002, sweep operations started in the villages near Shatoy. 6 people, including a pregnant woman, were killed while they were riding in car from Shatoy to Nokhtchi-Keloï. (Memorial, 23 January 2002)
- From 14 to 25 January 2002, sweep in Bachi-Yurt. On the 15, four persons were arrested and two of them were killed, among whom an old man. After the disappearance of three men, two bodies were found outside the village on 29 January. As for the third man, there are still no news of him. (Memorial)
- 17 January, sweep in Goïskoe (region of Ourous-Martan), 2 persons killed. (Memorial)
- Mid-January, sweep in Argun (Site of the NTV channel, 5 March 2002)
- 20 January 2002, sweep of the village of Alleroy. The bodies of four young men who had been arrested by the federal forces were found near a car after the Russian soldiers left. They were all dressed in camouflage clothes. All the bodies bore marks of torture: skin torn off, amputated fingers, severed skin, burns. (Memorial)
- 28 January-3 February 2002, sweep in Starye-Atagui. (Memorial)
- 31 January 2002, sweep in Goïskoe, region of Ourous-Martan. (Memorial)

- 8-10 February 2002, sweep in the village of Gikalovskiy. 5 men were arrested, 3 were taken to Goryatchevosk, one was killed. (Memorial)
- 12-13 February 2002, sweep in Tsotsin-Yurt. 2 dead: one man and one woman killed at night in an artillery fire. (Memorial)
- 17-18 February 2002, sweep in Duba-Yurt. (Memorial)
- 12-20 February 2002, sweep in Starye-Atagui. The first accounts report 7 dead. A 82 year old man was killed during this operation. Among the bodies found, some were unrecognizable, several were burnt. All the bodies were naked and bore marks of torture. At least five disappeared persons. (Memorial)
- During the operation in Starye-Atagui, people were also killed in Tchiri-Yurt, a neighboring village. On 12 February in early afternoon, soldiers dropped by a helicopter arrested and shot two cab drivers originating from Duba-Yurt, as the scene was witnessed by many people present in the market. (Memorial)
- On 19 February, sweep in Gekhi, 12 disappeared. (Radio Svoboda, 26 February 2002)
- On 20 February, after Starye-Atagui, the federal troops went to Argun. (Memorial)
- From 22 to 26 February, sweep in Sernovodsk. (Radio Svoboda, 23 February 2002)
- According to the information of the united group of the federal troops in Chechnya, in the first days of March 2002, some thirty sweep operations were carried out in Grozny, Goudermes, Argun and other villages located in the mountainous regions in southern and eastern Chechnya. (Radio Svoboda, 6 March 2002)
- On 1 March 2002, sweep in the region of Grozny (Sovkhoze "60<sup>th</sup> anniversary of October"), 19 persons arrested. There are no news of two of them. (Memorial, 8 March 2002)
- Early March, sweep in Tsotsin-Yurt, one dead, one disappeared. (Call of the inhabitants of Tsotsin-Yurt, 2 March 2002)
- 2-4 March, sweep in Argun, four young men were arrested and taken away on 2 March. Their bodies were found on 4 March in the courtyard of Argun's military command. (Memorial, 14 March 2002)
- 4 March, sweep in Kourtchaloï.
- 6-11 March 2002, sweep in Starye-Atagui, 15 men were arrested, and after the federal troops left, 7 burnt bodies were found, several of them could be identified as some of the 15 men previously arrested. This has been the 22<sup>nd</sup> sweep operation in Starye-Atagui since the beginning of the second Russian campaign in Chechnya. (Memorial, 13 March 2002)
- On 10 March 2002, a "reprisal" operation was carried out by representatives of the federal forces in the village of Znamenskoe, three brothers were taken away. (Chechenpress, 11 March 2002)
- On 14 March 2002, sweep in the village of Prigorodnoe. (Information Centre Viktor Popkov, 16 March 2002)
- On 15 March 2002, sweep in Possiolok, a village near Argun. (Information Centre Viktor Popkov, 16 March 2002)
- On 18 March 2002, a sweep started in the village of Serjen-Yurt (region of Shali). (Russo-Chechen Society, 20 March 2002)

There has been a generalization of these operations for a few months, and every week in Chechnya, one or several sweeps are carried out.

We could count 27 operations in 11 weeks, which means over two operations a week on the Republic's territory, and this list is far from being exhaustive.

So, within eight or nine weeks, the villages of Tsotsin-Yurt, Starye-Atagui or Argun suffered three sweep operations.

## **B. Sweep, "operating instructions"**

### *An arbitrary system*

Officially, these operations are called "checking the registration of the citizens on their place of residence and during their travels in the Republic of Chechnya". These operations are illegal, as they are regulated by no legal act of the Russian Federation. The law of "fight against terrorism" (3 July 1998) does not mention these operations. But its article 13, entitled "the legal system in an area where an anti-terrorist operation is carried out", lists the rights granted to the forces implementing this operation: "take the necessary steps to limit or ban the movements of vehicles or pedestrians on the roads and in the streets", "control the identity papers of citizens or civil servants", "arrest and present to the organs of the Interior of the Russian Federation the persons who perpetrated violations of the rights or opposed the forces implementing the anti-terrorist operation", "freely enter the places of residence of the citizens", "carry out at the entry or exit of the concerned area a search of the citizens and their belongings", "use, for their duties, the means of communication belonging to citizens and organizations", "use, for their duties, the means of transport belonging to organizations, or, if needs be, to citizens". The wordings used are particularly vague.

These operations are implemented either with no apparent reason, for simple "checking", or after Chechen combatants carried out actions, particularly against military convoys. For instance, the sweep of Starye-Atagui of 13-20 February 2002 took place after a car with Russian soldiers was shot at and two of its occupants were killed.

### *Strategy of terror*

The federal troops surround the village with armored vehicles, and most of the time, prevent the movements outside the village. Very frequently, the displacements are forbidden inside the village itself. The soldiers deploy in all the streets, there are posts every 10, 20 or 30 meters, the village is divided in several zones. At night, the soldiers withdraw to their bases most of the time, but firing persists in the streets and flares are launched. It is impossible for the inhabitants to get the wounded or the sick out of the village.

Most of the time, army vehicles bear no visible numbers and the license plates are covered with earth or mud.

The soldiers are masked most frequently, but not systematically. For instance, during the sweep of Starye-Atagui, from 13 to 19 February 2002, they were not masked, unlike during the sweep on 28 January 2002. But the inhabitants only very seldom know who they are faced with, concerning the units participating to the sweep as well as the officers' names.

Sometimes, during the operation, helicopters can fly over the village, like in Starye-Atagui, skimming over the roofs of the houses, which further increases the psychological pressure on the inhabitants.

The soldiers band together to enter the houses. They sometimes check the passports, but most of all, they "help themselves" and take whatever they like, deem valuable or can exchange for a good price. They often hit those -men, women, children- who dare to try and oppose them.



Frequently, and apparently in an arbitrary way, the Russian soldiers take away men, aged 15 to 60 or sometimes more. These operations are supposed to “check the registration of the citizen on his place of residence”, yet, when arresting somebody, the soldiers often don't even look at his passport.

Sometimes, the soldiers stage the arrest: they drop a weapon in the house, the garden or the very hands of a man, whom they arrest under the pretext he is a combatant.

On 12 February 2002, during a sweep in Tsotsin-Yurt, the soldiers burst into the house of Youssoup K., 50 year old. They put an automatic weapon in his hands and told him “just you try to drop this weapon!”, before taking him away, on the pretense he was a combatant. His parents were there. The federals did not know him, but they chose him because his family owns a big house, which they could resell for a high price. His family bought it back via a Chechen intermediary.

They can also propose not arresting the person if he or his relatives pay immediately.

During a sweep in Bachi-Yurt on 14 January, according to information collected by Memorial, Oumar Djirilov had to pay 4,000 roubles to avoid being arrested. After entering Saïdanov's house, the soldiers forced him to take a mine in his hands and demanded 5,000 roubles not to arrest him. Mr. Saïdanov did not have this amount on him and had to borrow it from his neighbor, who was afterwards the victim of the same “trick” of the soldiers.

### The “filtration” system: torture, disappearances and summary executions

Almost every person who went through the “filtration” system, whether within legal prisons or illegal detention centers, can testify the practice of ill-treatments and torture. According to some testimonies, the detention conditions in the IVS (temporary detention centers) and the SIZO (prisons) have improved since the beginning of the conflict the situation. But the situation in the illegal detention centers remains very critical, as the soldiers in charge of the questionings and investigations bear no formal responsibility.

During the sweep operations, the federal forces set up in the village staff headquarters and a “place of temporary filtration”. These “places” can be graves dug in the earth and filling with water, a field (Sernovodsk, Assinovskaya, July 2001), or agricultural buildings (former farm in Starye-Atagui, or ruins of a cement factory in Chiri-Yurt).

These temporary structures are illegal, but are systematically established during “special operations”. The commander of the united forces in the Republic of Chechnya, General Moltenskoï himself used this expression in a meeting with representatives of human rights organizations in Znamenskoe (Chechnya) on 12 January 2002.

Torture by electric shocks is used (with a special device and a group of “specialists”).

For instance, in Starye-Atagui, two places are most often set up, as it was the case from 13 to 19 February 2002: one in the former chicken factory (where men were outside and, according to some testimonies, they were tortured by electric shocks), the other near the mill (where the men arrested were installed in 4 meter deep graves for four days, without water nor food).

The lists of the persons arrested in these places are only very seldom communicated. It is nearly impossible to check who is arrested and who carried out the arrests, with very rare exceptions. Indeed, in a few cases, it was established that the persons had been arrested by representatives of the federal forces.

Several persons arrested in the region of Ourous-Martan and disappeared afterwards were detained on the third floor of the regional military command, where the FSB's temporary section is located.

On Saturday 2 March, around noon, soldiers in armored cars seized and took to an unknown destination four inhabitants of Argun: Aпти Bargaev, Beslan Bekhaev, Chamil' Idrissov and Alikhan Mouzaev. According to their families, three of them were arrested at home, Idrissov was kidnapped at an intersection near his house. According to witnesses, they were arrested at random. One hour later, the families sent written requests to the various official authorities –the city's administration, the military command, the inter-regional prosecutor's office. However, for two days, they could obtain no information on the persons arrested. In the morning of 4 March, the

city's administration randomly found out that there were four bodies, bearing numerous bullet marks, in the courtyard of the military command. The parents identified the bodies. According to the army, they were combatants killed in battle in the night of Sunday 3 March to Monday 4. But their wrists bore wire marks made when they were alive -and the bodies had marks of torture. These four young men were killed by a shot in the back with an automatic weapon.

At the beginning of the sweep operation in the region of Shatoy in January 2002, 6 persons, including a pregnant woman, were arrested and summarily executed by soldiers belonging to the military intelligence special troops (GRU) of the Russian army.

On 1 March 2002, 19 persons were arrested during a sweep in the suburbs of Grozny, in the Sovkhoze "60<sup>th</sup> anniversary of October". Two of them have "disappeared": Adam Mourtazov and Magaram Khabiboulin. The other persons detained at the "filtration place" heard Mourtazov and Khabiboulin be beaten, and then heard somebody calling a truck by radio and saying: "we will have to carry one of the two, the other will be able to climb on his own". The representative of the regional prosecutor's office of Grozny, who was sent to this sweep, arrived with delay in the "place". At the same time, the two persons disappeared. They were probably taken away by the military secret services, who formally do not have detention centers at their disposal.

Several dozens of persons go through these "filtration places" during the few days which the operation lasts.

During a sweep in Argun from 3 to 7 January 2002, 187 persons went through the temporary filtration places, according to information provided by Memorial.

If the person is still alive after going through the filtration places, his family is often offered the possibility to "buy him back" for amounts going from 1,000 to 10,000 roubles on average. It is often impossible for the person to move on his own, due to the assaults and torture inflicted.

If the person dies, the family frequently has to pay to get the body back. An authentic market has been set up.

Sometimes, the bodies can be found thrown in the wild, near the village or much further, as it was the case after the sweep operations in Tsotsin-Yurt on 12-13 February 2002 and in Starye-Atagui from 13 to 19 February 2002.

But the persons arrested often simply disappear and the families are unable to trace with the military or civil authorities. Although they were arrested by the federal forces, nobody can tell them what became of them, where they were taken to, when, by who (see annex: "Where do people disappear in Chechnya?").

Some of these disappeared persons' bodies are sometimes found with the discovery of communal graves, such as the one discovered in Argun on 1 March 2002 and containing 3 bodies.

The bodies have often been there for several months. It can therefore be difficult to identify them. However, in Argun, it could be established that one of the bodies was that of Abdoul-Vakhab Soulimovitch, 60 year old, arrested during a sweep from 11 to 14 March 2001 in Argun. 11 men had then been arrested and taken away. Two days later, on 13 March 2001, in Khankala, the military base of the federal troops in Chechnya, a communal grave had been discovered, in which there were the bodies of 4 of these 11 men arrested two days earlier in Argun.

When the federal troops leave the village, they leave behind devastated houses and civilians frightened by the threats of reprisals.

Indirect witnesses report cases of young women being raped by federal forces representatives. The mission collected no such testimony, but the Chechen religious and cultural traditions constitute here important obstacles to the confession by the victims or their families of such acts.

However, the mission collected testimonies indicating that during sweeps, the soldiers were "insistent" with young girls and women.

Memorial established that during the sweep of mid-February 2002 in Starye-Atagui, the soldiers separated by force a young 15 year old girl from the rest of her family, locked themselves up in the bathroom with her, and tried to rape her. An officer arrived just in time to prevent them.

In Duba-Yurt, during a sweep on 17-18 February 2002, soldiers tried to rape a 17 year old girl. Her mother's yelling stopped them, but they took away the young girl's 19 year old brother.

### C. Death squadrons

The operations carried out by groups of armed and often masked men, whose acts resemble those of "death squadrons", are obviously of a different nature than the sweeps. Similarly, they have also become generalized, particularly in certain regions, such as Urus-Martan, and contribute to the general insecurity.

On 20 February 2002 in the morning, the mission collected the testimonies of some fifteen women originating from Urus-Martan. All these women were searching for their son or brother, who had been kidnapped, mostly at night, by groups of masked and armed men. They often have not heard from them for several months, although they went and see various authorities.

*Raïssa*: "On 30 October 2001, at three in the morning, men came into the house, some were masked, some weren't. They pointed a weapon at a 7 year old little girl. They didn't say anything, they broke the door, took 3,000 roubles and took away Rizvan, born in 1969, father of two children."

*Aïcha*: "On 24 September 2001, at four in the morning, armored vehicles entered in the courtyard and took my two sons, Nasirdin (1976) and Magomed (1977), both fathers of children. They hit one of my daughters-in-law and took the young men wearing no clothes or shoes".

*Heda*: "On 1 December 2001, at two in the morning, my brother, Khassan, born in 1973, was taken away. Everybody was sleeping in the house, when they broke the door. They asked for the passports. The soldiers were all masked, very calm and polite, they were looking for weapons in all the houses. They allowed the young man to get dressed. Then they said that following the attack against Gadjev<sup>2</sup>, they were going to check everybody's identity."

*Mother of Akhmed*, born in 1977: "He was taken away in the night of 21 to 22 December 2001 by masked and armed men. On the same night, Shakhmad, our neighbor, born in 1972, was taken away barefoot."

*Louiza*: "My son, born in 1959, who was sick and had not left the house for three years, was taken away on 4 November 2001, at four in the morning. The men who took him were not masked, spoke Russian, did not even look at his passport and took him away without any paper."

*Ramnat*: "On 4 November 2001, at three in the afternoon, soldiers came into our house and the neighbor's. It was not a sweep operation. Some were masked, others weren't, they were very rude, they insulted the women, they killed the neighbor Assoukhanov right there, and took away my son Khussein (1977). They left in a van which number was covered with mud. A few days later, my husband died of an infarction, he could not bear it."

*Mother of Ramzan* (1976): "On 8 November 2001, at 4h20 in the morning, somebody knocked on the door, I asked who it was and I was answered "the police" and immediately, insults. Three soldiers came in, one was masked, the others were not. They beat my elder son Valit, asking him "where is your beard?". Unlike the others, the masked one had a Chechen accent. He hit me and threw me on the floor, I hit my head against a brick and lost consciousness for a few moments. When I came back to me, I saw they were taking away my son and I ran after them in the street. There were three cars, with mud on the numbers. They shot in my direction, so I had to throw myself in the mud. While I was running after the three cars, other soldiers, young, small, with wrinkled eyes, had looted the house. I hit on the pipes to call for help, and they left insulting me."

*Mothers of Moussa* (1979) and *Youssoup* (1977). They are neighbors. On 24 April, at six in the morning, masked and armed men came in their houses, said nothing and took the young men while they were in their beds. They took a third man, whom they later released. He told the parents of the first two that they had been put in a grave in Tangi-Chou. The mothers went there and a Russian soldier confirmed to them their sons had been there and they had then been taken to Khankala<sup>3</sup>. They haven't found their sons.

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<sup>2</sup> On 29 November 2001, General Gueïdar Gadjev, military commander of the region of Urus-Martan, was assassinated by a young kamikaze woman, whose husband and two brothers had been killed by federal forces representatives of the region of Urus-Martan.

<sup>3</sup> Khankala is the general base for the Russian troops active in Chechnya.

*Diana, school teacher:* "On 30 August 2001, my son Idris, born in 1978, was taken away. He has tuberculosis, so he was in bed and I wasn't there. Neighbors saw masked men take him away."

*Madina:* "On 12 June 2001, at four in the morning, masked men speaking Russian with no accent came in the house, asked for weapons, did not find any and took my son, Adam, born in 1979. Gadjev himself said he was the one who had taken my son. I haven't heard of him for nine months."

In all cases, these women went and see first the closest military command, then the local one, the regional one, and then tried the criminal proceedings: the regional civil and military prosecutor's offices, and the federal ones. In vain.

According to an information of the organization Memorial, on 1 March 2002 in Urus-Martan, an inhabitant of Alkhan-Yourt, Assoukhanov Guelani, was arrested and "disappeared". He had been arrested on 12 February and had since been detained in the IVS (temporary detention center) of the VOVD (Temporary Department of the Interior) of Urus-Martan, an official detention center under the prosecutor's office's control. On 1 March, in the late afternoon, Asoukhanov was released. While he was leaving Urus-Martan in car, accompanied by relatives and the head of Alkhan-Yurt's administration, the car was arrested at a check point. Masked persons in camouflage clothes came out of VAZ-2106 white car, seized Guelani Asoukhanov and took him in direction of the city's military command. Since then, he has "disappeared". His family went and see various official instances without obtaining any information on his whereabouts.

Memorial considers that these targeted arrests are carried out by armed groups that are illegal, but were especially created with this aim, as they exist and act almost in parallel with the existing units, carrying their investigations secretly and dispensing justice by themselves. These units would be based in Khankala. This hypothesis could be confirmed by the fact that we can find in Khankala persons or dead bodies of persons arrested all over the Chechen territory. The representatives for the civil prosecutor's offices and the military officials reply that no element allows to prove that these acts are committed by the federal forces representatives, and not by Chechen illegal armed groups.

However, several elements in the testimonies collected allow to think that these arrests should be attributed to the federal forces.

When Madina went to see General Gadjev on the morning following the "arrest" of her son, he told her he was the one who had taken her son.

Right after the disappearance of her sons, Aïcha went to see the same General Gadjev, who said her sons were at the military command. She went there the following day and was told they were not there and nobody knew them.

The morning following her son's arrest, Heda went to the military command, where she was told he was in the FSB section to have his papers checked and he would be released three hours later. Four days later, they told her they had never seen him, never heard of him, but that it was pointless searching him, alive or dead. Ten days later, Chechen intermediaries told her to look for the body in the Assinovki woods.

These women of Urus-Martan insisted in pointing out that since General Gadjev was assassinated, these acts were much less frequent.

It must be noted that some Chechen work within the special troops of the Federal Security Service (FSB) and of the military intelligence (GRU), which can explain why some masked men participating to the various operations were speaking Chechen.

#### **D. The civilians are nowhere to be safe**

The generalized character of these operations also concerns places deemed protected.

Argun's hospital was subjected to a sweep operation in October 2001, as testified by this extract from a letter of the staff of Argun's hospital to President Putin's representative for human rights in Chechnya, Vladimir Kalamanov.

On 3 October 2001, around three in the afternoon, a sweep was carried out on the territory of the hospital. The doors of the stocks and the rooms were forced. The soldiers ill-treated the sick, they tore off the bandages put after the operations. They beat the medical staff. The hospital has previously been the repeated target of artillery fire by the federal forces and had already been the object of such sweeps (with forced doors, etc).

Memorial reports in a document dated of 14 November 2001 that during an operation in Argun on 9 November 2001, the soldiers came into the hospital and took away a wounded person who was there.

According to representatives for humanitarian organizations, humanitarian cars were shot at and ambulances arrested and detained at check points.

Therefore, in this context, people are afraid to go to the hospital and stay at home, though sick or wounded, which allows the Russian army to claim that if they are injured but not hospitalized, they are combatants.

Even in the neighboring Republic of Ingushetia, where several hundreds of thousands of Chechens have taken refuge, there are targeted arrests. Memorial reported the following testimony on 7 March 2002.

On 14 February 2002, at eleven in the evening, armed and masked men in camouflage clothes burst into number 14 of the Zarechnaya street in the city of Karaboulak (Ingushetia). They seized and took away Naïp Idigov, a Chechen refugee. The vehicles (UAZ and Gazelles vans) arrived from Chechnya, with Chechen license plates, and went back in the same direction. The next day, 15 February, in the TV news of the ORT channel, the presenter announced that "during a special operation carried out by the federal forces on the Chechen territory, Naïp Idigov, commander of a group of combatants dealing with the organization of terrorist acts had been eliminated".

## Part 2. Systematic looting during sweep operations, extortion, trading in living and dead persons, such are a few of the "economic" aspects of the conflict.

Without claiming to cover the whole range of economic and financial mechanisms which are largely responsible for the continuation, if not the outbreak, of the war, our aim here is to show that the sweep operations are systematically accompanied by looting, that the practice of holding the population to ransom is widespread, and that there is a true "market" on which detained or executed persons are bought or sold.

### A. Looting and direct extortion

An account of operations in Tsotsin-Yurt will serve to show that a selection is made among the villages, based on their economic situation, and that within the villages the most prosperous families and houses are chosen. Tsotsin-Yurt is considered to be rich<sup>4</sup>, and the inhabitants consider that it is not by chance that it is subjected to repeated operations.

Looting is carried out either by different units that take it in turn to help themselves, the rapid rotation of forces stationed in Chechnya increasing the frequency of the operations, or, as is the case in particular in Tsotsin-Yurt, by the same soldiers who return because they found plenty of booty there.

Marta testifies<sup>5</sup>: "During the 12 February cleansing, some soldiers recognised me, entered my house and said: "You had a little electric generator last time, why is it not here, have you hidden it, or what?". The hunted for it everywhere until they found it, and took it".

Aslan<sup>6</sup> mentions a particularly characteristic example. During the New Year operation in Tsotsin-Yurt, at 3 a.m. soldiers entered a house where there were only women, whom they threatened to rape unless they handed over their money (70,000 roubles, the takings of a shop that belonged to the owner of the house). They then fired on all the goods they could not take away, saying: "*Don't think of lodging a complaint, or we will come back and kill you*". In this case they did not even bother to use the pretext of looking for a fighter.

Another witness, Zulia<sup>7</sup>, described the looting that took place during the sweep operation on 27 October 2001. At 11.45 p.m. two soldiers, unmasked, came into the courtyard saying "*we want vodka*". She had none, so they took food and some shoes. Then they left. Zulia's three nephews each have a house, next to each other on the outskirts of the village, a particularly exposed position during Federal forces' operations. During the night, when the Federal forces were encircling the village, the three young men and their families took refuge with their parents, in the centre of the village. That night the three houses were entirely looted. "*Not a single teaspoon was left*".

Aminat<sup>8</sup> describes the looting during repeated sweep operations in Starye-Atagi. "*During the operation on 28/01/02, soldiers entered the house, insulted me, and with their weapons forced my husband against the wall, emptied the fridge, took the washing powder, some canned food, then started to break everything in the house. I took his mask off one of the soldiers, he insulted me, I did likewise, we fought*". On 12 February, during the next operation, among other things they entered my neighbour's house saying "*arms have been found in your house, give us your rings*". On the 2<sup>nd</sup> or 3<sup>rd</sup> day after they came into the village, some soldiers entered my house. I hadn't cleared anything up since the last sweep a week earlier. On entering

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<sup>4</sup> Tsotsin-Yurt is one of the Chechnya villages involved in more or less illegal small-scale oil-refining. This is done by the Chechnyans and the Russian military alike. The activity has developed considerably with the war, and is profitable. It also provides a pretext for certain cleansing operations, which are supposed to close down and destroy the refineries. The military announce regularly that hundreds of tons of refined oil have been seized, that illegal installations have been destroyed, and that criminal investigations have been initiated.

<sup>5</sup> Testimony gathered on 18 February 2002. Marta (pseudonym) is an inhabitant of Grozny who took refuge in Tsotsin-Yurt.

<sup>6</sup> Aslan (pseudonym) is an inhabitant of Tsotsin-Yurt. Testimony gathered on 17 February 2002 in the Memorial office in Nazran.

<sup>7</sup> Zulia (pseudonym) is an inhabitant of Tsotsin-Yurt. Testimony gathered on 18 February 2002 in the Memorial office.

<sup>8</sup> Aminat (pseudonym) is an inhabitant of Grozny who took refuge with relatives in Starye-Atagi, after her house was bombed. Testimony gathered on 21 February 2002.

*the courtyard they pointed their guns at my husband and me. Seeing the mess in the house, they pretended to be surprised: "What, did our people do this?". I told them to take what they wanted, and go. They took bread, canned food, and emptied the refrigerator. In the yard they took two hens and the rooster".*

The Russian journalist, A Politkovskaya, quotes the account given by a Chechnya Public Prosecutor, Marat Berdiev, after a sweep operation he had supervised on 26 November 2001, as specified under decree N°46 of the General Public Prosecutor of Russia, which requires "territorial prosecutors" to be present during all roundups carried out in Chechnya and to "make sure the troops act in accordance with the law". *Around 11 a.m. I saw two armoured vehicles arrive, with their numbers covered with mud. Strangely enough, everyone was standing up on the vehicles, whereas usually people try to stay inside, because of the cold, explains Marat Berdiev. Intrigued, I approached, I looked, (I also was wearing battle-dress), I climbed on to one of the vehicles, and I opened it. Inside, it was full of all kinds of objects. I took photographs. I said who I was. "What happened then?" The officers in charge of the armoured vehicles armed the breeches of their guns, shouting at the prosecutor, "How dare you! These are our trophies". (Novaya Gazeta, 27 December 2001).*

During sweep operations, the soldiers often use intimidation, organising mock arrests in order to obtain a direct ransom. Sometimes they also use threats or humiliating expressions towards the women, in order to force the men to pay, or to provoke an incident that would justify a subsequent arrest.

Sometimes soldiers plant weapons in the houses, or in someone's hands, so as to present the person as a fighter, at the same time suggesting that he should pay so as to avoid arrest, or so that his property is not taken.

Thus Aslan tells that during the sweep operation in Tsotsin-Yurt at the end of December 2001, a soldier forced an old man to give him 1,000 roubles, saying "How much will you give ME for YOUR carpet?", simply for not firing at the carpet on the wall.

Lastly, people are often arrested, the military pocketing the money they have on them. For instance, in Gikalo a sweep operation started on 10 February 2001, after a UAZ van had exploded near the village on the 8<sup>th</sup>. The Memorial representation in Nazran took the following statements:

*Ramzan: "I come from the village of Chechen-Aul, but at the time I was in the village of Gikalo. (...) I have no passport, but I had on me a declaration to the effect that I had no identity papers. I was questioned because I had no registration. (...) When they took us away, they simply said they would register our passports on their computers, to check them, and that everything would be all right. But when we arrived, they dragged us to this farm, beat us, saying we had blown up a UAZ. They hit us really hard, and took all the money we had in our pockets. They were Special Forces."*

*Maga: "They hit me on the head, then on the stomach, on the heart, they choked me with a belt. I told them I knew nothing, they continued to beat me. (...) They asked "Where are the Wahhabites who blew up the UAZ?" They took 2,000 roubles from me. They wanted to know where the money came from, and they said I must have stolen it".*

## B. The market of the living and the dead, systematic and "organised"

The present phase of the war is characterised by systematic racketeering and demands for ransom for releasing civilians arrested during sweep operations, or for returning the bodies to the families.

The Memorial representation in Nazran has taken statements concerning a sweep operation in Bachi-Yurt on 14 January 2002.

In many cases the Federals proposed a buy-back arrangement to the families, the price being generally 1,000 roubles. When the soldiers saw a car in a courtyard, they would say that they would take it, unless they were given 1,000 roubles. There were also attempts on the part of the Federals to take minors with them, and there again "ransom" money had to be paid.

Likewise, at least two people arrested in Tsotsin-Yurt on 12 February 2002 were released against a ransom.

Yusup K, age 50. "They burst into his house, thrust an automatic rifle into his hands, saying to him "Just try letting it go", then they took him away, pretending he was a fighter. His parents were there. The Federals did not

know him, they chose him because he had a large house; and that they could get a good price for him. The family bought him back."

Dennis B<sup>9</sup>, age 35, a farmer, was released on 16 February against a ransom of 6,000 roubles<sup>10</sup>.

Aslan, a witness, explains that the system is perfectly organised, and that everyone knows who to contact, and where. The rates vary a lot, depending on the person arrested, and on the units concerned (FSB and GRU are the most expensive). *"It all depends on the appetites of the soldiers, but these military units operate on a sort of "Khozrashchiot", or self-financing, basis"*.

One of the persons arrested on 12 February in Tsotsin-Yurt was bought back by his family through a Chechnyan known to be an intermediary<sup>11</sup>. These persons are chosen because they know the military units, the names of those in charge of the roundup operations, and the identity of the persons arrested. Otherwise, the families seek out people close to someone who has been released, and ask them how they went about it. If a person has been released against a ransom, that person can, and must, expect to be arrested again. Repeated arrests and payments of ransom money frequently come up in the statements taken, and often force the victims to go into hiding, or to leave Chechnya.

It is said that the units "liquidate" intermediaries, often of Chechnyan nationality, when they leave Chechnya, in order to eliminate possible witnesses. This was one of the explanations given for the assassination, on 3 December 2001, in Magas (Ingushetia) airport, of Lechi Matsaev, deputy-chief of administration of Urus-Martan, who was known to be an intermediary.

The restitution of bodies also gives rise to some macabre trading.

Paula's<sup>12</sup> husband was killed during the sweep operation on 30 December 2001, after being arrested and used as a human shield (see the detailed account of that operation). Turko Dikaev, head of the administration of the village, helped the family to buy back the body on 31 December. But when the military brought the body back, they took away with them two nephews of the deceased, demanding 7,000 roubles to return them to their family. Paula ran after the BTR. They laughed at her "Go on, try and catch us", then they left. Thanks to the efforts of T. Dikaev the two young men were released. On 1 January the Federals came back to the house, saying that they wanted the corpse back.

There are also cases where the military make the family believe that a person is alive, and kept in detention. This happened to the family of Iliskhan Ismailov (born in 1980), an inhabitant of Tsotsin-Yurt, who disappeared after being arrested at a checkpoint. The soldiers said he was held in custody at the Kommandatura. For a whole week, they took the parcels the family brought, until the body of I. Ismailov was found somewhere else.

### C. Extortion at checkpoints

The checkpoints, of which the number has not decreased, despite requests from the Council of Europe and the promises of the Federal authorities, are a major obstacle to the normalisation of the situation. They constitute a form of psychological pressure and a permanent threat for civilians, who whenever they move around the country have to stop to be checked up to 20 or 30 times a day. And yet the system has proved countless times its ineffectiveness in military terms; for the fighters merely take side roads, while the Federal forces do not dare move away from the checkpoints on the main roads. Extortion of money at checkpoints remains general practice, and is perhaps a fundamental reason for there still being so many of them.

There is a sort of informal tariff, which varies according to the period, to the units concerned, to the type of vehicle and passengers. In September 2001 Memorial noted the following rates, which had risen considerably: for the three checkpoints on the main Baku-Rostov-na-Donu road, the price

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<sup>9</sup> Pseudonyms.

<sup>10</sup> Testimony by Aslan (pseudonym) gathered on 17 February at Nazran.

<sup>11</sup> At the request of the witness, neither of the two names, nor the post occupied by the intermediary can be mentioned.

<sup>12</sup> Paula (pseudonym) is an inhabitant of Tsotsin-Yurt. Testimony gathered on 18 February 2002 at Nazran.



had gone up from 50 to 300 roubles for each vehicle carrying humanitarian aid, while private cars were "taxed" 20 to 30 roubles, and minibuses 50 roubles. The same price range was indicated to the mission based in Nazran: 50 roubles for taxis, 10 roubles for each passage of pedestrians, even women and children, and far more if they look "well-dressed", and more generally for men, who are always under threat of being checked and arrested.



Soldier at a checkpoint: "10 roubles per passage". Photo taken by representatives of the Russia-Chechnya Friendship Society on their way to Znamenskoe for a meeting with Mr. Vladimir Kalamanov, on 28 February 2002 at 9.30 a.m., at the "Galni" frontier post.

The racketing is all the more expensive, and the treatment all the more bullying, harassing and discriminatory when the groups concerned are vulnerable, such as pregnant women, sick or injured persons.

At a checkpoint where the Mordovia OMON were stationed, a soldier humiliated a pregnant woman and her family by asking her how many months pregnant she was, whereas in Chechnyan tradition one does not mention directly that kind of thing. The soldier then added that "he might well deliver her himself", before making the family pay and letting her pass.

These practices have been denounced by the military command itself, without anything changing, however. On 22 October 2001, during an inspection tour, General V. Moltenskoï declared that he had discovered cases of extortion and disrespectful attitudes towards the population in the 60 checkpoints he had inspected. On 5 November 2001 the FSB initiated a "clean hands" operation in Chechnya, laying traps for soldiers and policemen who extract money from people at checkpoints<sup>13</sup> This is confirmed by Marat Berdiev: "(...) *Imagine that one day, when I was travelling in my area, I, the deputy of the regional prosecutor, was asked by a soldier at a checkpoint for a baksheesh to let me pass. I showed him my card; he was furious when he realised he would not get any money from me. He wasn't even afraid I would get him into trouble for attempted extortion. He knew his officers would cover up for him.*"<sup>14</sup>

#### D. The question of the financial aid for refugees and reconstruction

The lack of any significant reconstruction in Chechnya is a fact no one disputes: the inhabitants to start with, who continue to be deprived of running water, electricity and gas; the humanitarian organisations, but also the pro-Russian Chechnyan administration and the Russian authorities themselves, who recognise that there is a problem. The latter are aware of the fact that the

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<sup>13</sup> Kommersant, 5 November 2001.

<sup>14</sup> "Chechnya outside the rule of law: living in terror of the "masked men", translated and published (extracts) by "Courier International", 24-30 January 2002.

situation helps to discredit official declarations on normalisation and to make the return of the refugees impossible.

Several testimonies given in the camps<sup>15</sup>, as well as information provided by international humanitarian organizations operating in Ingushetia, mention the intense efforts at persuasion on the part of the head of the pro-Russian Chechnyan administration, Akhmad Kadyrov, or members of his staff, who regularly visit the camps to urge the refugees to go back home. They promise that the first to put themselves on the list will be given money and equipment for reconstruction, and they also threaten those who fail to do so. This strong encouragement for the return of the refugees is seen by the pro-Russian administration as a means of recovering, within Chechnyan territory, Russian and international financial aid. While no cases of forced return have been noted, there are regular rumours to that effect, fed by the very real harassment the refugees are subjected to: non re-registration, lack of registration for new arrivals of refugees, prolonged power cuts, repeated interruptions in the delivery of food aid.<sup>16</sup>

At his meeting with the members of the mission, Vladimir Kalamonov, President Putin's representative for Human Rights in Chechnya, recognised that there were serious corruption and embezzlement problems in several departments of the pro-Russian administration. Aslanbek Aslakhanov, Chechnyan member of the Russian parliament, considers that 70% of aid paid to Chechnya in 2001 has disappeared, either by sheer embezzlement, or because of the extreme fragmentation of the aid: 14 billion roubles (whereas the experts consider that hundreds of billions would be required), divided up among 25 or 26 Ministries.<sup>17</sup> The minister of Health of the pro-Russian Chechnyan administration, Isa Dudaev, declared recently that hundreds of thousands of roubles earmarked for the reconstruction of hospitals had been misappropriated, with the tacit complicity of the Russian minister for Health<sup>18</sup>.

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<sup>15</sup> Statements taken by the mission on 20 February 2002, at Karabulak and Nazran.

<sup>16</sup> See the reports and documents issued by humanitarian organisations, in particular the MSF file "Chechnya/Ingushetia: Vulnerable persons denied assistance", January 2002. ([www.msf.org](http://www.msf.org))

<sup>17</sup> A. Aslakhanov, interviewed on radio Svoboda, 22 February 2002.

<sup>18</sup> *Frankfurter Rundschau* and *Suddeutsche Zeitung*, 14 March 2002.

### **Part 3. Justice for crimes committed: a planned impunity ?**

While the formal reopening of courts of law on the territory of Chechnya since 2001, the setting up of ad hoc mechanisms, the lodging of numerous complaints, the opening of a certain number of investigations may give the appearance of a formally functioning system of justice, the disproportion between the violations perpetrated in Chechnya by the Russian forces, and the number of proceedings actually initiated and of convictions obtained indicate that it is very much a "trompe-l'œil" form of justice.

One can but note the almost total impunity of the people directly or indirectly responsible for violations in Chechnya. Considerable evidence collected by the mission suggests that such impunity is organised, and that neither the exactions committed nor the absence of justice can be attributed merely to uncontrolled excesses or malfunctioning procedures.

#### **A. A flagrant absence of justice**

1. The disproportion between the proceedings initiated and the violations committed shows that there is an absence of justice.

According to official figures given by the chief military prosecutor, Mikhail Kislitsin (*Interfax dispatch, 23 March 2002*), 129 criminal investigations were initiated by the military prosecutor's department, of which 73 have been followed through to their completion. Among the latter, 44 implicating 60 military have been referred to the military courts, including 11 for murder, 2 for rape, and 15 for theft.

These figures, communicated by the authorities, at first sight would seem to show that the system of justice is operating efficiently, but when they are compared to the overall picture of crimes committed by the Federal forces, the situation is very different. The military prosecutor's figures in particular do not take into account the number of cases suspended or closed, notably for "inability to identify the persons who must bear the criminal responsibility", for reasons of amnesty or absence of crime, or that are referred to the civilian (territorial) Chechnyan prosecutor for further information. For it is the latter who investigates most cases, even if the total number of investigations is several times smaller than the number of offences committed. According to information gathered in October 2001, although over 7,000 complaints had been received by the Kalamonov Bureau (see below), the Chechnya prosecutor's office (civilian) had only opened 393 criminal cases for crimes against civilians; 230 cases had been suspended, 10 had been closed, 138 cases had been referred to the military prosecutor's office, where they had not yet been registered, and 14 investigations were still pending.

To date 30 military have been sentenced, including 3 officers.

On 20 September 2001, just before the session of the Parliamentary Assembly of the Council of Europe, the list of the first 15 military judged for crimes committed against civilians in Chechnya was published (*Rossiskaia Gazeta, 20/09/01*). Out of the 15 military judged, only 8 received firm prison sentences. The others received suspended sentences, postponed application of the sentence, or deductions from their salary.

During their second meeting with the authorities at Znamenskoe on 28 February 2002, the Human Rights organizations stressed the insignificant number of convictions, and in particular raised the question of the responsibility of certain high-ranking officers, such as General Bogdanovski, who directed several sweep operations. The answer they received was simply that the General had left the territory of Chechnya.

Furthermore, the trials to which the Russian authorities have given the most publicity in recent months are those of the Chechnyan "war lords", especially that of Salman Raduev, judged for the hostage-taking at Kizliar-Pervomaiskoe in 1996 (2,000 hostages, 70 killed while fleeing). The

highly publicised court proceedings, in which the Prosecutor General of Russia, V. Ustinov appeared himself for the prosecution, ended on 25 December 2001 with a life sentence.

In addition, the "model" trial of Colonel Budanov, accused of murdering a young Chechnyan woman in March 2000, seems to be at a standstill. Not only does the indictment say nothing about the act of rape committed by the colonel, but he has received numerous public messages of support, among others from General Shamanov, present Governor of the Kursk region. The trial was adjourned in March 2001, and a further psychiatric examination was carried out at the Serbski Institute in Moscow. If this were to prove that the colonel strangled the young Elsa Kungaeva while in a "state of affect", which would have blurred the acuity of his judgement, he would then be judged for involuntary homicide (art. 105 of the Penal Code) and would be liable to a maximum sentence of three years. The military court at Rostov refused to divulge the conclusions of the latest examination to the lawyers on both sides, and postponed the trial to 2 April 2002.

Lastly, no proceedings have so far been initiated on the combing operations at Alkhan-Yurt (December 1999), Staropromyslovski (January and February 2000), and Novye-Aldy (February 2000), made sadly famous by the particularly large number of civilian victims.

## 2. A judicial system that is fragmented, ineffective and under influence

The reopening of the courts in Chechnya in January 2001 was in response to international pressure, in particular from the Council of Europe. Such a "reintegration" of Chechnya into the Russian legal and judicial sphere was to have demonstrated the normalisation of the situation and the return to civilian life. This factor has been emphasised on numerous occasions by the Russian authorities. However the system set up is both partial and complex; this complexity hinders the operation of justice, when it is not used intentionally to close cases.

### Fallacious use of anti-terrorist legislations

As was emphasised by the NGO representatives at their meeting with the authorities at Znamenskoe on 28 February 2002, a legal vacuum has been knowingly organised on the territory of the Republic of Chechnya. The operations carried out by the Russian forces are based on the anti-terrorist legislation, which is particularly vague. The use of this legislation has led to the establishment of an arbitrary regime, which has inevitably given rise to massive Human Rights violations. Behind the official façade of the system of detention and investigation, there is an informal system of illegal detention.

Indeed the representatives of the prosecutor's office have themselves recognised that there was no precise legal basis for the organization of special operations, nor even for the "anti-terrorist" operation in general, because the anti-terrorist legislation is very vague. For example it specifies that someone can be held for questioning, but without saying for how long.

In the absence of clearly defined legal standards, the authorities tend to make up the rules as they go along, whereas the Human Rights organizations propose specific measures designed to remedy the lack of legality of the operations.

Decisions N° 46 (General Prosecutor's office – 25 July 2001) and N° 145 (Unified Forces Command – May 2001) require that special operations be carried out in the presence of representatives of the prosecutor's office and of the person in charge of the local administration; they provide for measures to ensure that people do not disappear during "filtering", and request that if there are complaints, they should be taken into account. These decisions are only rarely applied. It should be said however that since the autumn, some prosecutors have been present during operations, a circumstance which has on occasion allowed a local improvement of the

situation (release of persons illegally detained in the military units at Avtury in December 2001). But generally speaking, the prosecutor's office has very little power over the military (see below).

During the first meeting between the NGOs and the authorities on 12 January 2002 in Znamenskoe, the authorities present undertook to ensure that a certain number of concrete requests by the Human Rights organizations were met: the presence of visible numbers on the armoured vehicles; the fact that before an operation the soldiers should give their identity and present documents; the fact that the military commander responsible for the operation should, once it is over, transmit a full list of the persons arrested, with the reason for their arrest and their place of detention.

During their second meeting the 28 February, NGOs said to the authorities that there is no improvement in the field, and their commitments were not implemented.

It should also be noted that it was only on 10 February 2002, two and a half years after the beginning of operations in Chechnya, that the authorities began to develop, during a meeting between the military in charge and the representatives of the prosecutor's office, instructions for the running of special operations. These instructions should be available in May or June 2002.

### Access to justice

There are only a small number of courts that actually function in Chechnya. There are 10 for the whole of the territory, which means that they serve villages that can be at a considerable distance (up to 120 km). Added to the risk and the cost of the checkpoints, there is the necessity to stay overnight on the spot. All this acts as a serious deterrent (especially as not being registered in the village where one happens to be can be a pretext for being arrested).

More importantly, the courts in Chechnya are only competent for dealing with minor offences, in civil as in criminal cases, (prison sentences not exceeding 5 years), which in fact rules out most of the crimes committed against civilians during military operations. The other cases are heard by courts in Rostov, Piatygorsk, Stavropol, Makhachkala, etc. And even when it is a matter of Human Rights for which the Chechnyan courts are competent (payment of retirement pensions, dismissal...) the cases are dealt with among the mass of offences committed on the territory of Chechnya. They therefore suffer from the slowness of the system, compounded in Chechnya by the lack of magistrates. And in any case, court decisions are hardly ever enforced (Memorial document, 15 October 2001).

### Duplication of judicial authorities and artificial distribution of jurisdiction

The initiation of investigations concerning crimes committed in Chechnya is left to the discretion of the prosecutor's office (a body that verifies for the Government that legality is complied with). On receiving a complaint, or on its own initiative, it carries out investigations, and when they are completed, it decides whether or not to take the case to court.

When the persons suspected of a crime belong to the military (ministry of Defence), it is the military prosecutor's office that does the investigation, and the military courts that judge the case (very often the Vladikavkaz court in the case of Chechnya). For crimes committed by the troops of the ministry of the Interior and by the Police, the civilian prosecutor's office of Chechnya is competent, as are the civil courts. Added to this horizontal distribution between civilian and military bodies, there are the organizational and operational problems of the whole Russian judiciary system, of which the inefficiency and the dependency on the executive branch are denounced regularly: overriding power of the investigators and the prosecutor's office over the judges; subordination of the prosecutor's office to the ministries it is supposed to monitor (ministry of Defence and ministry of the Interior); territorial organization according to the administrative divisions of the Federation of

Russia (prosecutor's offices in cities or districts, regions or Republics, general prosecutor's office in Moscow...), which in the case in point is an additional cause for slowing down procedures.

To the extent to which the armed forces engaged in Chechnya belong both to the ministry of Defence and the ministry of the Interior, there is a double system, both civilian and military, which in fact allows the prosecutor's office to invoke the strict separation of areas of jurisdiction in order to refrain from initiating proceedings.. The duplication of the instances and the levels of authority therefore often lead to a game of "legal ping-pong", each body passing the responsibility on to the other, as in the case of the Aldi massacres in February 2000 (see FIDH/Memorial report, October 2000, page 47). The civilian prosecutor's office is not allowed to question military personnel nor carry out an investigation on a site where military units are stationed. In most cases therefore, it is not able to collect the evidence required to oblige the military prosecutor's office to take up the case. This means that the military prosecutor's office can simply refuse to start an investigation that it considers to be inappropriate or embarrassing. Concerning disappearances, for instance, the civilian prosecutor 's office is investigating 400 cases, the military prosecutor's office, 9. Three quarters of all cases of disappearance were dropped because of "the impossibility of identifying who was responsible", whereas it would have been possible to make such an identification if the civilian investigators had been able to work with the military.

The victims are constantly up against this system when they try to lodge a complaint.

Civilians are often sent backwards and forwards between the local authorities and the national authorities, or between the civilian and military prosecutor's office. Many lose courage, and give up.

A witness, Raissa, explained to the mission that when her son, Rizvan, was taken away during the night of 30 October 2001 at Urus-Martan, she wrote "everywhere" to lodge a complaint. She was sent from the local prosecutor's office to the regional office, and vice versa. On 20 February 2002, almost four months after her son's disappearance, she had received no new information, nor had any legal investigation been initiated.

Likewise Diana, who also came from Urus-Martan, and whose son was taken away on 30 August 2001, tried "everywhere", and the only answers she ever got merely said that her complaint had been sent on to more competent authorities. (Testimonies taken on 21 February 2002 in Nazran).

Sometimes the families meet with a point-blank refusal:

At Urus-Martan Heda's brother was abducted during the night of 1 December 2001 by masked soldiers. The next morning she went to the military command, where she was told he was there, in the FSB section, that his documents were being checked, and that he would be free in three hours. Four days later they said they had never seen him, and had never talked to him. She was told, however, that it was useless to try to find him, living or dead. The prosecutor, Kudryavtsin, whom she went to see, explained that he did not have access to FSB files, and that therefore he could not help her. (Testimony gathered on 21 February in Nazran).

### Pressures and obstacles hindering the work of the prosecutors

Many examples are there to show that within Chechnya, although some prosecutors try to exercise some control over the action of the military and attempt to perform their investigative duties, the armed forces circumvent, or openly defy their authority. In this respect the prosecutors come up against obstacles of two kinds: upstream, the decrees specifying that the prosecutors shall exercise some control over the special operations are not applied, and downstream, they are subjected to multiple forms of pressure.

The manner in which the latest operations were carried out at Argun offer yet another illustration of the limited degree of control the prosecutors can exercise over the military, especially when the operations are in the hands of members of the FSB or other special services.

The operation that lasted from 19 to 25 February 2002 "for once was carried out without any serious violations of Human Rights", thanks to members of the prosecutor's office being placed in practically each of the armoured vehicles by the local prosecutor, Timchine. The same prosecutor managed to obtain the release of four persons the military wanted to take away, but was unable to prevent the disappearance of a fifth, Shamil Uspanov.

Prosecutor Timchine also considers that it is thanks to his repeated requests that on 4 March 2002 the two Saidullaev brothers were released on the outskirts of the village, after having been tortured and severely beaten by FSB representatives, who had arrested them on 20 February.

On 2 March, during a "targeted" operation carried out in the absence of any supervision by the prosecutor's office, four persons were abducted and taken to an unknown destination. The father of one of them sought to speak to the General commanding the operation. The General did not appear, and merely said it was a passport verification. The family stayed for two days in front of the buildings of the Kommandatura, of the temporary department of internal affairs, and of the prosecutor's office, accompanied by members of the local administration. None of these official bodies were able to give any information about the persons who had been arrested. They said the military concerned were merely "passing through".

However, according to the Ekho Voiny information centre, (website 19 March 2002), following further targeted arrests on 10 and 11 March at Argun, the families tried to lodge a complaint with the same prosecutor, while other inhabitants were gathered round the prosecutor's offices, trying to block the road. Despite trying for several days, they were unable to talk to him, the guards replying that "for the moment" cases of arrests were no longer being dealt with.

In an article that appeared on 27 December 2001 in the Russian weekly *Novaya Gazeta*, Anna Politkovskaya described what happened to the Shali prosecutor and his deputy. She explained how Marat Berdiev, deputy regional prosecutor, tried to intervene during a "sweep" at Avtury on 26 November 2001, when the military had filled two armoured vehicles with stolen goods. *"The officers commanding the armoured vehicles armed the breeches of their weapons, and shouted at the prosecutor: "How dare you? These are our trophies"*. Marat Berdiev then started to scrape off the mud that covered the numbers. The officers immediately ordered the soldiers to cover them up again. They climbed on to the roof, filming themselves with a video camera, also stolen, with their trophies in the background. Marat Berdiev impounded the tape. He ordered the arrest of the looting officers. But when Mr. Berdiev and Mr. Rudykh (the regional prosecutor) started to state the charges, the "masked men" aimed their weapons at them, jumped onto the vehicles, and returned to their division. The generals with whom the prosecutors discussed the case were astounded that they had dared stand up to the soldiers. *"By what miracle are you still alive? Our troops do not tolerate that kind of thing"*. So at least it would appear that the military high command is aware of the behaviour of their subordinates. She also relates the presentation to the prosecutors of three officers accused of looting in the village of Avtury on 26 November 2001: the soldiers refused to show their faces and to give their identity to the prosecutors.

Fear and insecurity seem to play an important role in the work of the actors on the judiciary scene. A lawyer, for instance, said to the family of a man who had been abducted during the night of 24 September 2001 at Urus-Martan by masked men that he could not handle their complaint because, as he put it "if it's the FSB, I'm scared".

Sometimes a whole village tries in vain to appeal to the judicial authorities, like in Tsotsin-Yurt after 12 February 2002:

*"We went to the District Administration (Topalov), to the procuracy, to the Department of internal affairs, and to the FSB, asking them to come and see for themselves on the spot. They replied that we would have to guarantee their security... we told them that we could do so inside the village, but not outside its limits, and that in fact they were afraid of the Russian troops. No one came. The procuracy took no action on the complaints lodged since the beginning of the sweeps. The two persons killed in the night from the 12<sup>th</sup> to the 13<sup>th</sup> were buried without any forensic examination, and in the absence of anyone from the prosecutor's office" (testimony gathered on 17 February 2002 in Nazran).*

The wave of "accidental" deaths of civilian and military procuracy staff members, engaged in investigating violations committed in Chechnya by the army and the police, in December 2001, reinforces this sentiment. The following have died: on 2/12, R. Grigorian, deputy to the military prosecutor, in his car in Argun (according to the Argun head of administration he was shot by soldiers at a checkpoint); on 8/12, Alexander Leushin, investigator with the Grozny prosecutor's office, aged 25, and Akhmet Khamzatov, forensic expert, aged 34, killed in the explosion of a mine in Grozny.

3. This lack of justice is repeatedly denounced by the international organizations, whereas the palliative measures introduced have proved their ineffectiveness

Numerous international bodies have denounced the lack of co-operation on the part of the Russian authorities. For example, in a most unusual move, the European Committee for the Prevention of Torture (CPT) in July 2001 issued a public declaration condemning Russia's lack of co-operation with the CPT, including about the progress of legal proceedings initiated.

Mrs. Mary Robinson, High Commissioner for Human Rights, in her opening statement at the 58<sup>th</sup> session of the UN Commission on Human Rights on 18 March 2001, also emphasised the flagrant disproportion between the proceedings initiated and the violations actually committed.

On 21 March 2002, at the close of the Moscow meeting of the Working Group on Chechnya of the Parliamentary Assembly of the Council of Europe and the Duma, the head of the Assembly's delegation, Mr. Lord Judd, also referred to this flagrant disproportion, expressing the wish that the matter be discussed at the forthcoming spring session of the Assembly.

International pressure related to the conduct of operations in Chechnya has led the Russian authorities to set up ad-hoc commissions for responding to the concerns expressed on matters of justice. To start with, the post of the President's Special Representative for Human Rights was created, the incumbent, since February 2000, being V. Kalamanov,. Parliamentary Commissions have also been set up: the national public Commission for investigating violations and for ensuring respect for Human Rights in North Caucasus, and the Duma Commission on the normalisation of the political, social and economic situation and on the protection of Human Rights in the Republic of Chechnya. In September 2000 a FIDH mission had met with representatives of the two commissions, which since that have deployed no visible activity. In any case, these commissions are not called upon to substitute for the national system of justice.

#### *The activity of V. Kalamanov's Bureau: an alibi*

The members of the mission held talks in Moscow with Mr. Vladimir Kalamanov, Special representative of the President for Human Rights in Chechnya.

A central office in Znamenskoe, in the north of Chechnya, centralises the activity of the 14 representations spread over the territory of Chechnya. The work is carried out with the direct collaboration of the Council of Europe, which has delegated 3 experts to assist the bureau of the Special representative in the collection and filing of information, but also for the application of the recommendations made by the Parliamentary Assembly of the Council of Europe for the implementation of a more effective system of justice. In particular, with a view to improving the co-ordination of the various judicial bodies involved, the recommendations have led to the creation, on 26 March 2001, of a Working group in which members of Kalamanov's bureau and the various bodies of the procuracy meet regularly in order to co-ordinate the examination and follow-up of complaints.

Following a first meeting with Mr. Kalamanov in September 2000, and since then on the occasion of the main international events, the FIDH has insisted on the ineffectiveness of the Special representative's bureau, both with regard to putting an end to the violations and for facilitating the bringing to justice of those responsible.

Two years later, although V. Kalamanov states that for accepting the post he "demanded a direct contact" with the Russian president and the procuracy, the fact remains that there is (still) no decree giving an official definition of his functions, and his bureau has no powers of investigation. This means that the role of the bureau can only be that of an intermediary, at best a "pressuring agent", for registering complaints and passing them on to the competent authorities; it can then



deplore the lack of action taken by the judicial bodies concerned. One of the main problems remains that of access, including by representatives of the bureau, to the military prosecutor's office, to which most complaints concerning Human Rights violations by the Russian forces are addressed.

Mr. Kalamanov delivered himself of some very general remarks to the mission. While recognising the persistence of Human Rights violations, due in particular to acts committed by "low-ranking personnel", he mainly stressed the progress made since the opening of his bureau, particularly in training and in promoting Human Rights. He also reminded the mission that his staff had localised 306 disappeared persons.

Presenting the slowness of procedures (the age of the judges...) and the small number of cases judged as being due to mere "functioning problems", is to say the least a singularly narrow interpretation.

According to Mr. Kalamanov's bureau, almost 25,000 people have approached his organization over the past two years. In 7,450 cases written declarations were filed. It should be noted that filing such a declaration with Mr. Kalamanov's bureau does not constitute an official complaint calling for the opening of an enquiry. Despite the vagueness of the classification, the bureau has recorded 2,142 complaints for "violations committed by the Federal forces", without specifying the nature of the violations. Other violations are mentioned, concerning in particular the right to housing, to social protection, or the rights of displaced persons, but in far smaller numbers.

Mr. Kalamanov's bureau presents itself as an intermediary which people must necessarily have recourse to. And yet many witnesses or victims go more often to the prosecutor's office than to Mr. Kalmanov's bureau. The latter is an additional echelon, or screen, in an extremely bureaucratic system, whose inertia, often intentional, is precisely based on an endless shuttle between various jurisdictions, or on procedural problems.

It is imperative that the bureau of the Special representative be given an explicitly detailed mandate, and that the action and conclusions of the Council of Europe's experts seconded to the bureau be made public.

#### Meetings between the authorities and NGO representatives.

The principle of regular meetings between the judicial and military authorities on the one hand, and the Human Rights organizations on the other, in the presence of Mr. Kalamanov, was decided at the civic forum organised by president Putin in November 2001. So far two meetings have been held, involving representatives of the armed forces, of the ministry of the Interior, of the civilian and military procuracies, and heads of local administrations. At the first meeting Memorial was the only NGO present, but many organizations belonging to the civil society in Chechnya joined during the second meeting.

Thanks to direct contacts between the organizations that daily collect basis facts and testimonies concerning Human Rights violations, and the authorities, the civil society can call to account the civilian and military prosecutors' offices concerning specific investigations in progress, even if the mechanism has no legal power.

Concerning for example proceedings initiated following the sweep operations in Antury (1-3 December 2001) and Tsotsin-Yurt (30 December 2001 – 3 January 2002), prosecutor Chernov was duly informed of the opening of investigations against military personnel (art.126 and 162 of the Penal Code), and that they had been referred to the military procuracy of the Shali district in Chechnya. There has been no indictment, however.

This absence of justice is compounded upstream by the establishment of a "planned system" that guarantees the impunity of the authors of violations.

## B. A planned system upstream

### 1. Impossibility of identifying those responsible for the violations

#### Operational command: preponderance of the special services and multiplication of the number of units involved.

Since the 22 January 2001, the FSB has been in charge of the anti-terrorist operation in the north Caucasus, whereas until then it had been the responsibility of the army (see presidential decree N° 61, art. 1 and 2). With this transfer sweep operations have become widespread and targeted operations, carried out by masked commandos ("death squadrons"), have appeared. In fact the special units (FSB, but also GRU – military intelligence) enjoy greater freedom of movement. In addition of course, there is the opacity and impunity that characterise that kind of force.

The large number of units taking part in the operations adds to the confusion, increasing the risk of losing all trace of those responsible for crimes.

Article 7 of decree N° 61 gives the following list of units: general staff of the armed forces of the Federation of Russia, ministry of the Interior, ministry of Justice, Federal information agency attached to the president of the Federation of Russia, Federal security service (FSB), Frontier guards service. The latter are given "special and indispensable facilities for the search and repression of the activities of the terrorist organizations and groups, of their leaders and persons who participate in the organization and implementation of terrorist actions in the north Caucasus region of the Federation of Russia".

Furthermore, each of these ministries, agencies or services has several units in the field.

Some of the units participating in the operations in Chechnya

MINISTRY OF DEFENCE

- Airborne troops
- Infantry
- Artillery
- Air Forces
- Armoured units
- Military Reconnaissance

MINISTRY OF THE INTERIOR

Home troops (kontraktniki and conscripted). Participate in sweeps, block the village, same as ministry of Defence troops. Have heavy weapons, but no aircraft  
Simple militia units. Come from all regions of Russia. Keep watch at checkpoints, participate in sweeps. Only experienced men.  
OMON (Special police units)  
Special militia units SOBR (Special Rapid Reaction Detachment)  
GIBDD  
Spetsnaz (Special units)

FSB

Special anti-terrorist groups (FSB is in charge of the anti-terrorist operation in the North-Caucasus region of the Federation of Russia)  
Frontier guards regiments

GRU (military intelligence)

MINISTRY OF JUSTICE

Spetsnaz, who guard places of detention.

The confusion is all the greater because there is no co-ordination among these different units, which grip the civilians in a stranglehold.

Zulia, for instance, relates that during a sweep in Tsotsin-Yurt, on 27 October 2001, she was taking her niece Aminat, who was about to give birth, to a midwife. "After parleying at length with the soldiers for them to let us leave the house, we finally reached a bridge we had to cross. There were soldiers stationed at each end of the bridge. I had to argue for ages, going backwards and forwards from one end to the other, before they would let us cross. There was no agreement between the two sets of soldiers: "we do not take orders from each other", they said.

Another example: the local authorities told the parents of four young men abducted on 2 March 2002 in Argun that they knew nothing about what had happened to their sons, because the sweep had been carried out by "passing troops" (see below detailed testimony).

### Lack of orders or of written and accessible operational plans

The sweeps are very large-scale operations, involving usually several thousand troops. The inhabitants of Tsotsin-Yurt seen by the mission estimated that during the new year sweep (30 December – 3 January 2002), the village was occupied by 12,000 troops; there were 3 to 4,000 soldiers in the 12-13 February 2002 sweep. It seems difficult to imagine that for operations on such a scale, involving such a large number of troops, there should be no written order, no plan. And yet the victims or their relatives seeking justice are unable to obtain access to such documents from the military, for whom it is easy to say that neither their men nor their vehicles were present at the time. Either the military refuse to co-operate, or the lists are destroyed, or the absence of such documents reflects the intention to dissimulate any possible evidence.

### Unidentifiable vehicles and masked men

During "special operations", the armoured vehicles are often impossible to identify, because they are covered in mud. This prevents civilians from reading the registration numbers, so that the procuracy is incapable of identifying exactly what regiments are involved. All the persons auditioned by the mission indicated that they had not been able to take down the numbers, except in one case: in Tsotsin-Yurt, during the "sweep" at the end of December 2001, the women were able to read the number 611 on one of the vehicles.

In an article published on 18 March 2002 the journalist Anna Politkovskaya (Novaya Gazeta) describes a sweep that took place at Starye-Atagui from 28 January to 4 February 2002, and relates that on the day the troops left it was raining, so that the mud that had been carefully spread over the vehicles was washed away; the inhabitants were thus able to read the number E-403 on one of them.

In addition the soldiers are often masked, wearing a balaclava helmet which makes them unrecognisable, guaranteeing their impunity. The presence of Chechnyans in certain FSB and GRU units is an additional argument put forward by the military command, which denies that such persons belong to the Federal forces, saying that nothing proves that they are not illegal groups (i.e. Chechnyan). They claim that this is borne out by the fact that the Chechnyan language is used during such operations.

As for the officers, they either stay inside a temporary command post set up for the operation, far from the inhabitants, or they refuse, apart from a few exceptions, to introduce themselves.

For example, according to information gathered by Memorial in Nazran, on 10 February, during a sweep in the village of Gikalovsky, a soldier said to the mayor of the village that "he was not allowed to give his name".

## 2. The military protect themselves against legal action

### "Fabricated" fighters

The "fabrication" of fighters, living or dead, in particular for media propaganda purposes, has been common practice since the beginning of the war (see FIDH/Memorial report, October 2000).

On 4 March 2002, at Argun, four bodies were found in the courtyard of the Kommandatura. The 34<sup>th</sup> brigade explained that they were bandits of "the war lord Yakub", who had been eliminated during a battle. Examination of the bodies showed they had been bound while still alive, which clearly contradicts the "battle" thesis. (see in annex the Memorial document).

On 13 March 2002 the inhabitants of Starye Atagi held a protest meeting in front of the pro-Russian Chechnyan government building in Grozny, displaying the charred bodies of 7 persons. The Moscow FSB spokesman, Alexander Zdanovich, made it known that they were rebel fighters, and that, like in Argun, they had been eliminated in harsh fighting. Despite all the "efforts" of the general staff and the FSB, four criminal investigations have been initiated.

Apart from the fact that this practice aims directly and knowingly at disguising murders as legitimate acts that are part of the "anti-terrorist operation", it also indirectly serves to legitimise the summary execution and elimination of rebel fighters outside any legal framework. In such a context the civilians are forced to prove that the victims are not fighters, whereas in any case, even if they were, the actual reprisals, including summary executions, are contrary to the norms of international humanitarian law and to Human Rights.

### Threats of reprisals by Russian military in the event of complaints

Representatives of the Federal forces "protect" themselves by threatening the civilian population with reprisals if anyone lodges a complaint, protests publicly, or attempts to find disappeared persons.

For instance, after the 12-13 February 2002 sweep; the inhabitants of Tsotsin-Yurt gathered round the corpses of two victims, a man and a woman killed by artillery fire, and launched an appeal to the international community. Inhabitants of the village told the mission that Russian soldiers had threatened them, "promising" them reprisal operations (testimonies gathered on 17 and 18 February 2002 in Nazran).

A woman from Urus-Martan, the mother of a young man who was abducted during the night of 22 December 2001, told the mission that she had approached several bodies trying to find her son, but that soldiers had said to her: "Just try lodging a complaint, you are in our hands". (testimony gathered on 21 February 2001 in Nazran).

At Starye-Atagui, 13-19 February 2002, according to information gathered by Memorial, the military threatened with reprisals all those who would dare lodge a complaint with the procuracy and the Chechnyan civilian administration.. Threats were addressed, for instance, to Mr. Akriev, an old man whom the military robbed of the 23,000 roubles he had saved up for his funeral.

It often happens that these responsible for looting or sweeps get people to sign documents certifying that nothing had been taken from the houses, that the detainees were not beaten, and that the bodies given back to the families were indeed those of fighters. This shows that the military seek to protect themselves against legal proceedings.

For example at Gikalovsky, where a sweep took place on 10-12 February 2002, a young man described to a staff-member of Memorial the conditions of his detention (he had been arrested on 12 February and released the next day). "They hit me on the head, then in the stomach, on the heart, and they throttled me with a belt. I told them I knew nothing, but they continued to hit me. (...) They took us one after the other, making us sign papers, and if we didn't sign, they hit us, they didn't let us read what we were signing."

Aslan describes the looting during the sweeps in Tsotsin-Yurt. "The soldiers broke up into two groups; while one group was checking passports, the other looted the house. When the documents were all checked, they asked the person "have you any complaints about us?", "No"... That was the best solution, no one gets killed, no one is taken away." ((Testimony gathered on 17 February in Nazran).

During the 6-11 March operation in Starye-Atagui, it was the FSB spokesman himself who mentioned, by way of justification, the existence of a document signed by the head of the administration of Starye-Atagui certifying that the special operation had taken place and that there had been no problem.<sup>19</sup>

According to testimonies gathered by Memorial during a sweep at Bachi-Yurt from 14 to 25 January 2002, once the soldiers had looted the houses, they forced the inhabitants to sign declarations to the effect that they had made a present to the military of television sets, video recorders, or other goods.

In an article in Novaya Gazeta dated 18 March 2002 Anna Politkovskaya, reporting on a sweep that took place from 28 January to 3 February 2002, quotes the testimony of a woman who, after having paid 100 dollars for the military not to take away her son, was forced by the same soldiers to sign a declaration saying she had no complaint to make about them, although they had taken her son's passport and clothes belonging to her daughters.

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<sup>19</sup> Radio Free Europe 14 March 2002

## Conclusions and recommendations

The generalization of the sweep and reprisal operations, as highlighted in the present report, confirms the characterization of the acts committed by federal forces in Chechnya as war crimes and crimes against humanity -a characterization already made a year ago by the FIDH and Memorial. Furthermore, these crimes continue to be perpetrated with total impunity.

The “disappearances” and the murders of people arrested cannot be considered as “peripheral problems” or “excesses committed by the executants”. Behind the façade of the official system of detention, inquiry and investigation, there is an unofficial detention system -in the military bases, etc. The center of this system is located in Khankala, the main military base of the federal forces. This is the place where persons arrested all over the Chechen territory are taken to and where, many a time, the bodies of persons arrested and “disappeared” were found.

This phenomenon is characteristic of a climate of diffuse and permanent insecurity over all the Chechen territory and even the neighboring Ingushetia. Any Chechen man aged between 15 and 65 seems to be a potential terrorist according to the representatives for the federal forces and is therefore likely to be arrested and eliminated.

Besides, some obstacles to the work of justice could be overcome if the highest Russian authorities demonstrated a political will to shed light on the crimes perpetrated against the civilians. Yet, it is quite the opposite. This impunity, as highlighted in the report, is part of an organized system. At every level, and in a deliberate way, the forces on the field are applying themselves to conceal elements of proof or threaten the victims of reprisals in case they lodge a complaint, etc. The evaluation of the level of responsibility concerning the violations perpetrated refers to several hypothesis:

- in a well-established distribution of roles, the country’s highest authorities control so-called “uncontrolled” groups in order to better spread terror;
- the highest military authorities give these groups free rein and cover up for their crimes (knowing they can benefit from a very wide impunity), particularly in order not to cause any upheaval among the armed forces and to allow soldiers to “get paid”;
- or the military and political authorities no longer exert any control over these generalized and systematic “excesses”: this thesis would tend to demonstrate that the Russian State no longer has any authority on the operations carried out in Chechnya, a highly improbable hypothesis, as confirmed by the present report.

In any case, the country’s highest authorities bear the responsibility of these crimes, including President Putin, supreme commander of the armed forces and guarantor of the Constitution, and thus of the rights and freedoms of the citizens of the Russian Federation.

Chechen combatants continue to perpetrate violations of human rights and international humanitarian law, particularly as they resort to reprisals and executions of Chechens collaborating with the Russian authorities. However, under no circumstances could the gravity of these acts be compared with the violations carried out by the Russian forces, due to the systematic and massive character of the latter.

The only solution to the conflict in Chechnya lies in the implementation of real political negotiations, with representatives of both parties to the conflict (that is with the government of the elected president A. Maskhadov), not in the continuation of military operations, nor in the attempts to establish illegitimate administrative bodies.

Today, the States have to take their responsibilities as well. After more than two years of conflict and a series of unkept promises, and considering the lack of any progress regarding human rights, the member States of the 58<sup>th</sup> session of the United Nations Commission on Human Rights must adopt imperative measures and sanctions. Firstly, they must guarantee the sending of an independent and impartial international investigation commission to investigate on the indiscriminate and disproportioned use of force.

Besides, they must unanimously condemn and reject the Russian authorities' discourse using the tragic events of September 11<sup>th</sup> to justify the pursuit of their policy in Chechnya. Under no circumstances can the fight against terrorism be used as a pretext to the perpetration of serious human rights violations.

The case of Chechnya constitutes a challenge for the Commission on Human Rights, it is a true test of its capacity, and that of its State members, to defend human rights in the post September 11<sup>th</sup> international context

It will be impossible for the Commission to ignore or be insensitive to the fact that resolution E/CN.4/2001/24, adopted at its previous session, went unheeded. More particularly, the request made to the Russian authorities to establish an independent and impartial investigative commission was ineffective.

No collaboration with the UN mechanisms was observed: the Special Rapporteurs on torture or on extrajudicial, summary or arbitrary executions, the Special Representative of the Secretary-General for internally displaced persons were not invited despite their express requests. Finally, no international human rights organization was allowed to investigate on the Chechen territory. The Russian authorities scoff at the international and universally recognized procedures without being worried.

The FIDH asks the Commission on Human Rights to adopt a resolution that be firm and coherent with the one adopted at its 57<sup>th</sup> session:

- Firmly condemning the pursuit of the massive and repeated violations of the humanitarian law and human rights perpetrated against the civilian population by the Russian forces, as well as the impunity system provided to the perpetrators and those responsible for these crimes, which constitute war crimes and crimes against humanity.
- Urging the Russian authorities to put an end to the lootings, arbitrary arrests, summary murders, acts of torture aiming the civilians and refrain from any reprisals against them.
- Reminding that the fight against terrorism can under no circumstances legitimate the perpetration of serious crimes against the civilian population.
- Urging the Russian authorities to open real political negotiations with President Maskhadov's representatives, so that the Chechen conflict be solved in a political and peaceful way.
- Urging the Chechen combatants to protect in all circumstances the civilians, to refrain from reprisals and to guarantee the physical and psychological integrity of war prisoners.
- Urging both parties to the conflict to conform with the provisions of the Convention on the prohibition of the use, stockpiling, production, and transfer of anti-personnel mines and on their destruction.

- Asking the prosecution of the perpetrators of war crimes and crimes against humanity before impartial and independent courts, in conformity with the international standards applicable on the subject, and ensuring that corporal punishment and death penalty are in no case applied.
- Condemning Russia for not fulfilling yet any of the human rights demands made by the international community for two years, in particular the last two resolutions of the Commission on Human Rights.
- Asking the sending on the field of, and the concerned authorities' total support to, an international investigation mission, composed in particular of Special Rapporteurs and relevant Workgroups of the Commission, in order to compile the cases of human rights violations in Chechnya and report it to the General Assembly.

The FIDH asks the High Commissioner for Human Rights:

- To refer to the United Nations Secretary-General, so that he uses the prerogative conferred on him by article 99 of the Charter of the United Nations, by drawing the Security Council's attention on the situation in Chechnya.

In case the Security Council is unable to examine the situation in Chechnya, the FIDH asks the General Assembly to:

- Meet in urgent extraordinary session, in accordance with the powers conferred on it by the Charter of the United Nations and resolution 377 adopted by the Assembly in 1950, to examine the situation in Chechnya and issue recommendations for the establishment of an international force of protection of the civilian populations.



## ANNEX 1

### RUSSIA AND CHECHNYA : CONFLITS, RESISTANCES AND PERSECUTIONS

Les relations entre Russes et Tchétchènes ont été marquées par de nombreux affrontements depuis la fin du XVIIIème siècle, liés essentiellement aux tentatives russes de colonisation du Caucase et aux résistances des peuples caucasiens face à cette dernière.

A l'envoi par l'Armée tsariste de Cosaques dès le XVIème siècle visant à introduire une ligne fortifiée (limes) pour poursuivre la colonisation plus au Sud ont succédé des offensives renouvelées pour établir un contrôle russe sur le Caucase du Nord, point de passage entre la plaine russe et le Caucase du Sud. En 1818, le général russe Ermolov lance une offensive de grande ampleur, suite à une première guerre russo-tchétchène de 1785 à 1791, durant laquelle la résistance est orchestrée par un leader spirituel, politique et militaire tchétchène, le cheikh Mansur. En 1818, Ermolov mobilise une Armée de plus de 100 000 hommes pour assujettir le Caucase du Nord, peuplé de nombreux groupes ethniques, dont les Tchétchènes, les Ingouches, de nombreux peuples daghestanais et les peuples du groupe adyghé-abkhaze (Tcherkesses, Kabardes, Adyghés, Abkhazes).

La guerre qui reprend en 1818 est vite qualifiée de grande guerre du Caucase, dans la mesure où elle concerne tous les peuples du Caucase du Nord, unis maintenant dans la résistance sous la houlette d'un imam avar du Daghestan, l'imam Chamil à la tête d'un Etat théocratique s'étendant du Daghestan jusqu'aux terres ingouches. La guerre dure plus d'un quart de siècle, l'imam Chamil étant fait prisonnier par l'Armée tsariste en 1859 ; elle se prolonge ensuite à l'Ouest entre combattants tcherkesses et militaires Russes jusqu'en 1864, date à laquelle 80 % des 1 200 000 Tcherkesses fuit dans l'Empire ottoman. Les pertes en vie humaines durant cette grande guerre du Caucase sont considérables : si l'on comptait environ 200 000 Tchétchènes en 1834, en 1859 il n'en restait plus que 130 000 (1).

La période d'instauration du régime russe puis bolchevik (création d'une république de Tchétchéno-Ingouchie) dans la région connaît plusieurs vagues de résistance, d'opposition et de rébellions : 1877-1878 en Tchétchénie et au Daghestan, 1920-1921, 1924, 1928, 1936-37 : à chaque fois, ces soulèvements sont réprimés dans le sang, à partir des années 20 par l'Armée, les troupes du ministère de l'Intérieur et du NKVD (ancêtre du KGB).

#### **La déportation de 1944**

Le 23 février 1944, jour de la fête de l'Armée rouge, le peuple tchétchène est intégralement déporté, comme d'autres peuples musulmans du Caucase (Balkars et Karatchaïs en novembre 1943), en même temps que les Ingouches. 387 229 Tchétchènes et 91 250 Ingouches sont déportés. Un an après, d'après les rapports fournis par Beria à Staline, plus de 170 000 Tchétchènes et Ingouches ont péri durant le transfert en train ou au cours de la première année de déportation (exécution, typhus, famine, mauvais traitements...). Cette déportation s'est accompagnée d'une destruction de la mémoire de ces peuples (destruction de cimetières, de monuments historiques).

En 1957, suite à la mort de Staline, à la dénonciation par Khrouchtchev des crimes commis par ce dernier, les peuples victimes de la répression sont réhabilités et autorisés à rentrer chez eux à partir de 1961. Entre temps cependant, leurs maisons, logements, terres et biens ont été attribués à des familles de peuples chrétiens (Géorgiens, Ossètes), souvent installés là par la force. Le retour des peuples déportés dont le peuple tchétchène se fait donc dans des conditions difficiles, où racheter sa propre maison devient l'alternative à la construction d'un nouveau logement à l'entrée du village.

#### **L'indépendance de la Tchétchénie à la fin de l'époque soviétique**

En 1988, en pleine perestroïka, un slogan d'ordre écologique lors d'une manifestation à Goudermès (deuxième ville de Tchétchéno-Ingouchie) devient slogan nationaliste. Fin 1990, au moment où de très nombreux peuples et groupes ethniques proclament leur souveraineté, des slogans nationalistes se font de plus en plus fréquents en Tchétchénie et une opposition nationaliste tchétchène se constitue contre le pouvoir communiste. Sous le nom de premier Congrès national du Peuple tchétchène, elle adopte une Déclaration de création d'un Etat indépendant de Tchétchénie-Nokhtchitcho.

S'ensuit une sorte de jeu de rivalité entre cette opposition et le Soviet suprême de Tchétchéno-Ingouchie qui, sous la présidence du communiste Dokou Zavgaev, déclare à son tour la souveraineté de la République. En septembre 1991, le Congrès national du Peuple tchétchène, qui a élu à sa tête un général tchétchène de l'Armée soviétique (le général Doudaev) prend le pouvoir par la force, renversant le Parlement, organisant des élections présidentielles et législatives et déclarant l'indépendance de la République de Tchétchénie. Ces élections, controversées, mènent à la tête de la République de Tchétchénie le général Doudaev. L'Ingouchie se sépare en 1992 de la Tchétchénie, se proclamant République au sein de la Fédération de Russie.

L'état d'urgence est instauré par le Président Eltsine, mais les hommes de Doudaev repoussent le corps expéditionnaire envoyé par Moscou, qui laisse sur place les équipements de garnison et armements soviétiques. Eltsine change alors de tactique et instaure un blocus économique à partir de 1992, sur fond d'appropriation par Doudaev et ses hommes des

richesses locales, de non –paiement par ce dernier des salaires et pensions, de confiscation des puits de pétrole situés sur le territoire tchétchène.

Parallèlement, une Constitution est adoptée le 12 mars 1992, proclamant un Etat tchétchène laïque, démocratique et sujet de droit international. Cette Constitution est rapidement bafouée par le Président Doudaev qui, en 1993, dissout le Parlement élu et nomme des députés, supprime la cour constitutionnelle et instaure un régime autoritaire présidentiel, tentant également de flatter les caractéristiques nationales tchétchènes et l'identité musulmane des Tchéchènes.

Pendant ce temps, Moscou arme une opposition tchétchène pro-russe afin de renverser Doudaev, à la tête d'une Tchétchénie qui de fait échappe aux lois moscovites.

### **La « première » guerre de Tchétchénie (1994-1996)**

Le 26 novembre 1994, ordre est donné à cette opposition tchétchène pro-russe dirigée par Avtorkhanov de prendre Grozny d'assaut. Les hommes de Doudaev ripostent violemment à cette attaque. Le 11 décembre 1994, les bombardements russes commencent, avec comme mot d'ordre officiel le « rétablissement de la constitutionnalité » par la lutte contre « les bandes armées illégales » ; en guise d'opération qui devait durer quelques heures, la guerre dure plus d'un an et demi.

En janvier 1995, après un mois de pilonnage intensif, Grozny est occupée par les forces russes et les bombardements se poursuivent dans les montagnes. En avril 1995, un massacre de grande ampleur a lieu à Samachki. En juin 1995, une prise d'otages est conduite par le chef de guerre tchétchène Bassaev dans le Sud de la Russie, à Boudionnovsk, non loin de la Tchétchénie. Moscou envoie le premier Ministre russe Tchernomyrdine pour négocier avec les forces tchétchènes : un premier accord de normalisation (cessez-le-feu et négociations sur le retrait des forces russes) est signé le 30 juillet 1995, mais rapidement dénoncé par les autorités tchétchènes.

Six mois plus tard, Moscou tente d'imposer un gouvernement tchétchène pro-russe sous la houlette de Dokou Zavgaev, ancien leader communiste de la République de Tchétchéno-Ingouchie, élu chef de la République lors d'élections peu représentatives car boycottées par les indépendantistes, qui eux poursuivent les opérations militaires sous la direction de Doudaev. Ce dernier est tué en avril 1996 par un missile russe, mais la guerre se poursuit, en dépit d'une opinion publique russe défavorable.

Peu à peu cependant, les élections présidentielles russes approchant, et le taux d'intention de vote pour Eltsine n'atteignant que 6%, le pouvoir en place tente de négocier un arrêt du conflit, par la signature d'un cessez-le-feu en mai 1996. Le 25 juin 1996, entre les deux tours de l'élection présidentielle, le Président russe B. Eltsine signe un décret prévoyant un retrait partiel des troupes russes de Tchétchénie au premier septembre.

Mais une fois réélu, il relance presque immédiatement les hostilités. Les combattants tchétchènes contre-attaquent, reprenant Grozny en août 1996. Le 14 août 1996, le général russe Lebed signe avec le nouveau chef des indépendantistes, Aslan Maskhadov, un accord de cessez-le feu et de désengagement militaire et le 31 août 1996 ils concluent à Khassaviourt un accord mettant fin à la guerre.

Cette première guerre a essentiellement touché la population civile : bombardements massifs des villes et des villages, pillages, vols, massacres. Des milliers de personnes ont été détenues dans des "camps de filtration" où les forces armées russes infligeaient aux prisonniers mauvais traitements et tortures tandis qu'ils n'hésitaient pas à les "revendre" (vivants ou morts) à leurs proches.

Selon Mémorial, il a eu entre 25 000 et 29 000 victimes civiles entre décembre 94 et mars 95, et les pertes civiles sur l'ensemble du conflit sont généralement estimées à 50 000 (les estimations oscillent de 30 000 à 120 000). Alors que les pertes parmi les combattants tchétchènes sont évaluées entre 3 et 4000, entre 4000 soldats russes (selon le gouvernement) et 10 000 (selon diverses estimations indépendantes) ont trouvé la mort (2).

### **La Tchétchénie entre les deux guerres (1996-1999)**

Les accords de Khassaviourt prévoyaient qu'un règlement définitif du statut de la Tchétchénie interviendrait d'ici au 31 décembre 2001. En janvier 1997 les dernières troupes russes quittent le territoire tchétchène, et le 27 janvier, A. Maskhadov est élu Président de la République tchétchène d'Itchkérie avec près de 60% des voix, lors d'élections reconnues démocratiques par l'OSCE. Il se trouve à la tête d'un pays dévasté, où vont se développer criminalité et prises d'otages.

Le 12 mai 1997, A. Maskhadov et le Président russe B. Eltsine signent un accord sur la paix et les relations entre la Fédération de Russie et la République tchétchène d'Itchkérie. Cet accord prévoit que les deux parties s'engagent à *"abandonner pour toujours l'usage de la force et la menace d'utiliser la force dans toutes les questions litigieuses, et à maintenir des relations en accord avec les principes généralement reconnus et les normes du droit international."*

La première guerre de Tchétchénie a laissé un pays complètement détruit, aux infrastructures économiques presque inexistantes, où seule 10% de la population occupait un emploi légal, où les salaires des fonctionnaires et les retraites n'étaient pas payés. Moscou n'a par ailleurs jamais honoré l'engagement, pris lors de la signature de l'accord de paix, de contribuer à la reconstruction du pays ; la question de la réparation des dommages de la première guerre demandée par les Tchétchènes n'a jamais été réglée. Des ressources étaient certes tirées du pétrole (droits de transit sur le pétrole brut acheminé de la Caspienne vers Novorossiisk, prélèvement direct sur le pipe-line), mais surtout le territoire de la Tchétchénie a pu être utilisé par des groupes criminels puissants, regroupant plusieurs nationalités et

disposant très certainement d'appuis jusque dans les cercles du pouvoir à Moscou (trafic d'armes, de drogue, fabrication de faux billets).

La montée de la criminalité s'est notamment traduite par une multiplication des enlèvements contre rançon. Les prises d'otages, si elles n'étaient pas un phénomène nouveau dans la région, et si elles constituaient une pratique courante dans les groupes criminels agissant sur le territoire de l'ex-URSS, ont pris une ampleur nouvelle avec la guerre de 94-96.

Les arrestations et les détentions arbitraires de Tchétchènes avaient alors généré une pratique "d'échange" de prisonniers vivants ou morts : les forces russes "revendaient aux familles" les prisonniers tchétchènes contre de l'argent ou des prisonniers russes. Cette utilisation des prisonniers comme monnaie d'échange a été le prélude à la vague d'enlèvements qui a touché la Tchétchénie après la guerre.

Dans un premier temps, pendant l'hiver 96-97, les enlèvements ont surtout visé des journalistes russes et occidentaux, avant de toucher des membres d'organisations humanitaires. Les prises d'otages et les meurtres (assassinat de six membres du CICR en décembre 1996, décapitation de quatre techniciens des télécommunications anglo-saxons en décembre 1998) ont entraîné un retrait massif des organisations non gouvernementales et un isolement de fait de la Tchétchénie.

Les prises d'otages se sont poursuivies jusqu'à la guerre actuelle, celle par exemple de Brice Fleutiaux, détenu en Tchétchénie entre septembre 1999 et mai 2000. Celles-ci ne touchaient pas uniquement les étrangers ou les Russes : la population de Tchétchénie dans son ensemble pouvait être la cible directe de tels agissements. Les autorités russes estimaient à plus de 2000 le nombre d'otages détenus en Tchétchénie au début de la guerre.

Entre les deux guerres s'est développé en Tchétchénie le mouvement "wahhabite", partisan d'une interprétation fondamentaliste de l'islam. Leur prétention à être les "seuls vrais musulmans" et leur mépris des traditions tchétchènes ont été plutôt mal accueillis par la population, où sont fortement implantées les confréries soufies qui pratiquent une forme populaire et mystique d'islam. Les "wahhabites" ont parfois même été expulsés de quelques municipalités après des affrontements armés, comme à Goudermès pendant l'été 1998.

Mais leurs vastes ressources financières ont permis aux "wahhabites" de se maintenir et de consolider leur influence, d'autant plus qu'après le retrait des organisations humanitaires, et en l'absence d'aide venue de Moscou, ils constituaient souvent la seule source extérieure de financement. D'autre part, ils ont pu offrir un cadre de socialisation et d'action à des jeunes marqués par la guerre, en rupture avec les cadres traditionnels.

Par ailleurs, le gouvernement a proclamé que la charia aurait force de loi en Tchétchénie quand les relations avec la Russie seraient normalisées et a accepté l'existence de tribunaux islamiques appliquant la charia ; des punitions corporelles publiques et des condamnations à mort ont été prononcées.

### **La « seconde guerre de Tchétchénie » : opérations militaires massives de septembre 1999 à février 2000**

La guerre en Tchétchénie a débuté en septembre 1999 par des attaques de l'aviation russe contre le territoire tchétchène, puis par l'entrée des troupes russes sur le territoire le 1er octobre 1999. La participation de chefs de guerre tchétchènes à des insurrections au Daghestan en août 1999 a servi de prétexte à cette intervention, considérée officiellement par les autorités russes comme une opération anti-terroriste. De plus, début septembre 1999, une série d'explosions d'immeubles à Moscou et dans d'autres villes de Russie, qui a fait plus de 300 victimes, a été attribuée aux "terroristes tchétchènes", justifiant aux yeux de l'opinion publique cette intervention et permettant d'obtenir son soutien.

Quels que soient les motifs invoqués par les autorités russes, la guerre de Tchétchénie constitue bien un conflit armé non international et non une opération anti-terroriste. Cette guerre, qui a sans doute été préparée depuis longtemps, répond en effet à des objectifs politiques.

Le problème des prises d'otage en Tchétchénie, qui s'étaient multipliées entre 1996 et 1999, et la montée d'un type d'islam fondamentaliste propagé par les "wahhabites" ont été largement couverts avant le début de la guerre par les médias russes, créant pour l'opinion publique russe un "problème tchétchène" qu'il semblait indispensable de résoudre.

Les troupes russes occupent début octobre 1999 le nord de la Tchétchénie, jusqu'au fleuve Terek, pour créer un "cordon sanitaire". Très vite, les autorités russes manifestent leur volonté de reprendre toute la République indépendantiste et dès le milieu du mois d'octobre elles avancent vers le sud, accompagnant leur avancée de bombardements massifs des villes et des villages tchétchènes.

Le 21 octobre 1999, un missile explose dans Grozny, faisant plus de 150 morts sur un marché, dans une mosquée et une maternité.

L'avancée des troupes russes s'accompagne d'une fuite des réfugiés, essentiellement vers l'Ingouchie voisine. Pendant une dizaine de jours, fin octobre-début novembre 1999, les réfugiés sont bloqués à la frontière entre la Tchétchénie et l'Ingouchie. La colonne de réfugiés s'étend sur une dizaine de kilomètres. Le 29 octobre 1999, cette colonne est bombardée par l'aviation russe qui touche un convoi de la Croix Rouge et fait des dizaines de mort.

Grozny est presque totalement encerclée début décembre 1999, mais les forces russes ne tentent pas d'occuper la ville. L'armée russe lance un ultimatum aux civils leur demandant de quitter la ville sous peine d'être considérés comme des terroristes et des bandits et d'être anéantis. Elle annonce en même temps l'ouverture de corridors humanitaires sûrs

pour sortir de la ville, mais ces corridors n'ont jamais été mis en place et les civils quittant la ville sont soumis à des attaques.

Grozny est donc systématiquement et massivement bombardée pendant plus de quatre mois, malgré la présence de plus de 40 000 civils. L'entrée des troupes russes, en février, s'est accompagnée de vols, pillages et exécutions sommaires, comme à Aldy, faubourg de Grozny ou plus de 80 civils ont été tués.

Les combattants tchétchènes, qui ont essuyé de très fortes pertes lors de leur sortie, sont passés par quelques villages autour de Grozny avant de s'enfuir dans les montagnes. Ces villages ont été systématiquement bombardés par l'armée russe, qui a également tiré sur les réfugiés tentant de s'enfuir et arrêté des dizaines d'hommes.

La première phase de la guerre s'est donc traduite sur l'ensemble du territoire tchétchène par des bombardements massifs et indiscriminés dont la principale victime a été la population civile ; les convois médicaux et les hôpitaux n'ont pas été épargnés ; aucun corridor sûr de sortie n'a été offert aux civils souhaitant quitter les villes ou villages bombardés. Lorsqu'elles en ont pris possession, les troupes russes ont largement pratiqué les pillages et les extorsions de fond. Des viols et des exécutions sommaires ont eu lieu.

La population civile est soupçonnée par les militaires russes de soutenir les combattants tchétchènes ou d'en cacher. Ainsi le général Kazantsev, commandant en chef des troupes russes en Tchétchénie, a déclaré officiellement toute la population masculine suspecte en affirmant le 11 janvier 2000 que "seuls les enfants jusqu'à l'âge de dix ans, les hommes de plus de soixante-cinq ans et les femmes seront considérés comme des réfugiés".

Avec l'avancée des troupes russes, les arrestations arbitraires se sont multipliées sur l'ensemble du territoire tchétchène. Un système de filtration a été mis en place, comme dans la guerre de 1994-96, dans le but de "filtrer" la population afin de retrouver les combattants qui s'y cachent. Les civils sont donc arbitrairement arrêtés sous différents prétextes et torturés pour qu'ils avouent être membres des bandes armées. Ceux qui réussissent à sortir ne sont en général libérés qu'après que leurs familles aient payé une rançon.

Cette première phase de guerre de Tchétchénie s'est déroulée à huis clos. L'arrestation d'André Babitsky (Radio Svoboda) en janvier 2000 et son passage par le « camp de filtration » de Tchernokozovo ont servi d'avertissement. Les organisations humanitaires n'ont pas eu plus accès librement au territoire tchétchène.

La guerre a entraîné un afflux de réfugiés en Ingouchie, république voisine de la Tchétchénie. Au mois de février 2000, celle-ci comptait plus de 200 000 réfugiés sur son territoire, ce qui augmentait de deux tiers la population. Tous sont maintenus dans des conditions extrêmement précaires. D'autre part, dans la mesure où la guerre en Tchétchénie n'est pas reconnue comme un conflit par le gouvernement russe, les réfugiés ne bénéficient pas du statut fédéral de personnes déplacées qui leur aurait permis d'obtenir un certain nombre de compensations matérielles et financières pour les dommages subis.

Les Tchétchènes résidant dans le reste de la Russie ont eux aussi été soumis à des discriminations et persécutions (refus d'autorisation de résidence, entraves à l'emploi, mais aussi arrestations arbitraires, extorsions de fond et mauvais traitements).

### **La « seconde guerre de Tchétchénie »: terreur policière depuis mars 2000**

#### *Opérations de police et militaire depuis mars 2000*

Après la sortie des combattants de Grozny et les très durs combats qui ont eu lieu à cette occasion, le conflit semble être entré dans une nouvelle phase. Les troupes russes occupent l'ensemble du territoire tchétchène, sans pour autant le contrôler. Un calme relatif règne sur le nord du pays, alors qu'au contraire tirs d'artillerie et bombardements ont lieu régulièrement dans le sud montagneux.

Sur l'axe de la route Rostov-Bakou, bande de territoire au pied des montagnes qui comprend les principales villes (régions d'Ourous-Martan, de Novye et Starye Atagui, de Grozny et de Goudermès-Kourtchaloi), on assiste à une guérilla à laquelle répondent des opérations policières.

Les mines (télécommandées) et les attaques de combattants tchétchènes contre les colonnes militaires, les postes de contrôle et autres bâtiments russes sont fréquentes ; en retour, des opérations de représailles ont lieu contre les villages alentours. Quelques opérations militaires de plus grande envergure ont eu lieu, comme par exemple l'attaque de Goudermès, capitale de l'administration pro-russe, en septembre 2001. A l'approche de dates symboliques (6 août reprise de Grozny en 96, 6 septembre indépendance de la Tchétchénie) ou des fêtes (Nouvel An, 23 février fête de l'armée) le territoire tchétchène est en général fermé dans la crainte d'opérations militaires. Enfin des membres de l'administration tchétchène pro-russe ont été soumis à des actes de représailles et exécutés.

Cette région au pied des montagnes semble être celle qui souffre le plus des « nettoyages », opérations de police visant à « contrôler l'ensemble de la population civile » pour y trouver des combattants. La liste de ces nettoyages est extrêmement longue et toute liste ne serait sans doute pas exhaustive (se reporter à la « Chronique de la violence » de Mémorial) ; certaines villes et villages ont connu plus de trente nettoyages depuis le début de la guerre. Ces nettoyages s'accompagnent de pillages, destructions, détentions arbitraires et violences, parfois exécutions sommaires et sans doute de viols. De telles opérations ont également eu lieu dans le nord du pays (Sernovodsk et Assinovskaïa le 3 juillet

2001, où plus de 700 hommes sont détenus pendant plusieurs jours), et on dispose moins d'information sur le Nord du pays.

On assiste à une généralisation du système de filtration, des arrestations et détentions arbitraires, des tortures et des disparitions qui se sont multipliées dans cette seconde phase de la guerre. Si l'attention de la communauté internationale a été un moment concentrée sur le camp de Tchernokozovo, on peut aujourd'hui parler d'une multiplication des lieux de détentions qui présentent les mêmes caractéristiques, qu'ils soient légaux (départements de l'Intérieur, isolateurs de détention provisoire) ou illégaux (fosses, bâtiments abandonnés). Enfin, un nombre très élevé de disparitions est signalée, que ce soit après des arrestations à des postes de contrôle ou lors de nettoyages. Des fosses communes contenant des corps parfois atrocement mutilés sont parfois découvertes par des habitants.

La situation de terreur en Tchétchénie ainsi que l'absence de reconstruction explique que la plupart des réfugiés ne soient pas rentrés : ainsi l'Ingouchie accueille toujours plus de 150 000 réfugiés, dont certains passent leur troisième hiver dans des conditions déplorables.

En février 2001, la direction de l'opération antiterroriste a été transférée au FSB, ancien KGB.

De fait, le développement d'« escadrons de la mort », présents lors des opérations de nettoyages, masqués et ratissant les quartiers de Grozny sans signe d'identification, procédant à des exécutions arbitraires, est concomitant de l'apparition des postes de contrôle dits « mobiles », surgissant sur les routes de Tchétchénie entre deux postes fixes à un endroit arbitraire, et sans aucun signe d'identification ni plaque d'immatriculation.

#### Une fausse « normalisation » : solution politique et solution militaire

Le discours des autorités russes évolue depuis cette époque entre deux pôles : appel à une solution politique (sous pression de la communauté internationale) et promesse que les troupes seront bientôt retirées d'un côté, annonces d'opérations militaires d'envergure pour « en finir avec les bandits » d'un autre côté.

Effectivement, une « normalisation » semble avoir lieu avec l'organisation d'élections (élections présidentielles russes du 25 mars 2000, élections du député de la Tchétchénie à la Douma Aslanbek Aslakhanov), et après que la Tchétchénie a été placée sous administration présidentielle directe (8 juin 2000), la nomination d'un chef de l'administration, Akhmad Kadyrov (ancien mufti) et d'un chef de gouvernement, S. Iliasov. Mais malgré la nomination d'une administration civile, ce sont les militaires et surtout le FSB qui disposent d'un réel pouvoir en Tchétchénie.

Cette solution politique par normalisation s'accompagne aussi de promesses sur un futur retrait des troupes, les dernières en date étant le douze novembre celle du G Trochev, commandant des troupes russes dans le Caucase Nord, et début décembre celle de V. Moltenskoï commandant du groupe uni des forces armées en Tchétchénie ; les deux hommes annoncent ce retrait pour avril 2002 et déclarent qu'il ne restera "que" les détachements de la 42<sup>e</sup> division motorisée, de la 46<sup>ème</sup> brigade du Ministère de l'Intérieur, des parachutistes au Sud et 8 000 dans les kommandantur.

Dans le même temps cependant, le ministre russe de la défense S. Ivanov annonce le 6 décembre que les forces fédérales vont lancer une offensive d'hiver contre "les responsables militaires tchétchènes", sur une base quasi permanente et avec de gros effectifs, afin "d'en finir avec les bandits".

Aussi les débuts de négociations qui avaient semblé se profiler, avec la rencontre le 18 novembre 2001, à l'aéroport de Moscou entre A. Zakaev, vice-premier ministre du gouvernement tchétchène de Maskhadov et V. Kazantsev, représentant pléniptentiaire de V. Poutine, ne semblent pas devoir être suivies.

#### La guerre continue à huis clos

Les autorités russes s'arrogent le pouvoir discrétionnaire de délivrer ou non des accréditations spéciales pour les journalistes pour travailler sur le territoire tchétchène, ce qui constitue une infraction à la législation russe sur les médias puisque ni l'état de guerre ni l'état d'urgence n'ont été déclarés. De plus, les journalistes en possession de cette accréditation sont en permanence sous le contrôle des militaires russes. A l'intérieur même du territoire tchétchène, il n'y a aucune liberté de la presse ni média indépendant, plusieurs journalistes ont été arrêtés.

La journaliste russe Anna Politkovskaïa, réfugiée en Autriche à l'automne 2001 en raison des menaces qui pesaient sur elle, a dû en février 2002 fuir la Tchétchénie par crainte d'être arrêtée par le FSB.

Les possibilités d'intervention directe des organisations de droits de l'Homme, qu'il s'agisse des organisations internationales comme l'OSCE et l'ONU, ou d'organisations non gouvernementales, restent très limitées. L'accès des ONG au territoire tchétchène est soumis à autorisation et surtout au bon vouloir des pouvoirs militaires, ce qui rend de fait toute présence et toute enquête indépendante impossible, sauf à prendre les risques de la clandestinité, ou à accepter de rencontrer des témoins en présence de gardes armés... Non seulement les forces russes n'assurent pas une réelle protection des ONG, mais, en plus, mettent parfois, par leur action, en danger la vie de leurs collaborateurs ou du personnel médical. Mme Luisa Betergirieva de la Société d'amitié russo-tchétchène a été tuée à un checkpoint à Argun le 13 décembre 2001. M. Ezhiev, de la même organisation, a été arrêté à plusieurs reprises depuis l'automne 2000 par les forces russes tandis que son frère a été assassiné le 17 décembre 2001.

Enfin, les organisations humanitaires qui craignent les prises d'otages (K. Gluck en janvier 2001) ne sont pas protégées dans leur travail contre les mines ou les tirs « accidentels ». Elles doivent obtenir pour travailler en Tchétchénie des autorisations non seulement des autorités civiles, mais aussi des militaires qui les délivrent sur une base extrêmement restrictive. Une série d'attaques orchestrée par le FSB dans la presse au mois de décembre 2001 s'est traduite sur le terrain par des menaces et des voies de fait sur certains collaborateurs d'ONG.

#### La Tchétchénie après le 11 septembre 2001

En septembre 2001, après les attaques terroristes commises contre les tours Twin Towers à New-York et le Pentagone à Washington, le Président Poutine a immédiatement téléphoné au Président américain G.W. Bush pour l'assurer de son soutien et présenter à la communauté mondiale la guerre en Tchétchénie comme une opération contre le terrorisme mondial, assurant de liens entre les « terroristes tchéchènes » et Al Qaida. Le 24 septembre 2001, le Président russe V. Poutine lance un ultimatum de 72 heures aux combattants tchéchènes de dépôt des armes pour entamer des négociations...avec le Président Maskhadov, qu'il a jusque là toujours considéré comme un terroriste. Le 25 septembre, Aslan Maskhadov se dit prêt à négocier, mais après la rencontre entre les représentants des deux parties en novembre ces négociations semblent au point mort.

De nouvelles tensions apparaissent avec la Géorgie, où se trouvent quelques milliers de réfugiés tchéchènes et que Moscou accuse d'accueillir les combattants. L'apparente participation de R. Guelaev, commandant tchéchène, à des opérations militaires en Abkhazie, semble leur donner raison. Des accords ont été signés en février 2002 entre Géorgie et Russie pour renvoyer les réfugiés en Tchétchénie, à un moment où l'arrivée de conseillers américains en Géorgie est accompagnée d'une accusation des liens entre combattants tchéchènes et Al Qaida.

Les estimations divergent sur les conséquences du 11 septembre en Tchétchénie même. Si certains pensent que le président V. Poutine a reçu de la communauté internationale une carte blanche dans « sa » lutte contre le terrorisme, d'autres au contraire insistent sur le fait que cette carte blanche avait depuis longtemps déjà été donnée par la communauté internationale.

#### *Notes*

(1) Cazacu, *Au Caucase, Russes et Tchétchènes, récits d'une guerre sans fin*, Coll l'Orient proche, Georg, Genève 1998, p. 10

(2) Dunlop, « How many soldiers and civilians died during the Russo-Chechen war of 1994-1996 ? » - *Central Asian Survey*, vol 19 N°3-4, sept-déc 2000.

## ANNEX 2 APPEAL FROM PEOPLE IN TSOTSIN-YURT

### **LES HABITANTS DU VILLAGE DE TSOTSIN-YOURT S'ADRESSENT AU MONDE ET APPELLENT A L'AIDE!**

**MEMORIAL, Nazran**

Les habitants de Tsotsin-Yourt, poussés au désespoir par des "nettoyages" hebdomadaires, s'adressent au monde pour qu'il intervienne et les aide à survivre alors qu'un génocide est en train de se commettre.

Au Haut Commissaire de l'ONU pour les Droits de l'Homme  
Au président de l'APCE Peter Schieder  
Adresse des habitants de Tsotsin-Yourt, région de Kourtchaloï, république de Tchétchénie.

Depuis déjà trois ans la Russie mène en Tchétchénie ce qu'elle appelle une "opération anti-terroriste", dont le résultat est une élimination massive des Tchétchènes selon des critères ethniques et religieux.

Par leurs actions en Tchétchénie les autorités politiques russes ainsi que leurs forces armées violent de la façon la plus cynique leur propre constitution, ainsi que les conventions internationales pour le respect des Droits de l'Homme, en particulier la Déclaration universelle des Droits de l'Homme de l'ONU, la Convention européenne de défense des Droits de l'Homme et des libertés fondamentales, les Conventions de Genève ainsi que ses protocoles, la Convention contre la torture et autres traitements cruels, inhumains ou dégradants.

Depuis le début de l'occupation et jusqu'au 12 février 2002, 33 opérations de représailles appelées "nettoyages" ont été menées dans notre village. Les personnes qui pour une raison ou pour une autre ne plaisent pas aux représentants des forces fédérales sont emmenés dans les Kommandantur militaires ou les lieux de torture qui s'appellent "points de filtration", après quoi une partie de ces personnes disparaissent sans laisser de trace, et on retrouve les dépouilles des autres avec des traces de torture dans les forêts et les terrains vagues de Tchétchénie. Et la famille de ces personnes sous menace de mort sont obligés d'écrire que leur parent était un bandit et qu'ils n'ont pas de griefs envers le pouvoir.

Pendant la période mentionnée ci-dessus 81 personnes ont été tuées à Tsotsin-Yourt, 29 ont disparu. Elles sont sans défense juridique contre les meurtres et les exécutions. La liste de ces personnes, avec les causes de la mort, est présentée ci-dessous. Aujourd'hui, sous la menace de mort, torture ou autres traitements dégradants, on cherche à nous pousser-nous, Tchétchènes, hors de notre terre natale.

Ainsi pendant le "nettoyage" de notre village qui a eu lieu du 30 décembre 2001 au 2 janvier 2002, ont été tués:

1. ISMAÏLOV Moussa, 1964, serviteur du culte, il ne faisait rien d'autre qu'enterrer les cadavres.
2. ZAKRIEV Idris, 1965, civil, père de quatre jeunes enfants.

Après ce nettoyage ont disparu :

1. ISRAÏLOV Khamzat Salamouevitch, 1969, civil, père de deux enfants.
2. MAGOMADOV Cheikh-Akhmed, 1976, civil, père de quatre enfants
3. BAÏSOULTANOV Soulim, 1974, civil, père de cinq enfants
4. BAÏSOULTANOV Akhmed, 1962, civil, père de cinq enfants
5. BAÏSOULTANOV Khan-Pacha, 1968, civil, père de trois enfants, il souffrait de troubles psychiques.

Le père de ces trois derniers est resté seul.

Le 3 janvier 2002 non loin des quartiers de la police russe nous avons trouvé trois cadavres déchiquetés. Grâce aux lambeaux des vêtements, des proches ont pu reconnaître dans l'un deux un habitant de notre village SAÏDTSELIMOV Alkhazour, 1972. Son frère SAÏDTSELIMOV Vakhita (1982) avait été emmené le 7 mai 2001 lors d'un nettoyage, on reste sans nouvelle de lui.

Le 4 février 2002 à Tsotsin-Yourt cinq corps brûlés ont été trouvés. Deux d'entre eux étaient des habitants de notre village.

1. YAKHAEV Arbi Khassanovitch, 1980, civil.
2. KHADAEV Idris Ramzanovitch, 1978, civil.

Leurs parents, comme les parents de Moussa Ismaïlov et Idris Zakriev ont été forcés de signer des papiers comme quoi leurs enfants étaient des combattants, et que les proches n'avaient rien à reprocher aux autorités russes.

Pendant le nettoyage du 12 février 2002 sept hommes ont été emmenés à la Kommandantur de Kourtchaloï, quatre d'entre eux ont été gardés, et leurs proches ont dû payer pour les récupérer. Tous portaient des traces de coups et de torture. Dans la nuit de ce même jour, vers 22 heures le village a essuyé des tirs d'artillerie, dont sont morts :

1. DOVLETKOURAEV Saïd-Ali, 1959, civil, père de six enfants
2. DOVLETKOURAEVA Liouba, 1953, civile, mère de sept enfants

Ces tirs d'artillerie ont détruit 8 maisons, la petite-fille de DOVLETKOURAEVA Liouba a été blessée.

Nous avons le sentiment que soit les autorités politiques russes et le système judiciaire ont perdu le contrôle sur leurs régiments en Tchétchénie, et ont peur de l'avouer à la communauté internationale, soit que tout cela se fait avec leur bénédiction.

S'il n'en était pas ainsi, alors pourquoi la communauté internationale supporte-t-elle de tels agissements de la part d'un des membres permanents du Conseil de Sécurité, qui a justement le devoir de lutter contre les violations du droit international.

Nous vous demandons d'agir pour que cesse ce génocide de notre peuple, et en premier lieu en envoyant en Tchétchénie des observateurs internationaux.

Les habitants de Tsotsin-Yourt

Plus de 700 signatures

Liste des civils, habitants de Tsotsin-Yourt, région de Kourtchaloï, république de Tchétchénie, ayant trouvé la mort en raison des exactions des forces armées russes du 9 septembre 1999 au 3 mars 2002.

	<b>Nom prénom patronyme</b>	<b>Date de naissance</b>	<b>Date du décès</b>	<b>Lieu du décès</b>	<b>Cause du décès</b>
1.	ADAMOVA Zarema	1992	29 10 1999	Tsotsin-Yourt	Bombardement aérien
2.	DEMILKHANOV Oumar	1971	20 09 1999	Grozny	Blessure par balle
3.	IREZIEV Kharon	1977	27 10 1999	Grozny	Tirs d'artillerie
4.	ALTABIEV Aslambek	1978	08 12 1999	Tsotsin-Yourt	Sur une mine
5.	MAZAZAEV Djabrail	1972	04 12 1999	Tsotsin-Yourt	Blessures par balle
6.	EDISOULTANOV Oumar	1972	01 02 2000	Tsotsin-Yourt	Sur une mine
7.	ALIEV Vakhit	1964	07 01 2000	Tsotsin-Yourt	Tué à un checkpoint
8.	ALTABIEV Soultan	1936	28 01 2000	Tsotsin-Yourt	Bombardement aérien
9.	MAZIEV Islam	1968	12 02 2000	Grozny	Tir de missile
10.	CHAKHBIEV Khousséïn	1950	10 03 2000	Grozny	Sur une mine
11.	ABDOULKADYROV Khizir	1938	24 03 2000	Tsotsin-Yourt	Sur une mine
12.	PACHAEV Khalim	1959	30 07 2000	Tsotsin-Yourt	Lors d'un nettoyage
13.	CHAKHBIEV Akhmed	1979	15 01 2000	Grozny	Tir d'artillerie
14.	BAÏMIRZAEV Tourpal	1978	20 09 2000	Grozny	Tirs d'artillerie
15.	TOURPALKHANOV Zhebir	1959	02 05 2000	Tsotsin-Yourt	Lors d'un nettoyage
16.	MOUKHADIEV Ramzan	1969	28 06 2000	Germenchouk	Sur une mine
17.	CHAKHEDOV Ali	1959	14 07 2000	Tsotsin-Yourt	Tir d'artillerie
18.	MOLLAEV Kossoum	1935	30 08 2000	Grozny	Tir d'artillerie
19.	ALIEV Saïd-Magomed	1971	14 07 2000	Tsotsin-Yourt	Tirs d'artillerie
20.	AKHMATOV Magomed	1959	06 09 2000	Tsotsin-Yourt	Tirs d'artillerie
21.	ELSIEV Abou-Salakh	1979	04 09 2000	Tsotsin-Yourt	Lors d'un nettoyage
22.	SAÏDOV Magomed-Charip	1979	04 09 2000	Tsotsin-Yourt	Lors d'un nettoyage
23.	DITAEV Arbi	1971	04 09 2000	Tsotsin-Yourt	Lors d'un nettoyage
24.	CHEPIEV Ali	1980	04 09 2000	Tsotsin-Yourt	Lors d'un nettoyage
25.	TEMIRSULTANOV Khamid	1978	04 09 2000	Tsotsin-Yourt	Lors d'un nettoyage
26.	ASOUKHANOV Djamboulat	1969	04 09 2000	Tsotsin-Yourt	Lors d'un nettoyage
27.	AKHMATOV Boukhari	1944	06 09 2000	Tsotsin-Yourt	Lors d'un nettoyage
28.	ADAMOV Ibraguim	1961	04 12 2000	Mesker-lourt	A un checkpoint
29.	BATCHAEV Bilal	1961	04 12 2000	Mesker-lourt	A un checkpoint
30.	IRISKHANOV Valid	1976	04 12 2000	Mesker-lourt	A un checkpoint
31.	MATCHIGOV Rizvan	1973	31 12 2000	Tsotsin-Yourt	Lors d'un nettoyage
32.	AKHMADOV Amirkhan	1974	31 12 2000	Tsotsin-Yourt	Tirs d'artillerie
33.	SADAEV Maïrbek	1936	08 01 2001	Argoun	Tirs d'artillerie



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34.	DAOUDOV Lemi	1950	09 01 2001	Tsotsin-Yourt	Lors d'un nettoyage
35.	KOSSOUMOV Adam	1954	25 01 2001	Tsotsin-Yourt	Lors d'un nettoyage
36.	VAKHITAEV Ibraguim	1977	26 02 2001	Tsotsin-Yourt	Lors d'un nettoyage
37.	BAKAEV Ibraguim	1977	26 02 2001	Tsotsin-Yourt	Lors d'un nettoyage
38.	MOUSAEV Nassardi	1936	02 03 2001	Tsotsin-Yourt	Lors d'un nettoyage
39.	PACHAEV Djamallaïla	1981	26 03 2001	Tsotsin-Yourt	Lors d'un nettoyage
40.	MOUSSAEVA Iakha	1968	09 04 2001	Grozny	Sur une mine
41.	KERIMOV Khousein	1957	19 04 2001	Tsotsin-Yourt	Lors d'un nettoyage
42.	VAKHAEV Khousein	1941	19 04 2001	Tsotsin-Yourt	Lors d'un nettoyage
43.	NAKHAEV Rouslan	1975	22 04 2001	Goudermes	Bombardement
44.	ABOUEV Magomed	1976	17 05 2001	Tsotsin-Yourt	Lors d'un nettoyage
45.	SALAVATOV Andi	1958	03 08 2001	Tsotsin-Yourt	Lors d'un nettoyage
46.	TOUNTAEV Adlan	1963	07 08 2001	Tsotsin-Yourt	Lors d'un nettoyage
47.	DAOUDOVA Chaïman	1953	29 03 2001	Tsotsin-Yourt	Lors d'un nettoyage
48.	DEDICHEV Soultan	1958	28 08 2001	Tsotsin-Yourt	Sur une mine
49.	DEDICHEVA Rochan	1964	28 08 2001	Tsotsin-Yourt	Sur une mine
50.	ARSAEVA Zargan	1960	28 08 2001	Tsotsin-Yourt	Sur une mine
51.	EDILSOULTANOV Adam	1972	14 08 2001	Vedeno	Lors d'un nettoyage
52.	ESKIRKhanOV Miakhdi	1971	21 08 2001	Tsotsin-Yourt	Lors d'un nettoyage
53.	BOUGKHADJIEV Osoup	1976	24 08 2001	Berdikel'	A un checkpoint
54.	VAKHAEV Rouslan	1961	12 09 2001	Tsotsin-Yourt	Blessure par balle
55.	MOUSSAEV Zhamloudi	1966	31 09 2001	Tsotsin-Yourt	Blessure par balle
56.	ISMAÏLOV Iriskhan	1980	03 10 2001	Geldiguen	Tué dans la kommandantur
57.	KHERIAKHANOV Aslambek	1969	04 10 2001	Tsotsin-Yourt	Lors d'un nettoyage
58.	IOUSSOUPOV Maïrbek	1957	06 10 2001	Tsotsin-Yourt	Lors d'un nettoyage
59.	OUSMANOV Bouvaïsar	1976	08 11 2001	Tsotsin-Yourt	Brûlé
60.	KHAMKHATOV Ilias	1989	13 11 2001	Grozny	Tirs d'artillerie
61.	IDIGOV Ali	1981	28 11 2001	Tsotsin-Yourt	Mort des suites de torture
62.	VAKHITAEV Khizir	1963	01 12 2001	Tsotsin-Yourt	Lors d'un nettoyage
63.	AGAMERZAEV Mozhou	1936	06 12 2001	Tsotsin-Yourt	Lors d'un nettoyage
64.	TSITSAEV Alkhozour	1962	16 03 2001	Tsotsin-Yourt	Bombardement
65.	KHOUMIGOVA Nabist	1970	12 02 2000	Tsotsin-Yourt	Lors d'un nettoyage
66.	VIZIEV Makhma	1956	24 12 2001	Tsotsin-Yourt	Torture
67.	ASKHABOV Islam	1968	08 10 2001	Tsotsin-Yourt	Lors d'un nettoyage
68.	IOUSSOUPOVA Zhovzan	1957	04 09 2000	Tsotsin-Yourt	Lors d'un nettoyage
69.	ISMAÏLOV Moussa	1964	30 12 2001	Tsotsin-Yourt	Lors d'un nettoyage
70.	ZAKRIEV Idris	1965	30 12 2001	Tsotsin-Yourt	Lors d'un nettoyage
71.	SAÏDTSELIMOV Alkhozour	1978	30 12 2001	Tsotsin-Yourt	Brûlé
72.	BAKAEV Khassan	1939	26 01 2002	Tsotsin-Yourt	Brûlé
73.	IAKH'IAEV Arbi	1980	30 12 2001	Tsotsin-Yourt	Brûlé
74.	KHODAEV Idris	1978	30 12 2001	Tsotsin-Yourt	Brûlé
75.	MINKAÏLOV Alimkhadzhi	1950	02 02 2002	Tsotsin-Yourt	Lors d'un nettoyage
76.	MINKAÏLOVA Zaïnap	1960	02 02 2002	Tsotsin-Yourt	Lors d'un nettoyage
77.	DOVLETKOURAEV Saïd-Ali	1959	12 02 2002	Tsotsin-Yourt	Tirs d'artillerie
78.	DOVLETKOURAEVA Liouba	1953	12 02 2002	Tsotsin-Yourt	Tirs d'artillerie
79.	KHAMERZAEVA Tamaï	1966	08 10 2001	Grozny	A la suite de tortures
80.	IDRISSOV Rouslan	1958	16 02 2002	Grozny	A la suite de tortures
81.	IDRISSOV Chamil'	1959	16 02 2002	Grozny	A la suite de tortures
82.	DIKAEV Salambek	1980	02 03 2002	Tsotsin-Yourt	Lors d'un nettoyage

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Liste des habitants de Tsotsin-Yourt, région de Kourtchaloï, république de Tchétchénie, ayant été arrêtés illégalement et dont on reste sans nouvelle. Période allant du 9 septembre 1999 au 3 mars 2002.

	<b>NOM Prénom Patronyme</b>	<b>Date de naissance</b>	<b>Date d'arrestation</b>	<b>Lieu d'arrestation</b>
1.	ABOUEV Ali (Aslambek) Dombaevitch	1961	27 04 2000	Chez lui
2.	DITAEV Rouslan Alachevitch	1973	27 04 2000	Chez lui
3.	CHAKHBIEV Ezir-Ali Khousséïnovitch	1974	04 09 2000	Chez lui
4.	CHAKHBIEV Abzou Khousséïnovitch	1977	04 09 2000	Chez lui
5.	CHAKHBIEV Saïd-Magomed Khousséïnovitch	1978	04 09 2000	Chez lui
6.	TEMIRSOULTANOV Khassaïn	1956	05 03 2000	Chez lui
7.	IBRAGUIMOV Makhmoud	1961	23 12 2000	Sur la route Rostov-Bakou
8.	TEMIRSOULTANOV Movldi	1981	05 03 2000	Chez lui
9.	TEMIRSOULTANOV Khousséïn	1952	05 03 2000	Chez lui
10.	VAKHAEV Khassaïn	1979	12 04 2001	Au checkpoint de Gueldiguen
11.	SAÏDTSELIMOV Vakhita	1982	07 05 2001	Chez lui
12.	EDILSOULTANOV Bislan	1975	17 05 2001	Chez lui
13.	EDILSOULTANOV Adam	1972	17 05 2001	Chez lui
14.	TASOUKHANOV Soultan	1941	17 02 2001	Kourtchaloï
15.	KHAMERZAEV Alavdi	1976	12 07 2001	Chez lui
16.	EDIEV Mouslo	1964	27 04 2001	Lors d'un nettoyage
17.	CHOVKHALOV Gaïrbek	1964	19 04 2001	Lors d'un nettoyage
18.	DACHAZAEV Aslambek	1980	15 09 2001	Lors d'un nettoyage
19.	KHAMZATOV Mokhaïd	1971	15 09 2001	Lors d'un nettoyage
20.	ALGURIAEV Alga (Alkhazour)	1948	28 01 2000	Lors d'un nettoyage
21.	BAÏSOULTANOV Soulima	1974	31 12 2001	Lors d'un nettoyage
22.	BAÏSOULTANOV Khan-Pacha	1968	31 12 2001	Lors d'un nettoyage
23.	BAÏSOULTANOV Akhmed	1961	31 12 2001	Lors d'un nettoyage
24.	ISRAÏLOV Khamzat	1969	30 12 2001	Lors d'un nettoyage
25.	MAGOMADOV Chaïkh-Akhmed	1976	30 12 2001	Lors d'un nettoyage
26.	MANDYKHADZHIEV Chemil'	1961	11 11 2001	Lors d'un nettoyage
27.	VIDRAEV Rouslan	1978	05 01 2001	A un checkpoint à Argoun
28.	MAGOMADOV Aboubakar	1979	20 01 2001	Grozny
29.	ASSAEV Idris		02 03 2002	Chez lui

## ANNEX 3 THE TRAGIC EVENTS IN SHATOISKY REGION

**MEMORIAL Human Rights Center (Website 23 January 2002)**

January 2002

In 2001, the mountainous Shatoisky region was perhaps one of the calmest and most stable regions of the Chechen Republic. Attacks on federal forces were extremely rare here and brutal "mopping up" operations hardly ever took place.

The 291<sup>st</sup> motorized rifle regiment of the 42<sup>nd</sup> motorized division is continuously based near the village of Borza and is building a military base. (The commander of the regiment is Anatoly Vasilievich Tarasov.) Under the auspices of the military command, a company has been created in which 68 local residents serve under contract; among these, 40 young people serve as conscripted soldiers.

The temporary department of Internal Affairs in Shatoi is housed in a former school. In 2000-2001, school lessons took place in tents set up in a square in the center of the village. Beginning in January 2002, due to the poor condition of the tents, lessons are not being held. An OMON division is stationed in the food processing plant, which makes the resumption of its work impossible. The military command is housed in the hospital. As a result, doctors are forced to provide medical care in four rooms of private houses, while sick people in need of hospital care are brought to the hospital in the city of Shali.

Although local residents are dissatisfied with a whole range of circumstances – the use of the school and hospital buildings in Shatoi, the fact that soldiers frequently obstruct them from cutting firewood in the forest and gathering hay in the hills, etc. – on the whole relations between the local population and the representatives of federal forces can be said to be quite good. With few exceptions, military servicemen have not undertaken actions that violate the rights of local residents.

On **January 3, 2002** a car carrying Internal Affairs staff back to base exploded on a land mine near Shatoi. One policeman was killed and one was wounded.

**Ten days after the first tragedy, a second more frightening one occurred.**

*On January 13, Gazeta.Ru reported that on Sunday an UAZ vehicle containing five dead passengers was discovered in the Shaitoi region of Chechnya. "According to initial reports conveyed by Interfax, the vehicle exploded on a landmine laid by fighters."*

*On the following day the website for the Information Channel "Chechen Republic" reported the following (obviously about this episode):*

*"A group of fighters were routed by Mi-24 helicopter gunships on Monday in mountainous areas in southern Chechnya. This was announced at the federal forces headquarters in Khankala. According to the soldiers, a group of up to six people was discovered in the Shatoisky region by helicopters conducting a reconnaissance flight. According to initial information, the fighters were liquidated as a result of a series of rocket attacks from the air. Headquarters added that a group of special federal forces was sent to the region to clarify the outcome of the bombings, according to ITAR-TASS."*

*Finally, on January 15, RIA Novosti reported that staff of the temporary department of Internal Affairs discovered on Monday the bodies of five dead men on the outskirts of the village of Dai. According to reports, three bodies were found in a burned out UAZ vehicle, while two more were found in the riverbed of the Sharo-Argun river.*

### **So what actually happened?**

Staff from the Human Rights Center "Memorial" visited Shatoisky region on January 17 and 18, 2002, and visited the villages of Shatoi, Borza, Dai, Nokhchi-Kela and others. We talked with the deputy head of the regional administration, the leadership of the Regional Department of Internal Affairs, the heads of the village administration, and relatives of the deceased, as well as seeing the place where the people died and the burned out vehicle.

### **As a result the following was learned:**

On January 11, 2002, a special operation was begun in the mountainous villages located on the banks of the Sharoargun River and its tributary, the Keloyakh, in the southeastern part of Shatoisky region. In the area of the villages of Dai and Nokhchi-Kela, a helicopter landing was made involving forces based in Khankala. According to certain information, Lieutenant Vladimir Plotnikov commanded this detachment.

At the same time, detachments of the 291<sup>st</sup> regiment and staff from the Shatoiski military command began to move towards the villages of Dai and Nokhchi-Kela. However by the time that the military servicemen of the 291<sup>st</sup> regiment reached these villages by the mountain roads, six civilians had been brutally killed by the military servicemen who had earlier arrived by helicopter:

1. Zaitkhan Dzhavatkhanova, 35 years old, resident of Nokhchi-Kela, mother of five children. She was returning to her village from Shatoi, where she had visited the doctor in relation to her pregnancy.
2. Said Alaskhanovich Alaskhanov, 65 years old, director of the school in the village of Nokhchi-Kela.
3. Abdul-Vakhab Abdul Kadyrovich Satabaev, 43-44 years old, director of studies at the Nokhchi-Kela village school.
4. Shakhban Mezhevich Bakhaev, 44 years old, forester at the state forestry plantation in Shatoisky region.
5. Dzhamlail Imranovich Musaev, born 1971, resident of Staryi Atagi, was living temporarily with his parents in the village of Nokhchi-Kela in Shatoisky region.
6. Khamzat Gekhevich Tuburov, born 1957, resident of the village of Dai, earned money by transporting people in his own UAZ vehicle.

#### **Circumstances surrounding the murders:**

On the day of January 11, the UAZ vehicle being driven by Tuburov was traveling with 5 passengers from the regional center of Shatoi to the village of Nokhchi-Kela. In the village of Dai, the vehicle was shot upon by Russian military servicemen who had landed there from a helicopter.

A group of 11-12 military servicemen were based not far from Dai in the ruins of a farm, near the road leading to Nokhchi-Kela.

As a result of the shooting, two people within the vehicle were apparently killed. D. Musaev leaped out of the vehicle as it stopped and tried to run away, but he was wounded and later bled to death on the riverbank. Three people, including the woman, were captured by the military servicemen and taken to the riverbank where they were subjected to interrogation. According to police staff investigating the murders of the six residents of Shatoi region, there is reason to believe that the interrogation was accompanied by torture.

Then the military servicemen detained another vehicle passing by on the road. Employees of the Shatoisky regional administration were led away from the vehicle and made to stand with their hands in the air against the wall of the farmhouse. At that moment a BTR carrying a major from the military command arrived at the scene. The BTR was leading the main column of armored vehicles moving away from Shatoi.

The major saw the detainees and the fired upon – but still not burned – vehicle with two dead bodies. A sharp conversation took place between the major and the military servicemen who had arrived from Khankala; as a result the military servicemen were forced to release the driver and passengers of the second car they detained. But three people from the first vehicle still remained in the hands of the military servicemen. After the BTR moved along the road in the direction of Nokhchi-Kela, the three people were killed, their bodies were put in the UAZ and the vehicle was set on fire.

Soldiers of the 291<sup>st</sup> regiment saw the burning UAZ with five bodies in it as they arrived at the village of Dai.

According to the police investigating the case, there is reason to believe that two of the men had their throats cut.

On that very day representatives of the prosecutor's office and the police came to the scene of the crime from Shatoi. On the following day, January 12, the bodies of the dead and the burned vehicle were brought to Shatoi by employees of the Internal Affairs of Kurchaloevsky region.

On the evening of January 11 and the day of January 12 a "mopping up" operation was conducted in the villages of Dai and Nokhchi-Kela. Residents feel that this special operation was, on the whole, carried out correctly.

On January 12 a group of military servicemen (possibly the same ones who were based at the former farm) seized a local resident's Niva, threatening to shoot the driver and passengers. They forced the driver to take them in the direction of Shatoi. The vehicle was stopped by representatives of the Shatoisky military command and the soldiers were removed from the car.

However that day none of the soldiers was detained on suspicion of murder.

On the afternoon of January 12, all detachments participating in the special operation were re-stationed to the 291<sup>st</sup> regiment in Borza. There the military servicemen who had been based at the ruined farm in Dai were detained.

Representatives of the local civilian administration and Internal Affairs employees from Shatoisky region were invited to the military station. The detained military servicemen confessed to the murders in their presence.

#### **What can explain why the military servicemen committed such a frightening and unprovoked crime?**

It seems to us that the tragedy can be explained by the fact that the military servicemen, arriving from Khankala to the relative calm of Shatoisky region, acted in the way that they were accustomed to acting in the course of "mopping up" operations in other regions (for example, Kurchaloevsky), based upon the same directives and stereotypes:

- The local population, on the whole, is the enemy;
- Everything in war can be written off;
- It's impossible to fight against bandits and terrorists using legal means.

These military servicemen reacted to the reality of Shatoisky region absolutely differently than those of the 291<sup>st</sup> regiment. They acted in the way they were accustomed to acting. It's possible that they allowed themselves to act even more freely, thinking that in this distant "bandit" mountainous region they could "get away" with anything since in many other regions of Chechnya such crimes go unpunished. Finding themselves in "enemy territory," these soldiers tried to act like a reconnaissance team deep behind enemy lines: to seize prisoners who will talk, to drag information out of them using any methods, and to destroy any accidental witnesses.

## ANNEX 4 SWEEP IN STARYE-ATAGUI (FEBRUARY 2002)

**MEMORIAL (Site Internet, 11 mars 2002)**

12-20 février 2002, zatchistka à Starye-Atagui, prétexte: une voiture dans laquelle se trouvaient des militaires russes a essuyé des tirs le 12 février à 10h dans la rue Nouralidova. Les premiers chiffres parlent de 7 morts, dont les corps ont été trouvés dans l'usine de volailles, que les forces russes ont utilisé comme point de filtration temporaire pour le temps de la zatchistka.

A 15h le village fut encerclé, et tous les déplacements à l'intérieur interdits. Même les chefs de l'administration n'ont pas pu entrer dans le village, ils étaient dans la capitale régionale pour une réunion lorsque l'opération a commencé.

Pendant cette opération un homme de 82 ans a été tué. Parmi les cadavres retrouvés, certains étaient méconnaissables, plusieurs étaient brûlés. Tous les corps étaient nus et portaient des traces de tortures. Sur aucun des corps on n'a retrouvé d'impacts de balles, ce qui laisse à penser qu'ils sont morts suite aux tortures et aux coups. Les corps de deux hommes ont été emmenés à Douba-Yourt, d'où ils étaient originaires. Les cinq autres ont été enterrés à Starye-Atagui, bien que certains n'avaient pas été reconnus.

Les militaires ont fait sauté 3 maisons, soupçonnées de servir de passages ou de cachettes aux combattants. Beaucoup de familles ont eu à subir les pillages des troupes fédérales. Plusieurs fois, les soldats ont posé devant les habitants des armes et ont dit aux gens de se racheter tout de suite (de 1000 à 3000 roubles).

Au moins 50 hommes ont été arrêtés et emmenés dans les points de filtration temporaires, où tous ont été battus cruellement. Près du moulin, les hommes arrêtés ont été placés dans des fosses d'une profondeur de 4 mètres pendant quatre jours sans eau ni nourriture. Dans l'ancienne usine de volailles les hommes étaient dehors, selon certains témoignages ils ont été torturés par des chocs électriques.

Tous ont été tellement battus que la plupart d'entre eux n'était pas en état de se déplacer par eux-mêmes.

Au moins cinq disparus : Mogamed Zakriev, Abou Gekhaïev, Ruslan Mejidov, Movsar Nassoukhanov, Movdal Nassoukhanov. On ne savait rien d'eux le 20 février, cependant, dans une maison détruite dans les alentours de Mesker-Yurt des militaires ont tenté de brûler quatre corps, ils sont arrivés dans cet endroit dans trois véhicules blindés. Des personnes de la commandature de Chali, appelées sur place, ont pu les en empêcher. Il se trouve que ces militaires ont participé à la zatchistka de Starye-Atagui. C'est donc possible que les cadavres viennent de là.

Pendant l'opération à Starye-Atagui, des gens ont été tués aussi à Tchiri-Yourt, village voisin. Le 12 février en début d'après-midi des militaires déposés par un hélicoptère ont arrêté, et devant les yeux de nombreuses personnes se trouvant sur le marché, fusillé deux chauffeurs de taxi originaires de Douba-Yourt.

### Témoignages

#### **Rouslan**

*"Dès le premier jour de la zatchistka ils ont pris 18 hommes dans la rue Nouradilova, ils les ont tous battus, l'un d'eux est un membre du conseil des anciens, Abouyazid Solsaev.*

*Le 18 février nous avons récupéré 6 corps. On en a reconnu deux, des hommes de notre village, les autres étaient méconnaissables tellement ils étaient brûlés et torturés. On les a enterrés quand même. Leurs visages étaient complètement déformés. Peut-être que c'était des résistants.*

*L'un d'eux était de Tchiri-Yourt, il revenait du travail, il était tractoriste (Zakriev). Nous avons récupéré les corps le 18 février, mais nous ne savons pas quand ils ont été tués.*

*Les militaires refusaient de se présenter. Il y avait un général qui disait "comment faire pour arrêter ça?", je lui ai répondu que pour arrêter ça il faut juste une démocratie.*

*Les militaires ont pillé les maisons, ont volé de l'argent. Tout a commencé à cause d'une voiture qui aurait sauté, mais nous n'avons rien vu. Puis tout de suite ils ont encerclé le village, partout il y avait des tanks, nous pensons que c'était une provocation.*

*Ils ont pris un homme de soixante ans, parce qu'ils avaient trouvé un arme sur le toit de son voisin. Il a été retenu pendant trois jours dans une fosse, il a été frappé.*

*Pendant la zatchistka un colonel est arrivé au soviet rural, j'ai parlé avec lui. On lui a raconté ce qui se passait, d'ailleurs des gens arrivaient et se plaignaient des pillages, des mauvais traitements, du fait que les hommes étaient emmenés. On ne nous laissait pas approcher l'état-major, mais il est venu lui-même. Il nous a écoutés, nous a dit "oui, c'est vrai", mais on ne l'a plus revu. Il était du FSB. Il y avait aussi des gens de la procureure. 40 à 50 personnes de notre village ont été libérées le 20 février, et 30 de Douba-Yourt. Ils étaient à peine vivants, ne pouvaient pas marcher, on les a emmenés à l'hôpital."*

**Selim**

*"Le 12 février j'étais chez moi en train de regarder la télévision. Des soldats ont fait irruption dans la cour. Ils m'ont demandé mes papiers d'identité, je leur ai montré. Puis ils m'ont dit qu'ils m'emmenaient, et je leur ai demandé pourquoi, leur disant que j'avais 53 ans, ils m'ont dit de me taire. Ils m'ont mis un chapeau sur les yeux et m'ont emmené dehors. J'étais habillé de vêtements d'intérieur et je leur ai demandé la permission de m'habiller, mais ils ont refusé. Ma femme a pu me jeter mon manteau. On est arrivé au moulin, et ils ont tout de suite commencé à me battre. Ils avaient installé là-bas un point de filtration temporaire. Quand ils ont commencé à me battre, je leur ai demandé pourquoi ils me battaient, ils m'ont répondu "où tu as mis nos soldats?", je leur ai dit que je ne savais rien. Deux ou trois soldats avaient été tués, semble-t-il, moi je n'étais même pas au courant de ça. Ils m'ont demandé de leur donner les numéros des voitures dans lesquelles les otages auraient été emmenés. Qu'est ce que j'en savais, moi? Ils m'ont frappé sur les reins, sur la tête, dans le ventre. Puis ils m'ont mis mon manteau sur la tête et l'ont attaché, ils m'ont dit qu'ils allaient m'étouffer. Ils m'ont mis par terre, le visage contre le sol, il faisait très froid, et de nouveau ils m'ont frappé sur la tête, sur les reins. Ils ont pointé un pistolet sur ma tempe, il y a eu deux déclics, mais il n'y avait pas de balles, "tu as de la chance", m'ont-ils dit. De là ils m'ont pris et jeté dans un trou qui faisait quatre mètres de profondeur et environ cinq mètres de diamètre. Dans ce trou encore ils m'ont frappé. Ils ont jeté cinq hommes dans ce trou, et nous ont frappé avec les manches de leurs armes, puis ils nous sortaient pour nous frapper de nouveau sur la colonne vertébrale, sur les jambes. Ils nous ont rejeté dans le trou avec les mains attachées derrière le dos, la tête en bas. Je suis resté là-bas quatre jours. Nous étions 7 dans la fosse. On ne pouvait pas dormir, on était accroupi. Puis des FSB sont arrivés et nous ont dit que c'était les unités spéciales qui nous avaient retenus et battus, et que si eux (FSB) avaient été là dès le début, ça ne se serait pas passé comme ça. Un FSB nous a demandé si on nous avait donné à manger depuis notre arrivée. Nous nous taisions. Il a alors interrogé un garde qui lui a répondu que non. Le FSB lui a ordonné de nous donner à manger, ce qu'il a fait quelque temps plus tard. Mais ils ne nous ont pas donné à boire, le FSB nous a dit "il va pleuvoir, vous boirez alors". Ils nous ont quand même donné de l'eau., ils ne nous ont fait sortir pour aller aux toilettes que le 4<sup>ème</sup> jour. On a appris plus tard que nos familles leur avaient donné des vêtements et de la nourriture pour nous, mais on ne nous a rien transmis. Avec nous il y avait un homme de 65 ans, un seul avait 30 ans, et tous les autres environ 50 ans. Le vieillard avait sur lui beaucoup d'argent, ils lui ont tout pris. Ils m'ont pris mon passeport et ne me l'ont pas rendu."*

## ANNEX 5 SWEEP IN DUBA-YURT (FEBRUARY 2002)

### MEMORIAL (Site Internet, Chronique de la violence 17 février 2002)

Dans la nuit du 17 au 18 février 2002 le village de Duba-Yourt fut encerclé par de l'artillerie lourde. Les habitants, sous la menace des armes, n'étaient pas autorisés à sortir de chez eux, ceci concernait aussi les employés de la direction de l'administration locale.

A l'aube commença la zatchistka. Les militaires se sont précipités dans les maisons, ne prêtant attention ni aux pleurs ni aux cris des enfants. Tous les hommes furent arrêtés, pendant que les militaires prenaient ce qu'il leur plaisait dans les maisons. Ils annoncèrent qu'une arme avait été trouvée dans le village, mais il est à noter qu'aucun des habitants du village n'était présent lors de cette "découverte". La femme dans le jardin de laquelle, soi-disant, l'arme a été trouvée affirme que les militaires l'ont mise là eux-mêmes. L'arme n'était pas enveloppée, et il n'y avait dessus aucune trace de terre. Puis les militaires décidèrent de violer la fille de la maîtresse de maison, une jeune fille de 17 ans. Les hurlements de la mère les en a empêchés, et ils emportèrent le frère de la jeune fille, 19 ans.

Ils tentèrent d'agresser une jeune fille dans une autre maison, mais son frère la défendit, il fut jeté dans un véhicule blindé et emmené dans leur camp de filtration temporaire, qui se trouvait sur le territoire de l'ancienne ferme de volaille à Starye-Atagui.

De Douba-Yourt 30 hommes furent emmenés là-bas. A l'exception de deux d'entre eux, tous furent remis au maire de Douba-Yourt Adam Yakhyav. Ils avaient tous été frappés si violemment que tous furent hospitalisés. L'un deux fut hospitalisé à l'hôpital de Tchiri-Yourt, avec une clavicule cassée.

Pendant la zatchistka, dans la forêt à côté du village fut tué dans des conditions inconnues un habitant de Douba-Yourt Issa Chamssoudinovitch Touchaev (1965), et un autre homme dont l'identité reste pour l'instant inconnue.

Une vingtaine de familles ont été pillés et volées, dans l'école tout a été presque entièrement détruit. Le maire du village n'était pas dans le village ce jour-là. En apprenant que s'y déroulait une zatchistka il est arrivé avec Nakhaev, le commandant de la région de Chali. Ils n'ont pas pu rentrer directement dans le village, même le commandant était arrêté au check-points et on ne le laissait pas passer. Dès qu'il put entrer dans le village, les militaires se sont calmés et ils ont quitté Douba-Yourt le soir même.

#### Témoignage

##### **Malkan**

*"Ca fait deux ans que mon mari est mort, et j'éleve seule mes 8 enfants. Les soldats se sont précipités dans la maison comme des sauvages, ils ont fait mettre les enfants à genoux. Ils menaçaient les enfants avec des couteaux, des pistolets, des armes, en disant "donnez-nous des armes". D'où veulent-ils que je leur donne des armes? Ils ont essayé de violer ma fille de 17 ans, mais j'ai réussi à les en empêcher en me jetant sur eux. Ma seconde fille a perdu connaissance en voyant tout cela, je l'ai sortie dans la cour, il me semblait qu'elle était en train de mourir. Je m'occupais d'elle tout en faisant attention à l'aînée, et les soldats se moquaient de moi. Ils ont emmené mon fils aîné, et m'ont dit que s'il avait des cicatrices sur le corps, ça voudrait dire qu'il était un combattant. Il a des cicatrices, car il a sauté sur une mine quand nous rentrions chez nous après avoir vécu deux mois comme réfugiés à Starye-Atagui. La mine était dans la cour de notre maison. Il a des papiers d'identité, des certificats, je leur ai tout montré. Et eux me disent : "non, ce sont des cicatrices faites au combat". Ils l'ont emmené à l'ancienne usine de volaille de Starye-Atagui. Ils l'ont battu, frappé comme des sauvages. Deux voisins étaient avec lui. Plus tard il nous a raconté que là-bas il y avait des mares de sang tellement ils frappaient les gens. Ils les ont frappés, humiliés. Ils ont amené chez moi une arme en me disant qu'ils l'avaient déterrée dans mon jardin. L'arme était très propre, pas une trace de terre dessus. Ils m'ont insultée, ils ont pris tous les vêtements de mon fils, toutes les affaires de ma fille."*



## ANNEX 6

### MEMORIAL Human Rights Center (Website 4 March 2002)

## Report on the Second Meeting of Non-Governmental Human Rights Organizations and Representatives of State Authorities of the Chechen Republic

(Chechen Republic, Village of Znamenskoe, 28 February 2002)

The meeting of the Working Group was held on 28 February 2002 in the village of Znamenskoe in the Nadterechny Region of Chechnya, at the Bureau of the Special Presidential Representative for the Protection of Human Rights in Chechnya. The decision to form such a working group, including both representatives of non-governmental organizations and state authorities in Chechnya, was made at the first meeting on 12 January 2002.

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*Representing non-governmental organizations at the Znamenskoe meeting were:*

- Representatives of "Memorial" – O.P. Orlov (Chairman of the Memorial board), T.I. Kasatkina (Executive Director), A.V. Cherkasov (member of the Memorial board), E. Musaeva (head of the Nazran office of Memorial), D. Itslaev (head of the Urus-Martan office of Memorial), N. Estemirova, L. Bazaeva, U. Baisaev, and E. Aliev;
- Chairperson of the "Civil Assistance" Committee, S.A. Gannushkina;
- B. Dudaev, Chechen Committee of National Salvation (ChKSN);
- Representatives of the Russian-Chechen Friendship Society – I. Ezhiev (co-chairman), M. Ezhiev;
- R. Iznaurova, "Rescuing a Generation;"
- Chairman of the "Nizam" Foundation, A. Isaev;
- Z. Makhadzhieva, "Niyso;"
- M. Eldieva, "Echo of War" Interregional Peacemaking Organization;
- I. Aldamov, "Mountain Spring" humanitarian organization;
- Z. Daurbekova, "My Land;"
- A. Istambulov, chairman of the Union of Chechen Social Organizations;

*Representing state authorities at the meeting were:*

- Acting Commander in the Chechen Republic, Deputy Commander of United Forces in the Chechen Republic, Commander of the Gudermes Region, Major General A.D. Pavlenko;
- Deputy Head of the FSB Administration for Chechnya, A.P. Potapov;
- V.G. Chernyaev, First Deputy Prosecutor of the Chechen Republic;
- I.F. Nigmatulin, Senior Advisor to the Prosecutor of the Chechen Republic;
- S.A. Kolomiets, Military Prosecutor of the Chechen Republic;
- A.S. Dakaev, Deputy Head of the Internal Affairs Administration of the Ministry of Internal Affairs of the Russian Federation for the Chechen Republic;
- L. Khasuev, Deputy to the Presidential Special Representative for the Protection of Rights and Freedoms of Citizens and People in the Territory of the Chechen Republic.

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#### **Agenda for the Meeting:**

1. Updates on questions raised at the January 12 organizational meeting.
2. Reasons and conditions leading to the violation of human rights in the course of "special operations" carried out by federal forces ("disappearances" and murders).
3. The inevitability of punishing violators of human rights through criminal investigations of disappearances, murders and the illegal detention of citizens.
4. Miscellaneous.

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1 a) At the previous session of the working group, representatives of human rights organizations set forth a series of concrete proposals, with which all representatives of state authorities in attendance agreed:

- All armored vehicles should be clearly marked with their numbers;
- When carrying out special operations in populated areas, the senior member of federal forces entering a building or facility should present himself to the owners and show his documents;

- At the completion of a special operation, the official leading the operation should provide the head of the local administration with a complete and exhaustive list of all the people who were detained in the area during the course of the operation, the reasons for their detention, and the locations to which those people will be taken.

On 28 February 2002, representatives of Memorial reported to those gathered that, on the request of the Commander of the Unified Forces, V.I. Moltensky, a summary of these recommendations was sent to him by Memorial, the Chechen Committee for National Salvation, and the Russian-Chechen Friendship Society. However not one of these recommendations was implemented in practice during the one and a half months since the previous meeting. As in the past, numbers on many armored vehicles are either missing altogether or are covered over with mud. As in the past, representatives of federal forces fail to present themselves when entering buildings in the course of special operations. In only one instance – the "mopping up" operation in the village of Stariye Atagi (28 January – 4 February) – did a representative of the prosecutor's office present the head of the local administration with a list of local detainees. As before, people detained by representatives of federal forces are disappearing.

In response, the First Deputy Prosecutor of the Chechen Republic explained that in those instances when the prosecutor's office is informed about a special operation being conducted, an exhaustive list of detainees is prepared as a matter of course. However the directive on cooperation between regional and military prosecutors and the command of the Unified Forces does not provide for the provision of such lists to heads of local administrations. In the future steps could be taken to put this into practice, but this would require a supporting order from the Commander of the Unified Forces – a document that currently does not exist.

Responding to the statement by representatives of non-governmental organizations, the Acting Commander in the Chechen Republic declared that an accompanying order from the Commander backing up the suggested measures already exists and that representatives of human rights organizations could even receive a written excerpt from this order.

However in the course of the discussion, it became clear that the Acting Commander had in mind order № 145 of the Acting Commander of the Unified Forces (May 2001), which the representatives of human rights organizations have long been aware of. The order requires that all detainees during the course of special operations be registered and that military servicemen and representatives of the prosecutor's office coordinate their actions; it does not speak to the measures described above which were proposed by human rights activists.

In response, the Acting Commander in the Chechen Republic declared that "in correspondence with the statute (*ustav*), all military equipment is to have a number... It's not necessary to issue an order for the sun to rise, because it will rise anyway. Therefore the number is already there." Police employees are supposed to conduct checks of passport rules and are automatically supposed to present themselves upon entering a building; correspondingly it's not necessary to issue an order to this effect. As far as lists of detainees are concerned, these lists are contained within the documentation for special operations and are kept in the military offices; any person who wishes to may request them to be provided.

Representatives of human rights organizations noted that the Acting Commander himself had arrived at the meeting in an armored vehicle without a clear number and was demonstrating his obvious unwillingness to adopt even the most basic practical measures aimed at lessening the number of violations of rights occurring in the course of special operations.

Representatives of the prosecutor's office (both regional and military) reported that the issue of bringing order to the conduct of special operations was discussed on 10 February 2002 at a meeting of the Regional Operations Staff for Counterterrorist Operations. In fulfilling the decisions from this meeting, representatives of the prosecutor's office, the military command and the Unified Forces are currently working out directives for conducting special operations. These directives should be prepared by April-May of this year. The recommendations set forth by human rights activists could potentially be among the standards included in these directives. In addition, it is anticipated that responsibility for violations committed in the course of special operations will be turned over to the commander of the operation. Upon completion of the special operation, homeowners and the head of the administration will turn over a written document that indicates the presence or absence of any complaints. (The possibility of such a standard being included in the directives generated sharp negative reactions from human rights activists).

In response to a question by representatives of human rights organizations about whether the local population could be informed about the points of the directives which concern the relations between federal forces and local residents, representatives of the prosecutor's office responded affirmatively.

All the same, representatives of human rights organizations recorded the fact that previously agreed upon points were not yet being fulfilled. Representatives of the prosecutor's office expressed the opinion that "work is fulfilling agreements is on-going."

1 b) In relation to the first agenda point, representatives of the prosecutor's office provided answers to a number of inquiries which were put before them at the previous meeting (12 January).

In relation to an inquiry about widespread violations of human rights by representatives of federal forces during special operations ("mopping up operations") in the village of Tsotsin-Yurt (30 December 2001 – 3 January 2002), the First

Deputy Prosecutor of the Chechen Republic reported that the prosecutor's office had opened 7 criminal cases into robberies against local residents. In addition, 3 separate criminal cases were being conducted on "disappearances" and murders of detainees.

It is necessary to note that on 12 January the Commander of the Unified Forces, V.I. Moltensky, stated that he had led the operation in Tsotsin-Yurt and that the information presented by human rights activists about the crimes committed during this operation was "not credible." At the time Chernov, the Prosecutor of the Chechen Republic, said that he didn't know about these facts, but promised to look into them.

In relation to an inquiry about widespread violations of human rights by representatives of federal forces during special operations ("mopping up operations") in the village of Avtura (1-3 December 2001), the First Deputy Prosecutor of the Chechen Republic reported that General Bogdanovsky had led this operation and that criminal cases had been opened against military servicemen from the internal troops on the basis of articles 126 (kidnapping) and 162 (robbery) of the Russian Federation Criminal Code. On 15 January 2002 these cases were handed over from the Prosecutor of the Chechen Republic to the Military Prosecutor of Shalinsky Region. Thus far, none of the military servicemen has been brought to justice.

In relation to the disappearance of 7 people in Urus-Martan region, 3 members of the Cherukhanov family in the village of Oiskhar, and Vadilov in the village of Valerik, representatives of the prosecutor's office reported that the inquiries had been handed over to the regional prosecutor's office and that work was being conducted on them. The location of these individuals had not yet been determined.

2) In relation to the second agenda item, representatives of human rights organizations confirmed that there has been no special legal regime introduced into the territory of the Chechen Republic that annuls the Criminal and Criminal Trial Codices of the Russian Federation and no special places for detaining civilians are provided for beyond normal temporary isolation units.

Moreover, a legal vacuum has been intentionally created in the territory of Chechnya; thanks to the arbitrary and widespread use of the Law "On the Battle with Terrorism," a special regime limiting the rights and freedoms of Russian citizens is in effect here.

The widespread detentions of civilians by federal forces under the conditions of a legal vacuum and effective absence of control couldn't *not* give rise to widespread violations of human rights: beatings, humiliation, torture and disappearances. Behind the façade of an official system of centers for holding, questioning and investigating detainees, an unofficial system of unlawful detention sites exists inside military compounds etc.

In the opinion of representatives of non-governmental organizations, it will be possible to overcome the gross and widespread violations of human rights during "mopping up operations" and "filtrations" only by bringing them into conformity with the standards of Russian legislation – particularly the Criminal Trial Code, which formally continues to be valid in the so-called zone of "counterterrorist operations."

Any "special operation" in populated areas should be preceded by the creation of an operation plan with clear indications of the zone of responsibility for various subdivisions. Representatives of the prosecutor's office should be acquainted with this plan before the start of the special operation. The leader of the operation should inform representatives of the prosecutor's office in writing about any changes made to the plan in the course of operation. Upon completion of the "special operation," the plan and detailed report on the carrying out of the special operation should be provided to the prosecutor's office by the individual providing leadership of the "special operation."

If the human rights of detainees of "special operations to monitor passport rules" are to be observed, it is essential that they be taken to temporary isolation units located at the regional internal affairs branches, or that temporary detention units be introduced that are in conformity with the requirements for detention units, particularly:

- Clear written justification for the detention and placement there;
- Written guidelines for placing a detainee in temporary confinement;
- Registration of detainees in conformity with the rules and directives which relate to isolation units;
- Clear and unambiguous definition of the responsibilities of personnel at the temporary detention units for the life, physical well-being and safety of detainees;
- Clear and unambiguous definition of those responsible for conducting inquiries in relation to the detainee;
- Organization of continuous prosecutor oversight over the temporary detention units from the beginning of the special operation;
- Provision of a list of people brought to temporary detention units to the heads of local administrations.

It is essential to enlarge the staff of military and regional prosecutor's offices in Chechnya. During "special operations," representatives of the prosecutor's office should constantly be present among the subdivisions carrying out the operation and be in constant contact with the local population.

It is also necessary to create special integrated investigative teams comprising employees of the general, military and regional prosecutor's offices, who will lead investigations into instances of disappearances of people detained by federal forces during "special operations" and "targeted checks."

Representatives of the prosecutor's office, for their part, agreed that on the whole a clear legal basis has not yet been developed for regulating the conduct of special and even counterterrorist operations. There is a basic Law "On the Battle with Terrorism" that has been adopted in "raw form." For example, the law grants the right to detain individuals for the purpose of verifying their identity, but a time limit for such detentions is not fixed. Therefore a number of other normative acts come into effect: the Code of Administrative Violations, criminal trial legislation, the order of the Russian President "On the Battle with Vagrancy and Begging" and others.

At present there are procedural requirements that are observed in relation to individuals that are brought to temporary check points ("filtration points") – completion of protocols about their detention in correspondence with article 122 of the Criminal Trial Code. It is another matter altogether that such points do not correspond to (and are unlikely ever to correspond to) the requirements made for isolation units.

In the course of further discussion, it became clear that the temporary check points ("filtration points") created during the course of special operations do not have any legal basis. There are no statutes regulating their functioning.

Representatives of human rights organizations confirmed that far-reaching special operations aimed at discovering individuals participating in unlawful armed formations are, as a rule, accompanied by gross and widespread violations of human rights, kidnappings, disappearances and murders. The so-called "excesses" have taken on a systematic character. Innocent people suffer from these operations first and foremost, and those who are guilty for committing these crimes are punished extremely rarely. In relation to this, it was suggested to abandon far-reaching special operations ("mopping up operations") in populated areas and to switch over exclusively to operations directed against specific criminals.

According to the First Deputy Prosecutor of the Chechen Republic, the same proposal was made at the meeting of the Regional Operations Staff of the Counterterrorist Operation on February 10 of this year. However a decision was made to begin working out directives for conducting special operations, while not renouncing them completely.

According to the opinion of the Acting Commander in the Chechen Republic, special activities should be conducted exclusively under the leadership of local regional commanders; it is also essential to engage local police and the heads of local administrations in such operations. Such measures significantly lower the probability that illegal actions will be taken in relation to local residents.

3) Representatives of non-governmental organizations and the prosecutor's office expressed opposite evaluations in relation to the third point of the agenda.

Human rights activists hold that only a small handful of the many representatives of federal forces committing serious crimes against individuals in Chechnya are ever punished. Three-quarters of the cases opened into disappearances and murders of detainees are suspended "in connection with the impossibility of determining the identity of the accused."

Representatives of the prosecutor's office, on the other hand, confirmed the progress that has been made in investigating and preventing similar crimes. In 2001-2002 alone, criminal cases accusing 12 military servicemen of murder were sent to the military prosecutor. In a series of cases, severe sentences were handed down – for example, servicemen were sentenced to 18 and 11 years of imprisonment for murder, to 12 and 9 years for robberies. Representatives of the prosecutor's office and the command of the Unified Forces meet regularly and there are no obstacles in the way of staff of the prosecutor's office carrying out investigations.

Just as they did at the first meeting, representatives of human rights organizations raised the question of the responsibility of leaders of special operations for widespread violations of human rights that occur during such operations. This question was raised in particular relation to the responsibility of General Bogdanovsky, who led a whole series of special operations.

In response, the Acting Commander of the Chechen Republic said that General Bogdanovsky and Lieutenant Plotnikov are located a great distance from the Chechen Republic.

## ANNEX 7

### Where do people disappear?

*MEMORIAL (Site Internet, 7 mars 2002)*

Il est très difficile aujourd'hui de faire un décompte précis des personnes disparues. 300 dossiers de disparus sont enregistrés au bureau de M. Kalamanov (La liste du gouvernement tchéchène est de plus de 1200 personnes, le ministère tchéchène de l'intérieur a ouvert des enquêtes concernant 700 cas, tandis que la procureure instruit 400 affaires. Les différentes listes se recoupent partiellement. Memorial a une liste établie et confirmée de 992 cas pour les seules régions couvertes par leurs bureaux de Tchétchénie et d'Ingouchie, et considère que le nombre réel est au moins du double.

### OU LES GENS "DISPARAISSENT-ILS" EN TCHETCHENIE ?

*Document du collaborateur du Centre des droits de l'Homme "Mémorial" Alexandre Tcherkassov depuis la zone du conflit armé en République de Tchétchénie.  
Nazran-Grozny-Argoun, 5 mars 2002.*

Dans la zone du conflit armé en République de Tchétchénie continuent à "disparaître" des personnes arrêtées par les représentants des forces fédérales. Comment et pourquoi cela a-t-il lieu? Il existe pourtant un organe qui doit contrôler tant la situation des détenus que la manière dont est menée l'enquête - c'est la procureure. Et aujourd'hui, on ne peut pas dire que la procureure de la République Tchétchéne ne travaille pas : le procureur Vsevolod Tchernov a mis dans les derniers mois beaucoup d'énergie pour obtenir que les personnes arrêtées se trouvent dans son champ de vision dès leur arrestation. Et malgré tout...

Voilà cinq cas de "disparitions" seulement.

La première disparition a eu lieu vendredi dernier, le 1<sup>er</sup> mars 2002. Un habitant du village d'Alkhan-lourt, Guelani Asoukhanov, a été arrêté à Ourous-Martan et a disparu.

Il avait été arrêté le 12 février, et avait été détenu depuis dans l'IVS (isolateur de détention provisoire) du VOVD (Département temporaire de l'Intérieur) d'Ourous-Martan, un lieu de détention officiel sous contrôle de la procureure. Le 1<sup>er</sup> mars, en fin d'après midi, Asoukhanov a été libéré. Alors qu'accompagné de parents et du chef de l'administration d'Alkhan-lourt ils quittaient Ourous-Martan, leur voiture a été arrêtée à un check-point. Des personnes cagoulées, en tenue de camouflage, sont sorties d'une automobile VAZ-2106 de couleur blanche, ont saisi Guelani Asoukhanov et l'on emmené en direction de la kommandantur militaire de la ville. Depuis il a "disparu". Les parents se sont adressés à diverses instances officielles sans pouvoir obtenir aucune information sur son sort.

Soulignons que dans les deux dernières années ce sont plus de cent personnes qui ont "disparu" à Ourous-Martan, et pour beaucoup d'entre eux les traces mènent au troisième étage de la kommandatur, là où est situé le département régional du FSB. C'est un lieu de détention illégal, mais officiellement inexistant et donc échappant au contrôle de la procureure.

Des personnes continuent à disparaître au cours des "opérations spéciales", que les habitants comme les militaires appellent familièrement des "nettoyages", bien que le terme n'existe pas officiellement. Les personnes arrêtées lors des nettoyages sont en général emmenées à la lisière du village, dans un "point de filtration temporaire" ; encore une fois, officiellement ces "points de filtration" n'existent pas. Depuis plusieurs mois sont en vigueur le décret N° 145 du Commandant des Forces Unies N° 145 et la décision N° 46 de la Procureure générale qui obligent un procureur à surveiller les "nettoyages" et à veiller à ce que les gens ne disparaissent pas lors des "filtrations".

Mais voici un second cas de "disparition". Le 1<sup>er</sup> mars 2002 19 personnes ont été arrêtées lors d'un "nettoyage" dans la banlieue de Grozny, dans le Sovkhoze "60 ans d'Octobre". Deux d'entre eux ont "disparu" : Adam Mourtazov et Magaram Khabiboulin. Les autres personnes détenues au "point de filtration" ont entendu Mourtazov et Khabiboulin être battus, puis ont entendu comment quelqu'un faisait venir un camion par radio, disant que "l'un d'eux on devra le charger, l'autre pourra grimper tout seul". Il s'est avéré ensuite que le représentant de la procureure de la région de Grozny, envoyé à ce "nettoyage", est arrivé un peu en retard et ne se trouvait pas au "point de filtration" depuis le début ; c'est justement à ce moment que deux personnes ont disparu.

Ils ont sans doute été emmenés par les services secrets militaires, qui formellement ne disposent pas de lieu de détention légal. Malgré tout, de tels lieux existent, et en particulier à Khankala, la base principale des forces fédérales en Tchétchénie - mais comme ils sont absolument illégaux ils se trouvent également hors du contrôle du procureur. Dans les derniers mois des personnes "disparaissent" aussi des territoires voisins, et en particulier d'Ingouchie.

Voilà le troisième cas de "disparition", récent lui aussi - moins de trois semaines. Le 14 février 2002, vers 23.00, une douzaine d'hommes armés, cagoulés, en tenue de camouflage se sont introduits dans la maison 14 rue Zarechnaya, dans la ville de Karaboulak. Ils ont saisi et emmené Naïp Idigov qui vivait là après avoir été forcé de quitter la Tchétchénie. Ils sont arrivés en voiture UAZ et "Gazel" avec des plaques d'immatriculation tchéchène, et sont repartis dans la même direction.

Le lendemain, aux informations télévisées du soir sur la chaîne ORT il a été annoncé que "les forces fédérales, en résultat d'une opération menée sur le territoire de la République Tchétchéne, ont éliminé Naïp Idigov, commandant responsable de l'organisation d'actes terroristes". La famille d'Idigov s'est adressée à la procureure de la République Tchétchéne, mais on leur a répondu que puisqu'il avait été enlevé sur le territoire de l'Ingouchie, c'est là qu'il faut engager une action pénale.

Cet homme a "disparu" en particulier parce que la procureure de Tchétchénie n'agit formellement que sur le territoire de la République, alors que "l'Etat-major régional opérationnel pour l'opération contre-terroriste" agit aussi en dehors. C'est pour la même raison qu'ont disparu de nombreuses personnes arrêtées lors "d'opérations ciblées" en Ingouchie et emmenées en Tchétchénie.

Où ces gens disparaissent-ils ? Certaines fois ils sont retrouvés - avec des traces de torture et de mort violente. Voilà le quatrième épisode, que l'on pourrait dire "heureux" - l'homme a été retrouvé.

Il y a peu, sur le territoire d'un élévateur à la limite sud-ouest d'Argoun a été ouverte une fosse commune dans laquelle ont été retrouvés les dépouilles de trois personnes. L'un d'eux a pu être reconnu à sa jambe cassée et mal ressoudée ; c'est Abdoul-Vakhab Soulimovitch Iachourkaev, soixante ans, un habitant de la ville arrêté lors des "nettoyages" du 11 au 14 mars 2001 et qui avait ensuite "disparu". A cette époque avaient "disparu" après leur arrestation 11 personnes en tout; le 13 mars 2001, une fosse dans laquelle se trouvaient quatre des onze "disparus" d'Argoun avait été découverts sur le territoire de Khankala. La procureure a ouvert une affaire criminelle à propos de la découverte des corps avec des traces de mort violente.

Ensuite, les parents de Iachourkaev se sont adressés à différentes instances officielles, mais ils n'ont pu obtenir aucune information.

Tout de suite après les "nettoyages", en mars 2001, dans la ville d'Argoun couraient des bruits selon lesquels les corps des "disparus" étaient enterrés sur le territoire de l'élévateur - mais la fosse n'avait alors pas encore été découverte.

Une année après, les parents ont enfin obtenu que la présumée fosse commune soit ouverte - et Iachourkaev a été découvert ; le 3 mars 2002 sa dépouille a été remise à la famille. Six autres personnes arrêtées avec eux sont toujours portées disparues.

Mais les gens à Argoun continuent à disparaître. Voilà la cinquième disparition, celle de quatre jeunes personnes en mars de cette année.

Le samedi 2 mars, vers midi des militaires en voitures blindées ont saisi et emmené dans une direction inconnue quatre habitants d'Argoun : Apti Bargaev, Beslan Bekhaev, Chamil' Idrissov et Alikhan Mouzaev. Selon leur famille, trois d'entre eux ont été arrêtés à la maison ; Idrissov a été saisi au croisement près de sa maison. Les personnes arrêtées l'ont été par hasard, ce sont de fait les premières qui se soient trouvées là. Une heure après les familles ont envoyé des demandes écrites dans les différentes instances officielles - à l'administration de la ville, la kommandantur militaire, la procureure inter-régionale. Cependant, deux jours durant ils n'ont pu obtenir quasiment aucune information sur les personnes arrêtées. Les matin du 4 mars l'administration de la ville a appris par hasard que dans la cour de la kommandantur militaire se trouvaient quatre corps, portant des traces de balle. Les parents ont reconnu ceux qui avaient été arrêtés et avaient "disparus" deux jours auparavant. Selon la version des militaires, ce sont des combattants morts au combat dans la nuit du dimanche 3 mars au lundi. Tout cela est particulièrement étrange - et pas seulement à cause de la non-coïncidence des dates. Lors de leurs dernières heures ces personnes étaient ligotées : leurs poignets portent des marques de fil de fer faites lors de leur vivant - et avec les mains liées il est difficile de combattre. Mais il est encore possible que le commandement des forces fédérales nous serve un rapport victorieux sur cette "bataille".

Quant aux familles, on peut dire qu'elles ont eu une chance rare : les corps des personnes arrêtées et tuées leur ont été rendues le troisième jour. En tout près de 70 personnes sont portées disparues dans la ville d'Argoun depuis le début de la "deuxième guerre de Tchétchénie".

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Ces exemples des derniers jours montrent que les "disparitions" et les meurtres des personnes arrêtées ne peuvent être considérés comme des "problèmes périphériques", comme des "excès des exécutants". Derrière la façade du système officiel de détention, d'enquête et d'instruction existe un système de détention non officiel - sur les bases militaires etc ; le centre de ce système se trouve à Khankala, principale base militaire des forces fédérales. Dans ce système parallèle "d'enquête" les personnes arrêtées et "disparues" sont soumises à des tortures cruelles, entraînant une mort rapide, des exécutions sommaires sont commises ; la pratique de l'espionnage militaire et des spetsnaz se retrouve dans l'action

des forces de l'ordre. Il est évident que dans ce système non officiel l'enquête s'effrite, la violence est "privatisée". De fait, c'est au système d'instruction en tant qu'institution d'Etat qu'il est porté atteinte. Tout cela est devenu possible en raison de l'absence de contrôle sur les structures de force qui agissent en Tchétchénie. Les tentatives de la procureure d'établir un contrôle sur le déroulement des "opérations spéciales" et sur les lieux de détention provisoire se heurtent de fait à un sabotage. Mais c'est cette absence de contrôle qui a entraîné une évolution de l'action des services spéciaux, qui cherchent à obtenir non pas des résultats, mais l'imitation de résultats - comme dans les rapports sur "l'élimination du combattant Idigov" ou "la bataille de nuit près d'Argoun".

## **ANNEX 8**

### **A case of looting**

#### **Informations recueillies par la mission de FIDH, février 2002**

A M. le procureur de la région de Kourtchaloï,  
république de Tchétchénie, fédération de Russie,  
M. Gourtovy

De Khavani Lom-Alievna  
Rue Turko-Alieva  
Tsotsin-Yourt  
République de Tchétchénie

#### Déclaration

Le 2 janvier 2002 lors d'une opération de nettoyage je me trouvais près de mon poulailler, j'ai entendu du bruit et je me suis retournée, j'ai vu des militaires sur un véhicule blindé. Ils avaient ouvert le portail et avaient fait irruption dans la cour en hurlant des injures.

Ils ont ouvert la porte de ma maison et ont commencé à charger toutes nos affaires sur une camionnette "Oural". Lorsque je me suis approchée ils m'ont ordonnée de me coucher à terre, ce que j'ai fait. Après cela, ils ont tiré sur deux vaches. Puis ils ont pris notre voiture de marque "Jigouli". Avant de partir ils ont jeté une grenade dans la cave et tout ce qu'ils n'avaient pas emporté a brûlé. Avec une hache, ils ont coupé la tête de mes poules, ont rempli deux sacs d'une cinquantaine de poules et sont partis.

Ci-dessous la liste de ce qu'ils ont emporté

1. Une Servante
2. Une chiffonnière
3. Un canapé
4. Un réfrigérateur
5. Huit chaises
6. Deux tables
7. Deux fauteuils
8. Deux bacs à eau
9. Deux cuisinières à gaz
10. Cinq seaux
11. Deux lits
12. Vingt-trois draps
13. Deux couvertures
14. Une horloge
15. Deux chapeaux en fourrure de marmotte
16. Cinq oreillers
17. Un poste de télévision
18. Trois manteaux
19. Deux manteaux de fourrure
20. Deux foulards
21. Deux paires de chaussures
22. Deux costumes
23. Sept tapis
24. Quatre casseroles
25. Trois sacs de farine

Je vous demande instamment de faire le clair sur cette histoire.

Et je vous demande de faire tout ce qui est en votre pouvoir pour que nous soyons indemnisés de ce préjudice causé par les militaires. Respectueusement, le 19 janvier 2002.