



“MEMORIAL” Human Rights Center

DECEPTIVE JUSTICE

Situation on the investigation on crimes
against civilians committed by members
of the Federal Forces in the Chechen Republic
during military operations

1999—2003

(Updated in May 2003)

Moscow
2003

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List of Abridgements

VOVD: Provisional Department of Internal Affairs
IVS: Center of Provisional Detention
MIA: Ministry of Internal Affairs
MD: Ministry of Defense
OMON: Militia Regiment for Special Purpose
UN: United Nations
PACE: Parliamentary Assembly of the Council of Europe
HRC: Human Rights Center
ROVD: District Department of Internal Affairs
RSFSR: Russian Soviet Federative Socialist Republic
RF: Russian Federation
SOBR: Special Regiment of Urgent Actions
CC: Criminal Code
CPC: Criminal Procedure Code
FSB: Federal Security Services
CR: Chechen Republic

“The current human rights situation in the Chechen Republic is unacceptable. If a meaningful political process is to develop in the Republic, human rights violations must stop, and those guilty of past abuses must be brought to justice. The people of the Chechen Republic have a right to just to our pity, but also to our protection.”

(From the PACE Committee on legislation and Human Rights issues “the situation of Human Rights in the Chechen Republic” March 13 2003 written by Rudolf Bindig)

“<...>10. To ensure that those responsible for abuses are brought to justice, the Assembly:

iii. considers that, if the efforts to bring to justice those responsible for human rights abuses are not intensified, and the climate of impunity in the Chechen republic prevails, the international community should consider setting up an adhoc tribunal to try war crimes and crimes against humanity committed in the Chechen Republic; <...>”

(From the PACE resolution on “the situation of Human Rights in the Chechen Republic” I323, April, 2 2003)

1. Introduction

The stabilization of the situation in Chechnya and the establishing of normal relations between the population and the representatives of the Federal Authorities can not be possible without a serious and objective investigation on the various crimes committed against the civilian population of the republic by servicemen, members of both the Ministry of Internal Affairs and the special services.

In March 2000 during the meeting with both the PACE delegation (Parliamentary Assembly of the Council of Europe) and the Russian State Duma, V.V.Ustinov, the Procurator-General of Russia, assured the European deputies that *“no violation of Law and no violation of Human Rights will happen without an investigation from the Russian office of public prosecutor”*. He underlined that as far as the members of the office of public prosecutor were concerned, *“there is no difference on who violates the law, whether civilians, or servicemen”*.

Within three years, in February 2003, president V.V.Putin declared that in Chechnya, a system of police, courts and office of public prosecutor is well established and *“we will not cover those who committed crimes in the Chechen Republic, including servicemen of the Russian Army”*.

The officials of the RF usually provide statistics as a proof of the authenticity of such assertions:

- The number of criminal cases concerning crimes against civilians, committed in Chechnya by servicemen or policemen.
- The number of servicemen or policemen that were condemned for having committed crimes against local inhabitants.

However, these figures alone do not mean a lot.

The number of criminal cases must be compared with the real number of crimes committed by members of the federal forces. It is more important to know the number of criminal cases that have been investigated into, what were these crimes, on which stage the investigation of the most important crimes is carried out, i.e mass violation of Human Rights during “mopping up” operations, kidnapping people, torture and killings of the detained local inhabitant etc.

In order to estimate the efficiency of the work done by organs of investigation, we must take into account what were these sentences passed by the courts, and on which crimes had they been passed.

The Human Rights Center “Memorial” aimed at permanently following the real development of the investigation on crimes committed against civilians, prisoners, workers in medical institution etc, by both sides of the conflict during the armed conflict in the Chechen Republic.

This report was made by the Human Rights Center “Memorial”, it is based on a correspondence with the office of public prosecutor, on documents sent by the Russian party to the Parliamentary Assembly of the Council of Europe, on documents published by the Media, and on documents from the Human Rights Center “Memorial” monitoring.

This report deals with the situation in May 2003. In the beginning of June, according to the Main Military Prosecutor’s Office, the number of criminal cases brought against servicemen slightly increased, martial courts condemned two more servicemen. This fact does not change the global situation and does not affect the report’s conclusion.

2. Sentences of the servicemen who committed crimes against the inhabitants of the Chechen Republic

On March, 24 2003 live from the radio station “Echo of Moscow”, the Russian President’s assistant **S.V.Yastrzhembsky** informed that 50 Russian servicemen “serve a sentence” for the crimes they had committed in Chechnya against the local population.

On the same month, the General Military Procurator **A.N.Savenkov** also informed the journalists that “during antiterrorist operations in Northern Caucasus, 50 servicemen, including 7 officers have been condemned for various crimes against the local population.”

What are these figures alone worth?

Who are they? What crime did they commit? What sentences have been passed?

In September 2001¹, a similar information was published. In March 2002, the Human Rights Center “Memorial” obtained the same information from the authorities. However, this information was sent neither to the Human Rights Organizations, nor to the Russian deputies or to the PACE in answer to their inquiries. It was only in May that **S.A.Kovalev**, deputy of the State Duma and director of the Russian organization “Memorial” finally managed to get a detailed answer from the office of public prosecutor of the RF, signed by **S.N.Fridinsky** Deputy Procurator-General of the RF (see appendix 1).

The first reading provoked a chock. We began to understand why the authorities made such long time to give this information. It was also obvious that the high officials were cunning when they provided the statistics of the sentences passed by the courts.

At the end of April (the answer from the office of public prosecutor was written on April 25), martial courts have brought verdicts of guilty of crimes against inhabitants of the CR, to 51 servicemen, including 7 officers, 3 warrant officers, 22 soldiers and sergeants under contract (kontraktniki), and 19 conscript servicemen.

However, the majority of them do not “serve a sentence” as declared by S.V.Yastrzhembsky!

Only 19 servicemen were condemned to a real deprivation of liberty: from one year in colony² to eighteen years in a correctional colony with severe regime³. 12 servicemen were condemned to deprivation of liberty for killing (appendix 2; see also the article “How a soldier killed four Chechens” in the newspaper Kommersant dated July 13, 2001; and the article “Budanov’s Appeal” in Vremia MN dated July 11, 2002 on these crimes), 2 – for robbery, 1 – for hooliganism, 1 – for deliberate causing grave harm on health, 1 – for deliberate causing of death, 1 – for violation of the rules of use of arms, 1 – for violation of the driving military car rules.

For example, the sergeant-kontraktnik **Vladimir Andreev** was condemned to 18 years of

¹ Rossiskaya gazeta “Intoxicated by war” September, 20, 2001, answer from the General procurator to “Memorial”

² On August, 21 2000 when the military convoy moved to the city of Gudermes, Captain **L. shot A.D. Kosubaev**, who died from the mortal wound. The servicemen was found guilty of a crime, under the article 109 part 1 (causing death undeliberately) of the CC of the RF, and was condemned to serve one year in colony.

³ On December, 15 2000 in the village of Alkhan-Kala, the sergeant-kontraktnik **Dmitry Magonov** and the conscript-sergeant **Alexey Sukhanov** killed **Akhmet Ismailov**, 52, and his wife **Zinaida Ismailova**, 48, and their two daughters: **Fatima**, 20, and **Khoda**, 16.

The martial court brought in a verdict of guilty: **Magonov** – of crime under the articles 33 (complicity), 105 part 2 points “a,k,n” (killing under aggravating circumstances), 286 part 3 point “c” (abuse of power causing grave consequences) of the CC of the RF, and was condemned to 15 years of deprivation of liberty in a correctional prison with severe regime and to 2 years of privation of the rights to work in certain posts; **Sukhanov** – of crime under the articles 105 part 2 points “a, k, n”, 286 part 3 point “c” of the CC of the RF, and was condemned to 18 years of deprivation of liberty in a correctional prison with severe regime.

deprivation of liberty in a correctional prison with severe regime following the fact that on April, 15 2001 in the village of Dargo for hooligan motives (article 213 part 3 of the CC of the RF) killed (article 105 part 2 points “a, i” of the CC of the RF) two women. On the same night three drunk servicemen without leave, left for a village to look for vodka. Nobody gave them vodka. They then broke into the house of a local female inhabitant **N.D.Talalaeva**. She began to shout that she did not have vodka and ran out of her house. The sergeant shot her. She fell and called for help. Her neighbor **Khatimat Nazaeva** jump out in the street and dragged the wounded woman in her house. The sergeant followed them in the house and killed the both of them.

The conscript sergeant **Anosov** was condemned to 12 years of deprivation of liberty in a correctional prison with severe regime following the fact that on January, 22 2001, in Grozny, he killed (art.105 part 1 of the CC of the RF) a local inhabitant and his colleague, and wounded as well two local people. On the same day, a drunk sergeant and his drunk colleague opened an indiscriminate shooting in the streets of the city and exploded several grenades. As a result, passing people were wounded as well as one of the drunk servicemen.

The media dealt with these Russian sentences as a proof of the fact that people guilty of crimes against civilians of Chechnya do not escape the severe but fair punishment.

However, nobody wrote, or knew that the absolute majority of condemnations against servicemen was purely symbolic.

The criminal cases concerning three servicemen were closed by order of the court, following an amnesty act⁴.

24 persons were condemned to various periods of deprivation of liberty, and put on probation.

3 servicemen were condemned to a “restriction on military service”.

2 other servicemen were condemned to pay a fine.

For example, the Deputy Procurator-General of the RF, **S.N.Fridinsky** declared that:

*“On June,6 2001, during the carrying of a special operation in the settlement of Kurchaloy, captain **O.** arrested two members of the local office of public prosecutor, they were illegally detained for 40 minutes. On the same day, the mentioned serviceman killed a local citizen **U.A Khatkhanov**.*

The martial court brought in a verdict of guilty of crime under the article 286 part 3 points “a, b” of the CC of the RF [abuse of power with the use of force, arms or special means], the serviceman was condemned to pay a fine equal to 50 minimum wages [nearly 500 US dollars].”

In June 2001, in the Kurchaloyevsky region “mopping up” operations were carried out in settlements, accompanied with a mass use of force against civilians: robberies, beating and use of torture against hundreds of detainees, several of them disappeared or were killed. The servicemen deliberately did not follow the order from the Command of the Union of troops’ units in Northern Caucasus, General **V.I.Moltenskoy**, on the necessity of cooperating with both the office of public prosecutor and the local administration during “mopping up” operation. Dozens of complaints from local inhabitants were sent to the

⁴ The first case concerns a killing of the citizen **Sh.Murzaev** in the settlement of *Starotchedrinskaya*, under an excess of necessary defense bounds; the second – grave harm to the health of the citizen **A.Khizirova** in the village of *Bachi-Yurt*; the third case concerns the shooting in the village of *Prigodny*, as a result of which the shooter’s colleague was accidentally killed.

office of public prosecutor, which was forced to treat them as criminal cases. Officials (**V.Kazantsev**, Representative Plenipotentiary of the President of the RF in Southern region of the Federation, **V.Dakhnov**, procurator of the CR, **A.Kadyrov**, chairman of the Chechen administration, **S.Iliasov**, chairman of the government of the CR, etc...) made a declaration on this issue (see appendix 5,6,7,8,9).

The Human Rights Center “Memorial” made a report on these events (see appendix 10).

Thus, two years later, the investigation into the absolute majority of criminal cases was closed for “non-representation of persons subjected to prosecution” (article 195 part 3 point 1 of the Criminal Procedure Code of the RSFSR or part 1 point 1 of the CPC of the RF)⁵. Captain **O.**, who was prevented from jeering at local inhabitants, delayed members of the office of public prosecutor without superfluous ceremonies and was “condemned” to the payment of a fine. All the accused had the same sentence: nobody was condemned for killing, use of torture, robbery or for the disappearance of detainees.

After this kind of sentence, the servicemen, who ignored the order on the necessity of cooperating with the office of public prosecutor during special operations, will hardly respect the cooperation with this institution.

Let us give another example of a symbolic sentence to a real and violent crime. In Chechnya, the practice of illegal detention is widely spread: local people are conveyed to military unit bases, where they are subjected to torture and beating in order to make them confess that they help rebel fighters or to get such testimonies on other people. The soldiers, policemen or members of the FSB guilty of such criminal practices, almost always get away from responsibility. However, a first sentence was passed:

*“On February 4 2001 the citizens **R.V.Sataev** and **R.V.Mogamedov** were beaten during a long time by the warrant officer **Ch.** and the junior sergeant **M.** in a barrack room.*

The martial court passed a verdict of guilty of crime under the article 286 part 3 point “a” of the CC of the RF [abuse of power with use of force] and each servicemen was condemned to three years of deprivation of liberty on probation of two years.”

Attention is to be drawn not only to the “conditional” aspect of the punishment, but also to the fact that the servicemen were not charged with the use of torture. The article 117 of the CC of the RF (“Torture”) qualifies this act as follows:

“Physical or psychological suffering through a systematical beating or through other violent means...”

The part 2 of this article makes provision for aggravating circumstances:

“The same act, committed:

a) against two or more persons

b) by a group of persons in preliminary agreement or by an organized group.

<...>”

However, to the martial court, the beating of two citizens during a long period of time, captured by servicemen was only an “abuse of power”!

⁵ The Criminal Procedure Code of the RF was carried into effect on December, 18 2001. Before, the CPC of the RSFSR acted on the territory of Russia.

Another consternation concerns two sentences passed on two rapes. The first crime was directly committed in the General Russian Military Base in Chechnya.

*“On March 10 2001 in the settlement of Khankala the warrant officer **Ch.** raped the female citizen **I.A.Ivchenko** in the barrack of the military unit lodging.*

The martial court passed a verdict of guilty of crime under the article 131 part 1 of the CC of the RF [Rape], the servicemen was condemned to four years of deprivation of liberty, and was suspended for five years.”

The second crime was committed during a “mopping up” operation. Such crimes in the current Chechnya are unfortunately not uncommon. The difference is that this criminal case was brought before court⁶. However the serviceman (who represents the Russian State during special operations) that robbed and raped a local woman, was condemned to just a symbolic punishment.

*“On August, 29 2001 in the settlement of Shali during a special operation, the conscript serviceman **O.** openly robbed the belongings from the house of the **Dambaevs** worth 1500 rubles and raped the female citizen **A.R.Dambaeva**.*

*The martial court passed a verdict of guilty of crime under the article 131 part 1 [Rape] and article 161 part 2 points “d, e” [Robbery with use of force, harmless to life and health, causing a significant damage] of the CC of the RF, the serviceman **O.** was condemned to 5 years of deprivation of liberty on probation of five years.”*

The servicemen who committed robberies, extortion, massacre, theft, deliberate destruction of belongings, hooliganism resulted in death, were also sentenced with a symbolic conditional punishment on the basis of criminal negligence or violation of the driving car rule.

Moreover, offices of investigation and courts sometimes qualify the servicemen actions in a strange way.

For example, according to “Memorial”’s information, on December, 22 2000 in the mountainous village of Redukhoi, a group of Russian servicemen went near the house of a local female inhabitant **Masani Shakhguriyeva**, 65, an alcoholic drink seller. The servicemen called her from the street and told her: “The chief ordered to give Vodka!”. When the woman said that she did not have vodka at that moment, one of the servicemen turned out a burst of sub-machine-gun fire in her feet. The neighbours arrived and took the wounded woman to the Russian military unit located in the village, she was given medical care.

The court qualified this event as “a violation of the rule of the use of weapons” and condemned the soldier **Ts.** to six months of restriction of military service!⁷

⁶ Documents on the procurator’ examinations on such cases sometimes amaze of their cynicism. Thus, following the refusal of initiating the criminal case on the attempt of rape during two “mopping up” operations in one of the villages of Chechnya, the procurator of the CR declared to the H.R.C “Memorial”:

“After a detailed examination of the declaration about the attempt of rape upon female inhabitants of the village, the facts are not established. According to the explanations of A., B., C., D. [we do not give the victims’ names] the servicemen proposed them to have sexual intercourse and expressed it without any censure, they took their hands and stroked their bodies. In their explanations, they denied the use of force by the servicemen in order to reach their goals”.

⁷ During six months this soldier will not be able to get the rank of corporal or junior sergeant.

3. Sentences of the policemen who committed crimes against the inhabitants of the Chechen Republic

To the inquiry sent by the deputy **S.A.Kovaliov**, **S.N.Fridinskij**, Deputy Procurator-General of the RF answered (see appendix 1) that at the end of April 2003, “the court was examining 7 criminal cases concerning 17 policemen”.

After this answer, a sentence was passed on 7 criminal cases concerning only 16 policemen.

1 of them was discharged.

1 had his case “closed because of a change of situation”⁸.

10 policemen were condemned to different periods of deprivation of liberty and put on probation.

Only 4 policemen were condemned to various periods of deprivation of liberty in correctional prisons. However, the four of the convicted policemen were released in the courtroom, since the sentence corresponded to the period they passed under guard during the preliminary investigation. These four policemen were guilty of robbery of sheepfold belonging to the State, during their official journey trip from the Republic of Dagestan to Chechnya, and of damage of more than one-million ruble damage (more than 33 million US dollars) to the citizen.

The policemen were condemned to a symbolic conditional punishment for killing, misuse and abuse of power, for fraud, corruption, hooliganism, and for causing grave harm to health undeliberately.

Let us see two examples of answer from the Deputy Procurator-General:

*“21.08.2000 in the central market of Gudermes, **P.**, the commander of the group of the PPC of the Oktiabrskij POVD, killed citizen **Dakaev** during a quarrel.*

*The Rostov regional court passed a verdict of guilty of crime under the article 105 part 1 [killing] and 286 part 3 [abuse of power with use of force and arms, causing grave consequences] of the CC of the RF, **P.** was condemned to six years of deprivation of liberty on probation of five years.”*

*“07.12.2002, policeman driver of the Vedenskij ROVD, **D.** being in a drunken state in a public place of Grozny, started to shoot with his staff gun and caused bullet wounds of various level of gravity to the local inhabitants **Khachukayev A.A.** and **Musayev M.B.***

*The Leninsky district court of Grozny, passed a verdict of guilty of crime under the articles 118 part 1 [causing grave harm to health undeliberately] and 213 part 3 [hooliganism, committed with the use of weapons] of the CC of the RF, **D.** was condemned to 4 years and 6 months of deprivation of liberty on probation of two years.”*

In March 2003, during a press conference⁹ a similar sentence, the Deputy Procurator-General **S.N.Fridinsky** proudly declared:

⁸ 12.06.2001 in the village of *Alkhan-Kala*, policeman **A.** from the separate battalion of the escort service of the Internal Affairs Administration of the city of Saratov, was quarrelling and shooting, he thus reached a local female inhabitant **Z.M.Gaerbekova**, who died from the wounding on her way to the hospital.

The Sterpnovsky district court of the *Stravopol* region, re-qualified the accused **A.**’s action under the article 111 part 4 (premeditation of causing grave harm to health, leading to death) of the CC of the RF to have been prosecuted under article 109 part 1 (causing death undeliberately) of the CC of the RF, after which the criminal prosecution against **A.** was closed because of change of situation.

⁹ The press conference took place in the offices of the agency “Interfax-South” in Rostov-na-Donu on March, 28 2003.

“A month ago a verdict of guilty was passed concerning three officials — one colonel and two policemen majors, who unreliably made their official duties in a way that entailed a violation of citizen rights during the carrying of special measures in the settlements of Assinovskaya and Sernovodsk that had large public resonance.

Thus, law enforcement agencies de facto showed that — first, the work of investigation of crimes committed in the past years continues, and second, not only the soldiers are responsible for all.”

However, Mr. **Fridinsky**, as usual passed over in silence that the policemen were sentenced to a conditional punishment.

Colonel **Galiamin** and the major **Vasiliev** were found guilty of abuse of power (article 286 part 1 of the CC of the RF) and were correspondingly condemned to 1,5 year and 1 year of conditional deprivation of liberty. The major (or colonel according to other information) **Mostovoy** was condemned for abuse of power (article 286 prt1 of the CC of the RF) and for fraud (article 159 of the CC of the RF) to one year and six months of conditional deprivation of liberty.

During his press conference, the Deputy Procurator General was completely right to notice that the violations of Human Rights during the “mopping up” operations carried out in Sernovodsk and in Assinovskaya “had had a large public resonance”.

At the beginning of July 2001, the “mopping up” operations in these villages were accompanied with mass detentions of local residents, robberies, beatings, torture, killings and disappearances. Even the heads of the administration of the villages and local policemen were detained and beaten. The authorities could not prevent the publicity of these events and lots of Media described the horror of the “mopping up” operations, based on the testimonies of refugees from the villages and on the documents of Human Rights organizations (see appendix 11 on “Memorial”’s information).

A scandal broke out. The administration and the government of the Chechen Republic had to protest against the illegal actions of the Federal forces. The representatives of the United troops’ force admitted that “the servicemen, under the influence of emotional factors, may have committed certain violations”. The office of public prosecutor treated the criminal cases concerning these violations. And various officials made a declaration on the events (see appendices 4, 5, 6, 7, 9, 12, 13).

On July, 25 the Procurator General of the RF **V.Istinov** issued Order N.46, which began as follows:

“On July 3–4 2001, during an anti-terrorist operation in the settlements of Assinovskaya and Sernovodsk - Chechen Republic, the members and servicemen of the united troop force sub-unit carried out a control of citizens’ registration in their place of residence or sojourn.

After the control, many appeals were sent to the office of public prosecutor concerning the illegal detentions of inhabitants, the use of force against civilians and other violations of human rights and freedoms, which constituted the basis of initiation of series of criminal cases.

This situation witnesses that the office of public prosecutor of the Chechen Republic and the territorial and military procurators had not get a rigorous observance of the

established order on the control of citizens' registration on their place of residence or sojourn and on the detection or removal of weapons, ammunitions, explosives, or drugs."

One year and six months later, three officers were condemned to a conditional punishment. There is still no guilty of beating or robbery, still no guilty of the disappearance of detainees. We still do not know what happened to **Apti Isigov** and **Zelimkhan Umkhanov**, who had been arrested by members of the Federal forces after which they disappeared. The investigation on this criminal case was suspended because of the "non-representation of persons subjected to be guilty of a perpetration of crime".

4. Investigation of criminal cases by the office of public prosecutor

According to the Russian legislation, the criminal cases concerning crimes committed by servicemen (MO, VV MVD, or frontier guards) are investigated by the offices of military prosecutor that is under the command of the Main Military Prosecutor. The general office of military prosecutor, although being under the command of the General office of public prosecutor of the RF, has for several reasons close contacts with the military leadership. Only members of the office of military prosecutor can carry out an investigation on servicemen.

The crimes committed by policemen (OMON, SOBR etc) on official journey from different regions of Russia to Chechnya, as well as members of the Chechen police, are investigated by the territorial (civil) office of public prosecutor of the Chechen Republic.

We have to acknowledge that the reports of the office of public prosecutor show completely different approaches to the investigation of crimes on the basis of whether they had been committed by members of the Federal forces, or by rebel fighters.

Obviously, the information on the great number of criminal cases concerning rebel fighters' aggressions on members of the Federal forces or on civilian inhabitants, remains closed. Living in conditions of a continuing guerrilla, the offices of public prosecutor are facing lots of problem including dangerous threats for the lives of the members of the office of public prosecutor¹⁰. Therefore the office of public prosecutor quickly deals with the criminal the cases concerning crimes committed by rebel fighters and strives for an efficient investigation¹¹.

For example, it took a little beat more than a year to arrest, identify and even bring to trial the rebel fighters that destroyed the Perm OMON regiment at the end of March – beginning of April 2000.

On February, 27 2003 the Procurator of the CR **V.V.Kravchenko** declared that the case concerning the destruction of Russian military helicopters in August-October 2002, and the

¹⁰ During the "second Chechen war" 10 members of the office of public prosecutor died, and 25 were wounded in Chechnya.

¹¹ This theme – investigation into crimes committed by members of armed groups of the CR – is not dealt in this report. We notice that the reports of the office of public prosecutor show the striving for demonstrating the results but do not really establish the truth. In the Chechen Republic, all the defects of the Russian investigation system are strained: whether they do not accept to investigate on crimes committed by a certain category of persons, or "open" the case of another category of persons, by all means such as "careless" examination of documents, or the use of "unlawful methods" against people under investigation etc... But, we repeat, this report deals with another theme.

case concerning the killing of the general lieutenant **Shifrin** committed on November, 15 2002, were completely disclosed¹².

On March, 10 2003 the Deputy Procurator-General of the RF **S.N.Fridinsky** declared that the office of public prosecutor established the identities of both the executors and organizers of the explosion of the Chechen government buildings in Grozny on December, 27 2002. Three persons were arrested, two of them gave useful testimonies. Several other persons that participated in the terrorist attack are under investigation¹³.

If we look at the investigations of criminal cases under article 208 of the CC of the RF, with which the rebel fighters are usually charged – (organisation of or participation in an illegal armed group), it results that:

- In 2000, in the CR, 325 criminal cases had been investigated under this article – the investigations on 143 criminal cases have finished, and 3 were suspended “for non identification of persons subjected to prosecution” article 208;
- In 2001, in the CR, 311 criminal cases had been investigated under this article – the investigations on 112 criminal cases have finished, and 5 were suspended for “non identification of persons subjected to prosecution”
- In 2002, in the CR, 322 criminal cases had been investigated under this article – the investigations on 170 criminal cases have finished, and 11 were suspended for “non identification of persons subjected to prosecution”¹⁴.

In 2002, according to the Prosecutor of the CR, investigators of the office of public prosecutor of Grozny brought 69 criminal cases to court, concerning 110 rebel fighters, who committed grave crimes, including 61 premeditated murders of civilian citizens¹⁵.

The reaction to complaints of crimes committed by servicemen or policemen is completely different.

In 1999-2000, for several months the office of public prosecutor did not make any answer to such complaints from citizens. The same office of public prosecutor violated the law since the Criminal Procedure Code establishes clear periods for the carrying of the first examination and for the adoption of a decision on the application for initiation of the criminal case: three days after the receiving of the declaration, and in exceptional cases – no more than ten days. As a result of a long correspondence with the office of public prosecutor and with the help of deputies of the State Duma, representatives of Human Rights Organizations finally managed to obtain the information on the investigation of criminal cases.

Since the beginning of 2001, the situation has changed. The office of public prosecutor began to treat the citizens' complaints on criminal cases. This was due to the pressure put by international organizations: the Council of Europe, the OSCE and the UN.

However, the treatment of criminal cases does not at all mean that there will be investigations into these crimes either that the guilty persons will be sentenced.

For several years, the office of public prosecutor could not hold anyone responsible for the perpetration of mass assassinations of civilian citizens during “mopping up” operations

¹² Interview of the Prosecutor of the CR **V.V.Kravchenko** to the correspondent of Strana.ru on February, 27 2003.

¹³ Information from Interfax Agency.

¹⁴ From the answer n. 34/4-37, sent on February 6 2003 by **V.I.Kravchenko**, Deputy director of the GIT of the Ministry of Internal Affairs of the RF, to the deputy of the State Duma **V.V.Igrunov**.

¹⁵ Declaration of the Procurer of the CR **V.V.Kravchenko** to the journalists of Interfax –AVN on February 14 2003.

in the village of Novie Aldi (February 2000) in the Staropromislovskij region of Grozny (January-February 2000) and in the village of Alkhan Yurt (December 1999). In general, the overwhelming majority of the of crimes committed by members of the Federal forces during “mopping up” operations, remains unpunished.

*“21.05.2002 in the village of Mesker-Yurt, during a special operation **Islam Abdulaevich Ortsuyev**, born 1980, was taken from his house on 157, Lenin Street by unidentified persons wearing camouflage clothes, to a filtration center to control his identity papers, he then disappeared. Following this fact, the office of public prosecutor of the Shalinskij district a criminal case under the article 126 part 2 of the CC of the RF [kidnapping a person].”*

This quotation is extracted from the answer of the office of public prosecutor of the CR¹⁶ to “Memorial”’s inquiry (see appendix 14). On the same day, lots of local people were kidnapped from their house, in the same way, during “mopping up” operations. However, no servicemen or policemen were held responsible for these crimes. The rebel fighters do not at all operate in the villages, they rather hide themselves in mountains or forests. According to the office of public prosecutor, it is impossible to know who carried off the detainees to the filtration center, or to know what happened in this center. Although there is a General, who is responsible for the carrying of the special operation; although there are specific subdivisions, responsible for the “mopping up” of certain zones of the settlement; although there is a documentation on the carrying of the “mopping up” operation; despite all these facts, it remains impossible neither to find the persons guilty of the perpetration of concrete crimes, nor to establish at least an extent of guilt against the command.

A similar situation occurred with the investigation into the majority of criminal cases concerning crimes committed by servicemen and policemen during “mopping up” operations in the cities and villages of the Chechen Republic¹⁷.

Here is another typical example of “investigation” into crimes committed during a “mopping up” operation in 2003.

On January, 8 2003, early in the morning, in Argun, servicemen of the Federal forces of the military base of Khankala, began a “mopping up” operation accompanied with robberies and massacres. Bursting into a house, the servicemen threw out people from their beds and without letting them put their clothes on, carried them off. The detainees were subject to torture in the open pit located between Argun and Khankala. Detainees’ relatives found two exploded people in the open pit. Thanks to the residue of clothes, only one corpse could be identified. It was **Almazor Majitovich Ortsukhaev**, 36, inhabitant of Argun living on 12, Sheripova Street, who had been arrested by servicemen on January, 8 in the morning. During his detention, Ortsuev had his leg injured.

The military Prosecutor, **Alisher Sabitov**, who was in the thirty fourth brigade unit that operates with the VV of the Ministry of Internal Affairs of the RF and that was part of

¹⁶ Answer to the inquiry 15/39-1336-02 by **A.A. Tyumentsev**, head of the department of the prosecutor’s office of the CR on surveillance of investigation on crimes by the office of public prosecutor - July 14 2002.

¹⁷ The Human Rights Center “Memorial” makes correspondence with the office of public prosecutor on the investigations on crimes committed during the various “mopping up” operations in 2000-2003 in the cities of: Grozny, Argun, Urus-Martan, the villages of Chernoreche, Avtury, Alkhazurovo, Alkhan-Kala, Alkhan-Yurt, Bachi-Yurt, Galsan-Chu, Gueldagana, Gekhi, Kurchaloy, Mairtup, Mesker-Iurt, Noviye Aldy, Proletarskoye, Stariye Atagi, Turpi-Khutor, Tsa-Vedeno, Tsotsin-Yurt, Chiri-Yurt, Chechen-Aul, Shaami-Yurt, Shuani.

the cordon during the “mopping up” operation, did not accept any application from the kidnapped people’s relatives.

As a result of the mass protests from the inhabitants of Argun, local and republican authorities were compelled to intervene in the situation. On January, 15 the servicemen released nearly all the detainees. All of them had been awfully beaten and needed an urgent medical care. However, the detainee **Azamat Vakhievich Aliev** disappeared and what happened to him until now is not known.

Khoj-Akhmed Aslanbekovich Salataev had been detained during a special operation, he died soon after his remission.

Here one of the answers from the office of public prosecutor of the Chechen Republic to “Memorial”’s inquiry concerning the investigation into crimes committed during the “mopping up” operation of Argun:

“To your inquiry about the detention in Argun – Chechen Republic, of Ortsukhayev Almazor and his assassination, I inform that on 13-01-03 the office of public prosecutor of Argun CR initiated the criminal case 26002 concerning the kidnapping of Ortsukhaev A. on 08-01-03, on the basis of crime committed under the article 126 part 2 of the CC of the RF [kidnapping under aggravating circumstances].

On 13.04.03, the preliminary investigation of the criminal case was suspended on the basis of the article 208 part 1 point 1 of the CPC of the RF [persons subjected to prosecution shall not be represented].

Concerning the case on the discovery on 08-01-03 on the territory of the Groznenskiy region CR, of neat remains of a dead body which was identified by relatives as being Ortsuev A., the office of public prosecutor on 11.01.03 initiated the criminal case 42 002 on the basis of crime under the article 105 part 2 of the CC of the RF [assassination under aggravating circumstances].

On 11.03.03, the investigation of the case was stopped under the article 208 part 1 point 1 of the CPC of the RF.”¹⁸

There are still no investigations of the case of the discovery of dead bodies with traces of torture and violent death.

For example, until now, there is no identification of the criminals who killed 51 persons, whose bodies were found in the ruins of a suburban settlement next to the Russian military base in the village of Khankala, at the end of February-beginning of March 2001. The dead bodies had traces of both bullet and stab wounds. Some bodies had their ears cut. Many bodies had their hands tied and their faces tied with kerchiefs or eyes blindfolded. It is obvious that all these people had been victims of unlawful executions. Moreover, there are many witnesses who know that at least a part of these people had been, at different moments arrested in different settlements of Chechnya by servicemen or policemen¹⁹. The criminal case no.21037 is under the investigation of the office of public prosecutor of Chechen

¹⁸ Answer to **A.N.Majidov**, head of the department on the examination of the investigations on crimes by the office of the public prosecutor of the CR, 15/39-624-03 May, 19 2003.

¹⁹ See “Memorial”’s report “People that had been detained by members of the Federal forces, became victims of unlawful executions” March, 26 2001 (<http://www.memo.ru/hr/hotpoints/N-Caucas/hankala/pres1903.htm>).

The HR “Memorial” is aware of the identification of 17 bodies among the dead ones found in the suburban settlement of Khankala, they are people’s bodies that had been detained by members of the Federal forces before being killed.

Republic. Representatives of the office of public prosecutor made various declarations on this mass burial. In November 2001 the prosecutor of the CR **V.V.Chernov** informed the representative of the Human Rights Center “Memorial” **A.V.Cherkasov**, that three women and one man²⁰, whose bodies were found among the others in the suburban settlement, had been arrested by members of the federal forces during their ambush into one apartment in Grozny. However, until now, no serviceman or policeman has been held responsible for these crimes.

The investigation of another similar case was closed for “non-identification of persons subjected to persecution”. On March, 13 2001 on the territory of the Federal force military base in the village of Khankala, a burial was found. It contained 4 bodies²¹ of the 11 inhabitants that had been arrested on March, 11 2001 in Argun during a “mopping up” operation, after which they disappeared. The office of military prosecutor (in the military regiment no.20102) initiated the criminal case no.14/33/0132-01, concerning the killing of these four people.

On May, 28 2001 the HRC “Memorial”’s member, **A.V.Cherkasov**, was interrogated as witness on this case, by the assistant of the military prosecutor of the military regiment no.20102, **V.Iu.Zimin**. Following the article published in the newspaper “Versia” based on “Memorial”’s documents on the missing people that were detained in Argun, a member of the military office of public prosecutor came to “Memorial”.

All the documents gathered by “Memorial” were added to the protocol interrogation of **Cherkasov**. However, six months later, during the interrogation of Cherkasov by another member of the office of military prosecutor (who replaced **Zemin**), that was in charge, among many others, of the same criminal case, the prosecutor was not aware of “Memorial”’s documents that were supposed to be joined to the case 6 months earlier.

At the beginning of 2002 the investigation of this criminal case was suspended.

A similar situation occurred with the investigation into the killings of people whose bodies were found in many other burials.

There was no punishment for the persons guilty of the assault of artillery and bombing raid in 1999-2000 on settlements of civilian people and on roads on which refugees were moving. The criminal cases of the absolute majority of such crimes are not even initiated. There are several exceptions following the fact that many victims lodged applications with the European Court on Human Rights. It was only after the communication of the applications by the Court²² that all the criminal cases were examined. However, the criminal case concerning the firing on February, 4 2000 of the village of *Katyr-Yurt*, which caused a great number of victims among the civilian population, was dropped by the office of military prosecutor “for the lack of *corpus delicti*”. According to the office of military prosecutor, the death of the inhabitants

²⁰ **Raisa Gakaeva, Nura Lulueva, Zavalu Tazurkaev and Aset Elbuzdukaeva.**

²¹ **Batsiev Muslim Umarovich, Gairbekov Aiub Bibulatovich, Tovzarkhanov Abdul-Malik Gazalievich, Khutiev Ismail Musosovich.**

²² The stage of the complaint’s communication comes after its registration in the European Court on Human Rights and its first examination by one of the Court’s section. If there are enough stated facts in the complaint, the Court will communicate it to the representative of the Respondent State. Moreover, the Government’s Agent is ordered to present to the Court his objection on the merits and on the admissibility of the complaint.

of the village “resulted from the absolute necessity of the use of force”, since the village was occupied by rebel fighters’ detached forces that fired on the Federal forces positions²³.

The criminal case concerning the shelling by the military aviation, on the column of refugees in their way to the village of *Shaami-Yurt*, was closed by the office of military prosecutor “for absence of *corpus delicti* in the actions of the pilots of the planes”.

A sole sentence was passed against the colonel **P.** for an artillery raid on a settlement.

“On April 16 2002, in the settlement of Gargachi – Shatoiskij district of the CR, lieutenant colonel P. committed a mistake in the targeting of a goal on the observation post of illegal armed units and stroke an artillery raid, as a result of which the explosion of the mortar shell killed two minors: Kasaeva E.M and Kasaev Kh.M., one minor Kasaev A.M, was seriously wounded.

The martial court passed a verdict of guilty of perpetration of crime under the article 293 part 2 of the CC of the RF [criminal negligence], P. was condemned to 4 years of deprivation of liberty on probation of one year.”

Although there are many examples of artillery raids on settlements of the Chechen Republic in 2001-2003, this bringing a criminal case to court remains unique. All the other criminal cases were closed on the investigation stage either because of “the lack of *corpus delicti*” or because of the “non-representation of persons subject to prosecution”.

In Chechnya, people disappear. During the “antiterrorist operation” (since October 1999) in the Chechen Republic, 1178 criminal cases concerning the disappearance of 1663 citizens were initiated. Only in 2002, 565 cases concerning the kidnapping of 738 persons were opened²⁴.

We have to note that the majority of the kidnappings in the Chechen Republic in 1999-2003 were committed by members of the Federal forces. This is proved by the circumstances of these kinds of crimes: the criminals used armored troop carriers and military trucks. They openly operate during curfews²⁵, freely go through checkpoints etc. Officials are actually aware of this fact. Thus, at the beginning of March 2003 in Grozny, during a private session of military and security administrations of the CR, **V.V.Kravchenko**, prosecutor of the CR, distributed his report, in which it is said that:

²³ It is important to underline that the command of the Russian troops consciously let the Chechen rebel fighters pass into the village. In December 1999-January 2000, the Russian troops blocked in Grozny a Chechen rebel fighter’s detachment that defended the city. There was heavy fighting in the city.

At the end of January, the command of the Federal forces carried out secretly a special operation to entice the rebel fighters from Grozny. An unreliable information reached the Chechen commanders, according to which the rebel fighters might be able to pay Russian servicemen for a secure departure from Grozny to the mountains, through a definite itinerary that lies across series of villages. At the beginning of February, those who paid for the corridor began to go out of Grozny. However, land mines had been prepared in this passage against the rebel fighters. The Federal artillery and aviation shelled the villages of the appointed itinerary. The Chechen detached forces had significant losses, but there were more victims among the civilian population. *Karty-Yurt* was on this “itinerary of death” drawn by the generals: on February, 4 2000 the village was deliberately shelled with indiscriminate weapons, reactive systems of salvo fire “Grad” and “Uragan” and with heavy flame-thrower systems TOS-1 “Buratino” that fire by vacuum ammunitions.

In autumn 1999, this village was declared “Zone of security” by the Russian command. Refugees that lived in other regions of Chechnya, in which hostilities had began, moved to this village.

²⁴ Interview of the prosecutor of the CR **V.V.Kravchenko** to the correspondent of Strana.ru on February 27 2003.

²⁵ Officially, there are no curfews in the Chechen Republic, however, there is a “restriction of transport and people circulation during an appointed period of the day”.

“...in 2002, out of the total number of 565 criminal cases initiated by the offices of public prosecutor, nearly 300 criminal cases include facts of the participation of members of the Federal forces in the citizens disappearances”.²⁶

The Head of the Administration of the Chechen Republic, **Akhmed Kadirov** also spoke of this during an interview with the radio station “Echo of Moscow” on March 26 2003:

“...The journalist: The Human Rights Center “Memorial” has recently published its report, in which it is said that one of the main problems linked to security in Chechnya concerns the mass cases of kidnappings. There are some “squadrons of death” that burst into houses and kidnap people. Who are they? How much serious this problem is?

A.Kadirov: This is a very serious problem, and it is a very serious question. In order not to look for who did this among various structures: FSB, the Ministry of Internal Affairs or the Ministry of Defense, only one structure has to work: the FSB.

The journalist: That is to say that these are operations carried out by the Federal forces?

A.Kadirov: Unfortunately, in December and January, these were precisely carried out by people driving APCs and “Urali” [motor trucks]. I think that today, Bassaev does not drive APCs...”

Nevertheless, only 2 criminal cases on the kidnappings of citizens by the Federal forces, had been investigated by the offices of public prosecutor. However, in both cases, the office of public prosecutor does not charge the guilty persons with the article 126 of the CC of the RF [Kidnapping]:

- The court examined the case concerning the charge of the colonel **Iu.D.Budanov** with the assassination of the girl **Elza Kungaeva** who was illegally taken by force from her house, and deprived of liberty; the office of public prosecutor did not charge the colonel with kidnapping.
- The case 18004 was brought to court, it deals with the detention and the disappearance of **Z.A.Murdalov** carried out by the members of the Oktiabrskij VOVD²⁷ in Grozny. The criminal case was initiated under the article 126 of the CC of the RF. However, during the investigation, the accusation was re-qualified and now there is only one guilty: the police officer of the autonomous neighborhood of Khanti-Mansiyskij, **S.V.Lapin**, who was charged with the article 286 part 3 point “a, b” [abuse of power, leading to a violation of rights and legal interests of citizens, with use of force or threat of use of force], article 111 part 3 point “a” [causing deliberate grave harm to health, harmful to life, committed by a group of persons in preliminary agreement], and article 292 [official forgery] of the CC of the RF (see appendix 15).

This second case has distinctive peculiarities:

- First, the Oktiabrskij VOVD of Grozny happens to be completely composed of “un-established persons”. The investigation could not establish the majority of

²⁶ “Nezavissimaya Gazeta”. The scandalous declaration of the procurer of the republic. S.Ofitova, M.Glikin. April, 16 2003.

²⁷ VOVD: Temporary Department of Internal Affairs - one of the structures of the Ministry of Internal Affairs of the RF that operates in the Chechen Republic as a regional department of internal affairs. The VOVD is exclusively composed of members of the Ministry of Internal Affairs that operate from various regions of Chechnya.

Lapin's accomplices, guilty of tough beating against the detainee and of falsification of the documents on his supposedly remission. However, the investigation usually establishes the accomplices of the arrested members of guerrilla detachments (illegal armed groups).

- Second, the only established **Lapin's** accomplice, guilty of falsification of the signature of the disappeared detainee **Z.Murdalov**, get away from responsibility following the loss of a significant part of the criminal case.

Totally, 3/4 of the criminal cases concerning the article 126 of the CC of the RF, which prove the participation of members of the Federal forces in the perpetration of crimes in the Chechen Republic, were suspended "because of the impossibility of identifying persons subjected to prosecution"²⁸.

However, 30 cases concerning the charge with kidnappings by members of illegal armed groups, were already brought into court, dozens of persons were made answerable for these crimes²⁹.

The offices of public prosecutor find thus easier to investigate on criminal cases concerning the perpetration of crimes by members of illegal armed groups, than on criminal cases, in which members of the Federal forces are suspected.

4.1. Investigation of criminal cases by the office of military prosecutor

Five offices of military prosecutor work in the settlements of Khankala, Shali, Kalinovskaya, Itum-Kala, and Borzoi where the Federal forces positions are located.

According to the data of the General office of military prosecutor³⁰, from the beginning of the antiterrorist operation (October 1999) to March 2003, the office of military prosecutor carried out the investigations on 168 criminal cases concerning crimes committed by servicemen against the local population. At the beginning of June, this figure increased up to 177 criminal cases³¹. Within a year, from March 2002 to April 2003, the office of military prosecutor initiated 39 new criminal cases³².

From the 168 criminal cases that the office of military prosecutor has initiated since March 2002:

- 58 cases were taken to military courts (42 are already being examined – see section 2.),
- 43 cases were dropped for various reasons (36 for absence of corpus delicti, 3 – following an amnesty, 3 – following the defendant's death, 1 – following the failure to prove the defendant's participation in the perpetration of the crime),

²⁸ In May 2001 the offices of public prosecutor prepared and sent documents to the Parliamentary Assembly of the Council of Europe, that were composed of a summary list of the criminal cases on crimes committed by members of the Federal forces against the population of the Chechen Republic. The Human Rights Center "Memorial" still follows the carrying of the investigation on these cases. Moreover, the HRC "Memorial" sends inquiries on crimes to the offices of public prosecutor, and follows the carrying of these criminal cases investigation.

²⁹ Interview of the procurer of the CR **V.V.Kravchenko** by the correspondent of Strana.RU 27.02.03

³⁰ According to the information of Newsru.com on March 6 2003: the declaration of A.Savenko, General Military prosecutor of the RF, to the journalists; answer of the office of military prosecutor to S.A.Kovaliov, deputy of the State Duma.

³¹ A.Ponomarenko, deputy general military prosecutor of the RF, declared it on June 3 2003 during a session of the State Duma commission on political regulation and Human Rights in Chechnya.

³² According to the information of INTERFAX agency, on March 23 2002, M.Kislitsin, General military prosecutor of the RF, declared to the journalists that from the beginning of the "antiterrorist operation", the office of military prosecutor of the Chechen Republic has treated 129 criminal cases on crimes committed by servicemen against the local population.

- 18 criminal cases had their investigation suspended (9 – because of the non-representation of persons subjected to be guilty of the perpetration of crime, 7 – for the non establishing of the defendant’s whereabouts, 2 – for the absence of real possibility of the defendant’s participation in the criminal case),
- 15 criminal cases continue to be investigated by the offices of military prosecutor,
- 34 criminal cases were transferred to the offices of public prosecutor of the Chechen Republic.

The phrase “transferred to the offices of public prosecutor of the CR” usually means that the offices of public prosecutor sent to the office of military prosecutor a criminal case, which deals with the participation of servicemen in the perpetration of a crime. The office of military prosecutor initiated the case, examined the documents and “established the non-participation of servicemen in the perpetration of crimes”, and sent it back to the office of public prosecutor of the CR.

As an example of such “throwing back” of criminal cases, let us see the criminal case concerning the disappearance of three young people on July 28 2000 in Grozny: **I.Dombaev**, **M.Lianov**, and **T.Tabadjanov**. The office of public prosecutor of Grozny precisely established that they were arrested by members of the Pskovskij OMON, who kept the detainees in the 8-th brigade settlement of the internal troops (VV) of the Ministry of Internal Affairs, and who transferred them to a specific officer, whose rank and function were precisely established (see appendix 16). However, the servicemen refuse to come in the offices of public prosecutor of the Chechen Republic for interrogation. According to the law, the case was then transferred to the office of military prosecutor, which is sole able to conduct criminal cases against servicemen. The case lay some time there, and was sent back to the office of public prosecutor of the CR. According to the military prosecutors, the three young people were detained in Grozny “by not established persons wearing camouflage clothes”³³, and the participation of servicemen in the crime was not established. Since then, the military unit 3732 of the 8-th brigade left Chechnya and went back to its permanent position. The case lay at the office of public prosecutor of Grozny: there were neither interrogations, nor investigations against the servicemen, and anyway, the civil office of public prosecutor could not investigate, since the suspected persons left Chechnya. The only thing that the office of public prosecutor of Grozny could do with this case, was to suspend it for “non identification of persons subjected to prosecution”, and it did so. We still do not know what happened to the three young people.

Is this absurdity? Let us rather speak of sabotage!

In some cases, the important documents, indispensable for the investigation into criminal cases simply disappear in the bowels of the office of public prosecutor. In 2000, the Human Rights Center “Memorial” sent to the office of public prosecutor a videocassette, in which was recorded how a Russian officer gave the order to shoot an arrested rebel fighter, **Khadjimurad Iandiev**, who then disappeared³⁴. The military office of public

³³ Form the answer sent by the office of public prosecutor to the missing people’s relatives.

³⁴ **Iandiev Khadjimurad** Soslambekovich, born in 1975 lived in Grozny, had been detained and disappeared.

This member of the Chechen armed groups, had been wounded in his leg during his departure from Grozny, and had been arrested on February 2 2000 by servicemen in the hospital of Alkhan-Kala among other wounded rebel fighters. The videocassette shows the detainees’ embarkation in buses near “Memorial”’s location, during which an officer ordered to shoot **Kh.S.Iandieva**: his name was not registered in the official lists of detainees.

Later, his relatives went to various official instances, which could not get any news on him.

prosecutor answered that, “Iandiev’s corpse was not found out, the video does not prove that there was a de facto murder, since it does not show it...we decide not to treat this criminal case according to the article 5 point 1 of the CPC of the RSFSR – absence of *corpus delicti*”. Later, the assistant of the military procurer **Zimin Vladimir Iorevich** declared that the HRC “Memorial”’s videocassette was received in the Main office of military prosecutor in Moscow, and was transferred to the office of military prosecutor of the Chechen Republic (military unit 20102 in Khankala) but “diasappeared” on its way.

For its part, on July, 14 2001, independently from the office of military prosecutor, the civil office of public prosecutor of Grozny (rural district) initiated the criminal case no.19112 on the “disappearance” of Kh.Iandiev under the article 126 part 2 of the CC of the RF. Two months later, the case was suspended for non identification of persons subjected to prosecution. The office of military prosecutor did not even initiate the case, since “the servicemen’s guilt was not proved”.

However, several cases that the office of military prosecutor accepted from the office of public prosecutor of the CR were taken to court.

In May 2001, the General office of public prosecutor prepared series of documents to the Parliamentary Assembly of the Council of Europe, composed of an exhaustive enumeration of criminal cases on crimes against the inhabitants of the Chechen Republic, in which there are reasons for suspecting servicemen or policemen to have committed them. This list shows that the office of public prosecutor of the CR has sent 70 criminal cases to the office of military prosecutor. Within two years, the courts passed sentences³⁵ on five out of these 70 cases. Twenty cases were sent back to the office of public prosecutor of the CR: 17 had their investigation suspended for “non identification of persons subjected to

³⁵ 1) On August 21 2000, Captain L. shot **A.D.Kosubaev** to death, in the military settlement of Gudermes.

The martial court passed a verdict of guilty of perpetration of crime under the article 109 part 1 of the CC of the RF [undeliberate killing], the serviceman was condemned to one year of deprivation of liberty in prison.

2) On October 6 2000, in the village of Khankala, the serviceman **Z.** did not manage to control the self-propelled artillery mounting, and caused a collision with a car. As a result of the accident, two female citizens died: **Tatasheva A.Sh** and **Tataeva M.**

The martial court passed a verdict of guilty of crime under the article 350 part 3 of the CC of the RF [violation of the driving rule, or exploitation of a car], the serviceman was condemned 5 years of deprivation of liberty on probation of four years, and to privation of driving transport means.

3) On November 4 2000 in the village of Vedenov, the conscript serviceman **K.** opened fire on the minor **Abdulkhanova M.A.**, who had thrown stones on him, as a result of the firing, he had a mortal bullet wound.

The martial court passed a verdict of guilty of perpetration of crime under the article 111 part 1 of the CC of the RF [causing grave harm to health deliberately], the serviceman was condemned to 5 years of deprivation of liberty in a severe regime jail.

4) On December 15 2000 in the village of Alkhan Kala, the sergeant-kontraktnik **Dmitri Magonov** and the conscript sergeant **Alexei Sukhanov** killed **Akhmet Ismailov**, 52, and his wife **Zinaida Ismailova**, and their two daughters: **Fatima**, 20 and **Khoda**, 16.

The martial court passed a verdict of guilty: **Magonov** — of perpetration of crime under the articles 33 [complicity], 105 part 2 points “a, k, n” [killing under aggravating circumstances] of the CC of the RF, he was condemned to 15 years of deprivation of liberty in a correctional prison with severe regime, and was prohibited from working in certain posts during 2 years; **Sukhanov** — of perpetration of crime under the articles 105 part 2 points “a, k, n”, 286 part 3 point “c” of the CC of the RF, and was condemned to 18 years of deprivation of liberty in a correctional prison with severe regime.

5) On December 19 2000 in the village of Shatoy, the serviceman **B.** assassinated the citizen **Mogamedov M.M.** and the female citizen **Tunaeva A.** that died from the bullet wound.

The martial court passed a verdict of guilty of perpetration of crime under the articles 105 part 1 [killing], art.112 part 1 [causing intentional harm to health of medium level of gravity] of the CC of the RF, the serviceman was condemned to 11 years of deprivation of liberty in a correctional prison with severe regime.

prosecution”, one was stopped for absence of corpus delicti, another one – for absence of crime. We do not yet have news on the 45 other criminal cases.

However, a significant part of criminal cases that are transferred from the office of public prosecutor to the office of military prosecutor and vice versa, are simply not taken into account in the office of military prosecutor’s statistics.

The statistics presented by the Russian Officials (58 cases out of 168 are taken to court), may at first, present an acceptable work of the offices of public prosecutor of the Chechen Republic. However, if we compare them with the global context of investigations on crimes committed in the Republic, the situation becomes different. The total number of crimes committed by members of the Federal forces against the civilian population is huge.

For example, from January 1 to November 2002, the office of the Special Representative of the President of the RF on Human Rights in the Chechen Republic received 1568 declarations of kidnapping and 1085 declarations on other types of crimes. In the absolute majority of cases, the declarants accuse the Federal force of having committed these crimes. We do not have later information.

From January to May 2003, according to the declaration of the vice-president of the government of the CR, **Mavsur Khamidov**³⁶, 245 inhabitants of Chechnya had been kidnapped. **Khamidov** indirectly confirmed that a significant part of crimes are linked to the representatives of the Federal forces. “Not all the people were kidnapped by the Federal forces. Lots of them were also kidnapped by rebel fighters...” he said. But let us remind **V.V.Kravchenko**’s report (see section 4.), procurator of the CR, in which he recognizes that the 300 criminal cases treated in 2002 proved the complicity of members of the Federal forces in the citizens disappearances.

According to our unexhaustive source, such as “ Chronicle of Violence” (conducted by the Human Rights Center “Memorial” since July 2002), there are data on the death of 559 citizens in 2002, in the Chechen Republic. Among the killed people, 60 were women and 30 – children or teenagers. Moreover, independently on the federal forces or the Defense structures of the CR, 372 civilians died (2/3 of the total number). It is obvious that our enumeration of crimes committed against the civilian population is far from being complete. “Memorial” monitoring operates on just 25-30% of the territory of the CR. We estimate that the total number of dead people in the CR may be 3-4 times higher than the number “Memorial” is aware of.

It becomes obvious that the 168 criminal cases initiated since the “second Chechen war” (since October 1999) constitute a small part of the number of criminal cases on crimes committed by the Federal forces against the population of Chechnya.

4.2. Investigation of crimes by the Offices of public prosecutor of the Chechen Republic.

The offices of public prosecutor of the Chechen Republic (territorial office of public prosecutor) treat the criminal cases in which there are reasons for suspecting policemen.

This office of public prosecutor examines criminal cases concerning crimes committed against local inhabitants, by servicemen, even if they were not caught in the act. Or even if there is no indisputable evidence that the crime was committed by serviceman of a specific

³⁶ Интервью М.Хамидова агентству ИНТЕРФАКС 18 мая 2003 г.

troop unit, since the members of the federal forces operate without any decoration and usually paint over their car number. The office of military prosecutor has a simple logic: “Maybe the crime was committed by members of OMON, or by rebel fighters, or even by Marsians? First, you have to prove that they were servicemen, and then we will start the investigation!”. But how can the members of the office of public prosecutor of the CR prove it, if the servicemen can prevent them from entering the troop unit settlement, can refuse to answer their questions etc?!

We have already given an example (case on the disappearance of **I.Dombaev**, **M.Lianov** and **T.Tabadjadov**) when the offices of public prosecutor of the CR established that the missing people were first arrested by members of OMON and then transferred to servicemen. However, the continuing of the investigation was stopped because of the servicemen’s refusal to speak to the civil office of public prosecutor. The office of military prosecutor, for its part, did not establish the participation of the servicemen that soon left Chechnya. Although there have been real detention and disappearance of the detainees, the guilty persons are not yet found and we still do not know what happened to the missing people.

Let us see another similar example. On August 17 2001 during a “mopping up” operation, two local inhabitant had been arrested by the Federal forces in the village of Alleroy and then disappeared: **Alsultanov Mogamed-Emin Soipovich** and **Alsultanov Khan-Ali Imalieovich**. As their relatives managed to know, the detainees were kept in the filtration center that servicemen call “Titanic”, located on a hill between the villages of Alleroy and Tsetoroy. During a check up, the prosecutor of the CR saw them in the filtration center, but later they disappeared. Their relatives went to various official instances, the office of public prosecutor of the CR finally treated the case. “Memorial” and Deputies of the State Duma sent inquiries to the office of public prosecutor. In his answer, the procurator of the office of public prosecutor of Argun, P.V.Tishin³⁷, informs:

“...The brothers Alsultanov had been transferred to the filtration center under the responsibility of Barishev S.N³⁸, worker in the UFSB of the CR, who also transferred the detainees to the servicemen that were supposed to convey them to the IVS of the Kurchaloevskij VOVD. However, the brothers Alsultanov had not been transferred to the IVS of the Kurchaloevskij VOVD. We still do not know where they are. The investigation on this case of the kidnapping of the Alsultanovs is carried out by the office of military prosecutor of the Chechen Republic.”

Currently, the investigation on the case of the kidnapping of the brothers Alsultanov is suspended “because of the non identification of persons subjected to prosecution”. It is obvious that the offices of public prosecutor, both military and territorial, did not want to deal with the FSB or to establish the truth. It is also obvious that, if the office of military prosecutor could not find the servicemen, to who colonel Barishev supposedly gave the brothers Alsultanov, it then means that the colonel did not properly write the documentation: he thus can be charged with, at least, negligence of his work. Moreover, if the offices of military prosecutor committed sabotage on the carrying of the investigation, the office of public prosecutor of the CR would have to appeal the General office of public prosecutor of the RF. But as far as we know, nothing has been done. In such cases, two

³⁷ To the missing people’s relatives n.117 on February 2002.

³⁸ Colonel **Serguei Nikolaevich Barishev** – head of the filtration center.

branches of the office of public prosecutor transfer one to another the criminal case, until one branch considers that it is time to stop the investigation.

According to the declaration of the Deputy Procurator-General of the RF, **S.N.Fridinsky**³⁹, all the offices of public prosecutor of the CR “during the carrying of antiterrorist operations, initiated 417 criminal cases on crimes that members of the Federal forces are suspected to have committed against the local population of Chechnya”. Out of these 417 cases, 341 (82%) were suspended for “non identification of persons subject to prosecution”!!!

The figure quoted by the above mentioned official, means that:

- Whether the Deputy General procurer is cunning about the figures that he deliberately unstated,
- Whether the office of public prosecutor of the CR did not treat almost all the criminal cases on crimes “that members of the Federal forces are suspected to have committed”,
- Or, in 2002, such crimes have not been committed.

The problem is that, in May 2001, the General office of public prosecutor prepared series of documents to the Parliamentary Assembly of the Council of Europe, that contain a detailed enumeration of criminal cases against the inhabitants of the Chechen Republic, in which there are reasons for suspecting servicemen and policemen. The HRC “Memorial” distributes copies of these documents. This list is composed of 302 of this kind of criminal cases, which were examined by the office of public prosecutor of the Chechen Republic. Each of these cases deals with crimes committed by members of the federal forces, and not at all with crimes committed by rebel fighters. In fact, we know that there are no criminal cases on crimes committed by rebel fighters against the local population, on this list.

In October 2001, the deputy **S.A.Kovaliov** received an answer from the assistant of the General procurator of the RF, **M.M.Umariev**⁴⁰, to his inquiry on the number of criminal cases concerning crimes committed by members of the Federal forces against the local population. According to **M.M.Umariev**, the office of public prosecutor of the CR is currently examining 393 criminal cases on crimes against the local population.

If, to these 393 criminal cases, we add the 300 ones treated in 2002 that the procurator of the CR, **V.V.Kravchenko**, wrote about in his report; the figure of 417 criminal cases happens to be inexact.

Unfortunately, crimes are committed, and there are many witnesses, not only members of Human Rights Organisations.

Though, since 2001, some criminal cases are initiated by the office of public prosecutor of CR, it does not always happen.

However, it is obvious that the General office of public prosecutor manipulates the figures.

Though, there are objective indices that can not be manipulated. In his answer on April 25 2003⁴¹ to **S.A.Kovaliov**, **S.N.Fridinsky** declares that during the antiterrorist operation, the

³⁹ Answer of the deputy general procurer of the RF, **S.N.Fridinskij**, n.52-1429-03 on February 19 2003 to the inquiry of the deputy of the State Duma, **S.A.Kovaliov**

⁴⁰ n. 41/2-7-2001 from October 5 2001

⁴¹ n.52-3804-03

offices of public prosecutor of the CR “sent 17 criminal cases to court”; so even if we proceed from the official figure (417 criminal cases), the office of public prosecutor of the CR obviously fail in their work.

The HRC “Memorial” expects to follow the carrying of the investigation on the 302 cases that were on the list prepared by the General office of public prosecutor to the PACE. By May 2003, sentences were passed on only 6 out of all of them. The investigations of 72% of the criminal cases were suspended “because of the non identification of persons subjected to prosecution”. Almost each of these 208 cases, of which the investigations had been suspended in May 2001, remains motionless. Only 4 criminal cases had their investigations resumed and not yet finished.

This situation is aggravated sometimes by the fact that the office of public prosecutor of the Chechen Republic does not want to treat citizens’ complaints.

Let us see a characteristic example of the indifference of the office of public prosecutor towards people’ suffering.

On November 21 2002, the Human Rights Center “Memorial” sent to the procurer of the CR **N.P.Kostiuchenko**, by fax, a declaration on the illegal detentions by servicemen (a kidnapping in fact) on November 11 2002 at the entrance of the *city of Shali*, of five persons: one taxi driver and his four passengers. A copy of this declaration was sent to the General office of public prosecutor of the RF. “Memorial indicated not only the detainees’ names and family names, but also the name of the village they lived in, and the address of one of the illegal detainee. It was thus not difficult to verify the reliability of our declaration. There was only one error in it: it was later discovered that there were not one, but two women among the kidnapped passengers.

Members of “Memorial” often go, along with the victims or their relatives, to the offices of public prosecutor, where they make the officials accept and register their declaration on a perpetration of crime. Unfortunately, because of the great number of perpetrations of crimes in Chechnya, it can not be always made. In this case, the missing people’s parents lived in a remote village, difficult to reach in situation of war. But we considered that our declaration on a perpetration of a grave crime compells the offices of public prosecutor to seriously verify the declaration’ stated facts.

As it was elucidated, members of the office of public prosecutor of the CR did not really want to verify the information on the perpetration of a crime. Despite our reminders sent to the office of public prosecutor of the CR, we received their answer on the point only at the end of February 2003, that is to say more than two months later. The answer stated that the information that we sent was not confirmed.

Moreover, the investigator of the office of public prosecutor of the Shalinskij district, **U.V.Naminov**, sent us a decision on the refusal of treating the criminal case (written on December 22 2002) and pointed out “to the director of the HRC “Memorial” the weak work on the checking of the information sent to the State agencies”.

It results from this “decision” that it took 12 days to transfer our declaration from the office of public prosecutor of the CR to the office of public prosecutor of the Shalinskij district; it took then 20 days for the office of public prosecutor of the Shalinskij region to verify the information. What did the members of this office of public prosecutor do during these 20 days? They just checked the certificate they received from the Shalinskij ROVD.

The members of the Shalinskij ROVD informed that “the citizens’ names **Aguev Vakhab**, **Abubakarov Kh-M**, and **Tukhirov** do not appear on the registration of the unit. The Shalinskij ROVD did not register declarations on the kidnapping of women and on the theft of a car “Gaz” in November 2002”. During such a “verification”, members of the office of public prosecutor did not find time for interrogating the victims’ relatives or their fellow-villagers.

Furthermore, by the beginning of this verification, three of the kidnapped people have been released and two others disappeared. Fellow-villagers apparently gave a ransom for the taxi driver. The servicemen also released, after having raped them, the two female passengers of the taxi. Two male passengers – **Vakhad Aguev** and **Khaj-Magomed Abubakarov** were taken somewhere by servicemen, and disappeared. **V. Aguev’s** mother, **Jardat Agueva**, later informed the members of “Memorial” of this fact.

She tried to make official instances search her kidnapped son. This illiterate villager woman acted the same way as thousands of local people before her. She tried to resolve the problem through negociators, who take commissions on the payment of ransoms to federals to release detainees. She then went to the VOVD and ROVD of the Shalinskij and Kurchalevskij district, to the regional department of the FSB in the Shalinskij district, to the office of public prosecutor of the CR and even to the GAI. She was transfered from instance to instance like a “foot ball”.

In the same time, the offices of public prosecutor were “verifying” “Memorial”’s declaration. However, they were entirely satisfied with the formal verification of our declaration only through the record keeping of the ROVD. And since the facts were not recorded, it means to the office of public prosecutor, that they had not happened. It thus means that there were no crimes. Evidently, the regular speaker of the United troop force, **Igor Shabalkin**, speaks about such kind of “cases” when the declarations on kidnappings of local inhabitants by servicemen, were not affirmed by a verification.

In February 2003, members of “Memorial” met **Jardat Agueva**. On February 17 2003, **Jardat Agueva** wrote a declaration to the procurer of the CR, **Kravchenko V.P.** and, along with a member of “Memorial”, went to the office of public prosecutor of the CR. This time, thanks to the persistence of the member of “Memorial”, the office of public prosecutor of the CR accepted to take **J. Agueva’s** declaration. Later in Moscow, the HRC “Memorial” received an answer from the office of public prosecutor of the CR⁴²:

“... On December 22 2002, the investigator of the office of public prosecutor of the Shalinskij district refused to treat the criminal case, not taking any measures for a detailed and entire investigation on all the circumstance of the illegal detentions of the mentioned persons.

On April 18 2003, under the direction of the office of public prosecutor of the CR, the investigator decided to examine the criminal case n. 22063 on the basis of crime under the article 126 part 2 of the CC of the RF.

The investigation on this criminal case is currently under the control of the office of public prosecutor of the CR. We will inform you of the carrying of the investigation and of the forthcoming decision.”

⁴² Ответ начальника отдела по надзору за расследованием преступлений органами прокуратуры ЧР А.А. Тюменцева № 45/13 от 5 марта 2003 г.

However, as a result of the irresponsible attitude of the workers of the offices of public prosecutor of both the CR and the Shalinskij region towards the verification of the information on the perpetration of a grave crime, for three months, nothing has been done to find the kidnapped people, nor to punish the guilty persons of the perpetration of this crime.

How many such other crimes are not even stated in the official instances? We just have to guess.

However, one thing is certain: the offices of public prosecutor, the Ministry of Internal Affairs, and the FSB do not aim at disclosing and punishing crimes committed by members of the Federal forces against the civilian population.

Attachments

**OFFICE OF THE PROSECUTOR-GENERAL
THE RUSSIAN FEDERATION**

15a, Bolshaya Dmitrovka Street
Moscow, Russia GSP-9, 101999

**To Mr. S.A. Kovalev
Deputy to the State Duma
of the Federal Assembly
of the Russian Federation**

Dear Serguei Adamovich,

Following the instructions of March 3, 2003, received from Mr. Yu.S. Biryukov, the acting General Prosecutor of the Russian Federation, I send herewith the following information of the outcome of the court hearings of the criminal cases in connection with certain crimes having been performed by the military people and representatives of the Force Structures in respect of the civilians in the process of the counter terrorists operation.

The Offices of Military Prosecutors

have handed over to military courts criminal cases (people in number) — 58/74

Of the murder (the Article 105 of the CC of the RF) — 12

Of the murder in connection with the surpassing the limits of the necessary self-defense (the Article 108 of the CC of the RF) — 1

Of inflicting death through negligence (the Article 109 of the CC of the RF) — 2

Of stealing (embezzlement) of someone else's belongings (the Articles 158-163 of the CC of the RF) — 13

Of inflicting criminal harm to health through negligence (the Article 118 of the CC of the RF) — 1

Of intentional destruction of or damage to property (the Article 167 of the CC of the RF) — 1

Of superseding authorities granted by the position (the Article 286 of the CC of the RF) — 4

Of criminal negligence (the Article 293 of the CC of the RF) — 1

Of violation of the Rules of driving military vehicles (the Article 350 of the CC of the RF) — 5

Of violation of the Rules of handling guns (the Article 349 of the CC of the RF) — 4

Of rape (the Article 350 of the CC of the RF) — 2

Of hooliganism (the Article 350 of the CC of the RF) — 5

Thus:

At present military courts have considered 42 criminal cases in their essence, and 51 military men have been found guilty of the crimes committed in respect to the Chechen Republic citizens, among the guilty there are 7 officers, 22 contracted soldiers and sergeants, 19 enlisted servicemen, 3 warrant officers.

On the 17th of January 2000 in Tsentoroi settlement of the Chechen Republic in superseding his authorities granted to him by his position senior lieutenant S. instructed the personnel to leave the regiment dislocation and started firing from the automatic rifle in the irection of the dwelling houses in the village, thus having inflicted damage to the citizens_ property.

The military court has found the lieutenant guilty of having committed the crime under the Article 286, part 3, clause b of the Criminal Code of the Russian Federation, and he was sentenced to the 3 years of imprisonment with the 2 years probation period.

On the 9th of June 2000 in Shali settlement of the Chechen Republic senior lieutenant K. violated the rules of driving the military vehicle and rode over the citizens Z.E. Kurmagaeva and E.I. Dakhaev, as a result of which collision E.I. Dakhaev died.

The military court has found the lieutenant guilty of having committed the crime under the Article 350, part 2 of the Criminal Code of the Russian Federation, and he was sentenced to the 3 years of imprisonment, *de bene esse*, with one year probation period, and he was deprived of the right to drive any vehicle for one year.

On the 21st of August 2000 in the process of the military regiment being on the march to Gudermes settlement captain L. mortally wounded A.D. Kossubaev from the automatic rifle.

The military court has found the lieutenant guilty of having committed the crime under the Article 109, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to one year of custody in the colony settlement.

On the 1st of January 2000 in the Tscholkovsky region of the Chechen Republic senior lieutenant K. killed citizen Sh. Sh. Mirzaev in surpassing the limits of the necessary self-defense.

The military court has qualified the case under the Article 108, part 1 of the Criminal Code of the Russian Federation, and the criminal proceedings in connection with this case have been stopped under the act of amnesty.

On the 6th of June 2001 in Kurchaloi settlement of the Chechen Republic in the course of a special operation captain O. has seized unlawfully two officers of the regional prosecutor's office, and they were detained for 40 minutes. The local citizen U.A. Khatkhanov was beaten on the same day.

The military court has found the captain guilty of having committed the crime under the Article 286, part 3, clauses "a" and "b", of the Criminal Code of the Russian Federation, and he was sentenced to a penalty in the amount of 50 times of the minimum official wages.

On the 29th of December 2001 in Grozny senior lieutenant P. violated the rules of handling the guns, as a result citizen Medaev was wounded.

The military court has found the lieutenant guilty of having committed the crime under the Article 349, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to one year restriction in the service and 10 per cent deduction from his monthly salary.

On the 16th of April 2002 in Gargachi settlement of Shatoi Region of the Chechen Republic as a result of the mine explosion children E.M. Kassaeva and Kh.M. Kassaev died and teenager A.M. Kassaev was heavily wounded as a result of lieutenant colonel P.'s mistake in choosing the coordinates for the target during firing from the mortars in the direction of the observation post of the illegal armed forces regiment.

The military court has found the lieutenant colonel guilty of having committed the crime under the Article 293, part 2 of the Criminal Code of the Russian Federation, and he was sentenced to 4 years of imprisonment, *de bene esse*, with one year probation period.

WARRANT OFFICERS

On the 8th of February 2001 not far from Belorechje settlement warrant officer G. assaulted citizens Kh. Ussaev, I. Ussaev and Ibrahim Ussaev with the aim in view to take hold of their belongings.

The military court has found the warrant officer guilty of having committed the crime under the Article 160, part 3, clause "a" of the Criminal Code of the Russian Federation, and he was sentenced to 6 years of imprisonment, *de bene esse*, with the 5 year probation period.

On the 4th of February 2001 warrant officer Ch. was beating citizens R.V. Sataev and R.V. Magomadov for a long time in the soldiers' barracks.

The military court has found the warrant officer guilty of having committed the crime under the Article 286, part 3, clause "a" of the Criminal Code of the Russian Federation, and he was sentenced to 3 years of imprisonment, *de bene esse*, with the 2 year probation period.

On the 10th of March 2001 in Khankala settlement warrant officer Ch. raped citizen I.A. Ivchenko in the premises of the barracks under construction.

The military court has found the warrant officer guilty of having committed the crime under the Article 131, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to 4 years of imprisonment, *de bene esse*, with the 5 year period of delay.

CONTRACTED SOLDIERS AND SERGEANTS

On the 17th of January 2000 in Tsentrovoi settlement private D. inflicted a severe damage to the health of citizen A.U. Khazrieva through negligence.

The military court has qualified his actions as falling under the Article 118, part 2 of the Criminal Code of the Russian Federation, and the legal proceedings were terminated under the amnesty.

On the 15th of February 2000 in Khankala settlement two servicemen P. and Ch. killed citizen B.Kh. Shankhullaeva and inflicted a severe damage to the health of her sister in the course of the robbery assault against the citizens.

The military court has found the servicemen guilty of having committed the crime: Ch. was announced guilty under the Article 105, part 2, clause "и" of the Criminal Code of the Russian Federation, and he was sentenced to 12 years of imprisonment in the colony with an extremely strict regime of keeping, and P. was announced guilty under the Articles 158, part 2, clause "и" and 158, part 2, clause "г" of the Criminal Code of the Russian Federation, and he was sentenced to 9 years of imprisonment in the colony with an extremely strict regime of keeping.

On the 15th of December 2000 in Alkhan-Kala settlement two servicemen M. and S. killed citizens A.I. Ismailov, Kh.A. Ismailova, F.A. Ismailova and Z.A. Ismailova.

The military court has found the servicemen guilty in having committed the crimes: M. was announced guilty under the Article 33, parts 4 and 5, clauses "a, k, н" of the Criminal Code of the Russian Federation, and he was sentenced to 15 years of imprisonment in the colony with an extremely strict regime of keeping, and he was deprived of the right to occupy certain positions for two years and S. was announced guilty under the Articles 105, part 2, clause "a, k, н" and 286, part 3, clause "б" of the Criminal Code of the Russian Federation, and he was sentenced to 18 years of imprisonment in the colony with an extremely strict regime of keeping.

On the 19th of December 2000 in Shatoi settlement the serviceman B. killed citizen M.M. Magomadov and wounded citizen A. Tunaev.

The military court has found the military man guilty of having committed the crimes under the Articles 105, part 2, and 112, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to 11 years of imprisonment in the colony with an extremely strict regime of keeping.

On the 3rd of April 2001 in Akhichu-Borzoï settlement two military men B. and Sh. committed a robbery assault in the course of which citizen M.I. Makhadjiev was killed with the help of an automatic rifle and a slight damage on the health of two citizens L.I. Makhadjiev and Kh. Yushaeva was inflicted.

The military court has found the military men guilty of having committed the crimes: Sh. was announced guilty under the Article 105, part 2, clause "a" and "и", Article 162, part 2. clauses "в, г", Article 213, Part 3 of the Criminal Code of the Russian Federation, and he was sentenced to 16 years of imprisonment in the colony with an extremely strict regime of keeping, and his property was to be confiscated, and B. was announced guilty under the Article 213, part 3, of the Criminal Code of the Russian Federation, and he was sentenced to 2 years of imprisonment in the colony with an ordinary regime of keeping.

On the 15th of April 2001 in Dargo village soldier A. killed two citizens N.D. Tallaeva and Kh. Nazaeva through the act of hooliganism.

The soldier was found guilty of having committed the crime under the Article 105, part 2, clauses “a” and “и” and Article 213, part 3 of the Criminal Code of the Russian Federation, and he was sentenced to 2 years of imprisonment in the colony with an ordinary regime of keeping, and he was deprived of his military rank.

On the 21st of November 2000 at the road block point to Shatoi settlement military men S. and O. committed a robbery assault against citizen L.A. Abdullvakhidov.

The military court has found the military men guilty of having committed the crimes: S. was announced guilty under the Article 162, part 2, clause “r” of the Criminal Code of the Russian Federation, and he was sentenced to 4 years of imprisonment, *de bene esse*, with the 3 years probation period, and O. was announced guilty under the Article 213, part 3, of the Criminal Code of the Russian Federation, and he was sentenced to 3 years of imprisonment, *de bene esse*, with the 2 years probation period.

On the 17th of December 2000 near the road block point “Ischerskoye” the military man B., who was driving the URAL truck, collided with the passenger car “GAZ-3102” whose driver – citizen Kh.M. Dadagov died on the spot.

The military court has found the military man B. guilty of having committed the crime under the Article 350, part 2 of the Criminal Code of the Russian Federation, and he was sentenced to 2 years of imprisonment, *de bene esse*, with the one year probation period, and he was deprived of the right to drive any vehicle.

On the 19th of December 2000 serviceman Ch. violated the rules of driving military vehicles, when driving a military vehicle, and collided with the UAZ truck, as a result of this collision two militia men died and a damage on the health of citizen L.V. Shatuilova, who was in the passenger car, was inflicted.

The military court has found the serviceman Ch. guilty of having committed the crime under the Article 350, part 2 of the Criminal Code of the Russian Federation, and he was sentenced to 2 years of imprisonment, and he was deprived of the right to drive a vehicle for the period of two years.

In the period between May 12 and May 16, 2001 serviceman B. was blackmailing V.B. Gagaev, a citizen of Naurski region, for Rubles 3,000 for the alleged protection in selling oil products and threatened to detain him.

The military court has found the serviceman B. guilty of having committed the crime under the Article 163, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to 2 years of imprisonment, *de bene esse*, with the one year probation period.

On the 16th of January 2001 in Shatoi region servicemen G. and Yu. damaged citizen R.Kh. Chugaev's car VAZ-2106 in the act of hooliganism.

The military court has found the servicemen guilty of having committed the crime: G. - under the Article 213, part 3 of the Criminal Code of the Russian Federation, and he was sentenced to 5 years of imprisonment, *de bene esse*, with the 3 years probation period, and Yu. - under the Article 167, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to 4 years of imprisonment, *de bene esse*, with the 2 years probation period.

On the 3rd of December 2000 in Shatoi region serviceman E. exploded a grenade in the act of hooliganism, as a result of which a slight damage on citizen E.Kh. Bataev's health was inflicted.

The military court has found the serviceman E. guilty of having committed the crime under the Article 213, part 3 of the Criminal Code of the Russian Federation, and he was sentenced to 3 years of imprisonment, *de bene esse*, with the 3 years probation period.

On the 3rd of February 2001 in Shali settlement serviceman B. penetrated the Zakriens' house and stole their property.

The military court has found the serviceman guilty of having committed the crime under the Article 158, part 2, clause “b” of the Criminal Code of the Russian Federation, and he was sentenced to a penalty in the amount of 75 times of the minimum official wages.

On the 20th of January 2000 in Prigorodny settlement serviceman M. fired a few shots in the dark in the direction of the alleged whereabouts of citizen A.S. Suleimanov resulting in the mortal wound of his fellow soldier D.

The military court has qualified the case under the Article 109, part 1 of the Criminal Code of the Russian Federation, and the proceedings in connection with this criminal case have been stopped under the act of amnesty.

On the 16th of August 2001 in Tsentrovoy settlement serviceman P. detained and killed citizen R.A. Djamalov.

The military court has found the serviceman guilty of having committed the crime under the Article 105, part 2, clauses “д” and “к” of the Criminal Code of the Russian Federation, and he was sentenced to 9 years of imprisonment in the colony with an extremely strict regime of keeping.

On the 20th of August 2002 in Verkhny Nur settlement militia serviceman L. and the soldier of the military commandant’s office E. beat 9 local citizens.

The military court has found serviceman E. guilty of having committed the crime under the Article 213 of the Criminal Code of the Russian Federation, and he was sentenced to 3 years of imprisonment, *de bene esse*. (L. was pardoned of the punishment, though a cassation complaint was filed against the court’s sentence.)

On the 19th of April 2000 in Utum-Kalinsk region of the Chechen Republic servicemen K. and L. penetrated A. Basnakaev’s house, where L. shot down two young men, one of them was the house owner’s son. Citizen A. Basnakaev put up resistance to the servicemen and in the course of the fight with K. he fired K.’s automatic rifle and mortally wounded L.

The military court has found the serviceman K. guilty of having committed the crime under the Article 105, part 2, clauses “а”, “е” and “и” of the Criminal Code of the Russian Federation, and he was sentenced to 9 years of imprisonment in the colony with an extremely strict regime of keeping.

ENLISTED SERVICEMEN

On the 25th of December 1999 at the temporary dislocation point at the territory of the Chechen Republic serviceman A. wounded the local citizen A.V. Eltsova as a result of violating the rules of handling the guns, and inflicted slight damage on her health.

The military court has found the serviceman guilty of having committed the crime under the Article 349, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to one year restriction in the military service and 10 per cent deduction from his monthly salary to the State income.

On the 6th of October 2000 in Khankala settlement serviceman Z. lost control of the armored vehicle and collided with a passenger car, as a result of the accident two passengers of the car – A.Sh. Tatasheva and M. Tataeva – died.

The military court has found the serviceman Ch. guilty of having committed the crime under the Article 350, part 3 of the Criminal Code of the Russian Federation, and he was sentenced to 5 years of imprisonment, with the 4 years probation period, and he was deprived of the right to drive a vehicle.

On the 22nd of December 2000 in Shatoi region of the Chechen Republic soldier Ts. violated the rules of handling the guns and wounded citizen T. Shakhgerieva.

The military court has found the serviceman guilty of having committed the crime under the Article 349, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to 6 months restriction in the military service.

On the 2nd of November 2000 in Grozny servicemen Yu., B. and G. committed the robbery assault on the foodstuffs small shop.

The military court has found servicemen guilty of having committed the crimes: Yu. - of having committed the crime under the Article 162, part 2, clauses “а”, “б” and “г” of the Criminal Code of the Russian Federation, and he was sentenced to 4 years of imprisonment in the colony with an extremely strict regime of keeping, B. – of having committed the crime under the Article 162, part 2, clauses “а”, “б” and “г” and the Article 213, Part 3 of the Criminal Code of the Russian Federation, and he was sentenced to 4 years and 6 months of imprisonment in the colony with an extremely strict regime of keeping, G. – of having committed the crime under the Article 213, Part

3 of the Criminal Code of the Russian Federation, and he was sentenced to 2 years and 6 months of imprisonment, in the colony with an extremely strict regime of keeping.

On the 4th of February 2001 junior sergeant M. was beating citizens R.V. Sataev and R.V. Magomadov for a long time in the barracks.

The military court has found the serviceman guilty of having committed the crime under the Article 286, part 3 of the Criminal Code of the Russian Federation, and he was sentenced to 3 years of imprisonment, with the 2 years probation period.

On the 30th of October 2001 in Kalinovskaya settlement enlisted servicemen R. and Yu. (the criminal case against the second person was isolated into separate proceedings) stole the pipes, worth, in aggregate, Rubles 1,200, belonging to citizen A.A. Susurkaeva,.

The military court has found serviceman R. guilty of having committed the crime under the Article 158, part 2, clause “B” of the Criminal Code of the Russian Federation, and he was sentenced to 3 years of imprisonment, de bene esse, with the 2 years probation period.

On the 11th of July 2001 in Borzoi settlement enlisted servicemen T., K. and S. stole the passenger car VAZ-2106, belonging to citizen M.M. Akhmedov.

The servicemen were found by the military court guilty under the Article 166, part 2, clause “a” of the Criminal Code of the Russian Federation, and sentenced to 3 years of imprisonment, de bene esse, with one year probation period.

On the 4th of February 2001 junior sergeant M. was beating citizens R.V. Sataev and R.V. Magomadov for a long time in the barracks.

The military court has found the serviceman guilty of having committed the crime under the Article 286, part 3 of the Criminal Code of the Russian Federation, and he was sentenced to 3 years of imprisonment, with the 2 years probation period.

On the 4th of November 2000 in Vedenov settlement the sentry of the commandant’s post, enlisted soldier K. started firing in the direction of the teenager M.A. Abdulkhanov, who was throwing stones at the sentry, and M.A. Abdulkhanov was mortally wounded.

The military court has found the serviceman guilty of having committed the crime under the Article 111, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to 5 years of imprisonment in the colony with the very strict regime of keeping.

On the 12th of May 2000 about 10 o’clock servicemen U. and M. at the road block point, located on the highway from Grozny to Argun, stopped the passenger car GAZ-24 and under a threat of murder forced the driver – citizen Eskiev, to bring them to the market place in Berkat Yurt village, where they robbed the merchants.

U. was sentenced under the Article 162, Part 2, clause “r” of the Criminal Code of the Russian Federation to 4 years of imprisonment, de bene esse, with two years probation period, and M. was sentenced under the Article 30, part 3 and the Article 161, Part 1 of the Criminal Code of the Russian Federation to 2 years of imprisonment, de bene esse, with one year probation period.

On the 8th of June 2001 private A. lost control of the armored vehicle he was driving on the way to Grozny and crossed the road separation line and collided with the passenger car GAZ-2410, driven by citizen A.A. Saikhanov, who suffered serious damage as a result of this collision.

The serviceman was found by the military court guilty under the Article 350, part 1 of the Criminal Code of the Russian Federation, and sentenced to one year of imprisonment, de bene esse, with 6 months probation period.

On the 1st of October 2001 in Betty-Mokh settlement enlisted sergeant Zh. from the search and reconnaissance group killed citizens Ossmaev and Balatkhanov.

The military court has found the serviceman K. guilty of having committed the crime under the Article 105, part 2, clause “a” of the Criminal Code of the Russian Federation, and he was sentenced to 8 years of imprisonment in the colony with an extremely strict regime of keeping.

On the 22nd of January 2001 in Grozny servicemen A. and P. opened random fire and exploded grenades. As a result of P.'s actions citizen B. Uguev was killed and two more local citizens were wounded.

Moreover, serviceman A. killed his fellow serviceman – V.M. Peremolov.

The military court has found the serviceman A. guilty of having committed the crime under the Article 105, part 1 of the Criminal Code of the Russian Federation, and he was sentenced to 12 years of imprisonment in the colony with an extremely strict regime of keeping.

On the 22nd of August 2001 in the region of Petropavlovskoye settlement operator and gun layer C. of the armored vehicle made a mistake in choosing the target and laid the fire on the KAMAZ truck, where A.A. Djavatkhonov and A.C. Djavatkhonov were killed and two more passengers were wounded.

The military court has found the serviceman C. guilty of having committed the crime under the Article 349, part 3 of the Criminal Code of the Russian Federation, and he was sentenced to three years of custody in the settlement colony.

On the 29th of August 2001 in Shali settlement during a special operation enlisted serviceman O. openly stole the property, worth Rubles 1,500 from the Dambaevs' house and raped citizen A.R. Dambaeva (born in 1981).

The military court has found serviceman O. guilty of having committed the crime under the Article 131, part 1, clause "r" and "d" and the Article 161, part 2 of the Criminal Code of the Russian Federation, and he was sentenced to 5 years of imprisonment, *de bene esse*, with the 5 years probation period.

The Procurator's offices of the Chechen Republic:

To consider the criminal cases in their essence 17 criminal cases of the mentioned category in respect of 29 militia servicemen were submitted to court proceedings.

At present 7 criminal cases in respect of 17 militia servicemen have been heard.

Thus:

On the 15th of August 2000 in Gudermes senior officers A. and Kh. of the criminal investigation department (property crimes) of the Criminal Investigation Office of the Ministry of Internal Affairs of the Chechen Republic were trimming the money in the amount of Rubles 5,000 from citizen Elimkhadjiev blackmailing him for his alleged participation in illegal armed groups, and they received from him a bribe in the amount of Rubles 3,200 for not taking him in custody.

The Rostov regional court has found A. guilty of having committed the crime under the Article 290, part 4, clause "b" of the Criminal Code of the Russian Federation and sentenced him to three years of imprisonment, *de bene esse*, with the 3 years probation period. Kh. was pardoned of the punishment (an acquittal sentence was passed).

On the 21st of August 2000 P. - the commander of the group of immediate reaction of the Patrol and Guard Service of the Regional Department of the Internal Affairs – killed citizen Dakaev as a result of the quarrel between them at the central market place of Gudermes.

The Rostov regional court has found P. guilty of having committed the crime under the Article 105, part 1 and the Article 286, part 3 of the Criminal Code of the Russian Federation and sentenced him to 6 years of imprisonment, *de bene esse*, with the 3 years probation period.

On the 12th of June 2001 in Alkhan-Kala settlement a militia serviceman of a Separate Regiment of the Convoy Service of the Saratov Department of the Internal Affairs fired at citizen Z.M. Gaerbekova from the automatic rifle, serviceable by his fellow serviceman V., on the ground of a quarrel between them, and she died on the way to a hospital.

The Stepanov regional court of Stavropol Land re-qualified the actions of the accused from under the Article 111, part 4 of the Criminal Code of the Russian Federation (intentional serious damage to the health) to under the Article 109, part 1 of the Criminal Code of the Russian Federation (inflicting death through negligence), and after that the accused A. was freed from legal proceedings in view of the change in circumstances.

On the 1st of October 1999 servicemen of Nogaisk Department of the Internal Affairs of Dagestan Republic A., B., T. and I. Committed robbery assault on the sheep-hold of the State Farm "Caucasus" located in Shelkovskoi region of the Chechen Republic and inflicted damages in the amount of over Rubles 1, 000,000 on citizen Musikhanov.

The Kirovski District Court of Rostov-on-Don city has found A. guilty of the crime under the Article 161, part 1, clause "6" and applied the Article 64 of the Criminal Code of the Russian Federation (a milder sentence than that stipulated for such kind of the crimes) and sentenced him to three years of imprisonment. The accused V. and T. were found guilty of the crime under the Article 161, part 1, clause "6" by the Caucasus District Court of Krasnodar Land and sentenced to 11 months and 11 days of imprisonment in the colony with a very strict regime of keeping under the Article 64 of the Criminal Code of the Russian Federation, which was applied. The accused I. was found guilty under the same Articles and sentenced to 6 months and 6 days of imprisonment in the colony with a very strict regime of keeping. The accused were released from custody in the court room, since the term of the punishment was equal to the term they have spent in the preliminary investigation cell.

On the 7th of September 2002 the servicemen of the Oktiabrsk Department of the Internal Affairs of Grozny city Kh., C., C. and C. committed a prevarication – they trimmed the money in the amount of Rubles 3,000 and a part of the cargo from the KAMAZ truck driver – a local citizen Edelkhanov, who was transporting liquor.

The Zavodskoi District Court of Grozny city pardoned every one of them from punishment under the Article 163, part 3, clause "a" and every one of them was found guilty under the Article 285, part 1 of the Criminal Code of the Russian Federation and sentenced to one year of imprisonment, *de bene esse*, with the one year probation period.

On the 7th of December 2002 D. — a militia serviceman and driver of the Vedenskoye Department of the Internal Affairs – being drunk in a public place in Grozny, out of hooliganism, started firing his service gun and inflicted damage on the health of two local citizens – A.A. Khachukaev and M.B. Mussaev – he wounded both of them.

The Leninsky District Court of Grozny has found D. guilty under the Article 118, part 1 and the Article 213, part 3 of the Criminal Code of the Russian Federation and sentenced to 4 years and 6 months of imprisonment, *de bene esse*, with 2 year probation period.

From the 3rd to the 5th of June 2001 militia servicemen V., G. and M. intentionally deprived citizens A.U. Terkhoev, C.Kh. Aduiev and M.M. Akuev of their freedom in the course of a special operation of passports control in Assinovskaya settlement of Sunjensk region with the aim in view to find participants of the illegal armed forces.

The Leninsky District Court of Rostov-on-Don city has found the accused V. guilty of having committed a crime under the 286, part 1 of the Criminal Code of the Russian Federation and sentenced him to one year of imprisonment, *de bene esse*, with one year probation period; the accused G. has been found guilty of having committed a crime under the Article 286, part 1 of the Criminal Code of the Russian Federation and sentenced to one year and 6 months of imprisonment, *de bene esse*, with one year probation period; the accused M. has been found guilty of having committed a crime under the 286, part 1 and the Article 159, part 1 of the Criminal Code of the Russian Federation and sentenced, in aggregate, to one year and 6 months of imprisonment, *de bene esse*, with one year probation period.

10 cases out of those, submitted to the court consideration, have not yet been heard.

Deputy General Prosecutor
of the Russian Federation
1st Grade State Counselor of Justice S.N. Fridinsky

Shooting

Dmitry Magonov and Alexey Sukhanov were condemned for what Budanov should be condemned

Evgueny CHUBAROV, Oleg ZHUNUSOV

Two ex-sergeants-paratroopers – Dmitry Magonov, 23 and Alexey Sukhanov, same age, were condemned to deprivation of liberty. On December 14-15 2000 at night, during the conducting of a special operation in the village of Alkhan-Kala, they shot at a Chechen family – the conjugal couple, and their two daughters.

The juridicial procedure of Magonov and Sukhanov did not have a wide publicity, contrary to the Budanov's case that covered all the crimes committed by Russian servicemen during the establishing of the Constitutional order in the rebellious republic. Magonov and Sukhanov are ones of the first servicemen condemned for crimes in Chechnya.

Magonov was condemned to 15 years of deprivation of liberty in prison, and Sukhanov – to 18 years in prison with severe regime. Magonov serves his sentence in the Smolensky region, and Sukhanov – in the Khabarovsk region. Correspondents from "Izvestia" visited both prisoners. A strange feeling arose from their interview: both of them happened to be, by a tragic chance, in the wrong time and place. By having committed these violent, and above all, senseless acts, the ex-sergants deprived the lives of four people, and broke theirs for ever.

"The kitchen knives had also been hidden"

In the middle of December 2000, the 417th detached intelligence battalion, in which served Magonov and Sukhanov, raised an alarm. The entire battalion moved out from Khankala. Dmitry Magonov said that he straightaway understood that it was a serious case.

"At almost 5 in the morning, we arrived in the village of Alkhan-Kala and took up our position. According to the intelligence data, there were a rebel fighter (boyevik), Arby Baraev, and his group in the village. That is why the zachistka ("mopping up" operation) was especially carried out by an elite battalion, and not by a unit of the internal troops."

On December 14, at dawn, the landing troop began to control the village. However, in the houses there were no men, nor weapons. Kitchen knives had also been hidden. The Chechen women smiled and said that they knew about the zachistka three days ago.

In one courtyard, the intelligence officers were lucky: they found seriously wounded rebel fighters (boyeviki) hidden under tonsils. According to Sukhanov, the rebel fighters were then taken to a pit and were threatened: "If you don't start to talk, we'll start to shoot you"

"They took one rebel fighter, tied up his mouth and shot into the air, one of us yelled as if he was dying. They took a second one and repeated the "spectacle". And a third one, a fourth one... They finally came to the last one, he did not resist. They drove him all over the village in the APC: he showed who put the landmines, who were the snipers, and who helped the rebel fighters."

On the first day, the intelligence officers controlled a third of the courtyards and went back to their position near the village.

"He was shaking from fear"

At 23:00, Magonov was in his post and noticed people walking along the outskirts of the village. The sergeant also smoothed out a home made mortar directed towards the intelligence office position. Magonov left his post and ordered the conscript sergeant Sukhanov to follow him.

Sukhanov remembers:

"I watched the outskirts of the village through the night-watched instrument. Our sergeant-kontraktnik (under contract) Dmitry Magonov came up. There was not time for report, the rebel fighters could put down the battalion within five minutes."

The sergeants found the mortar made in the boyevik's way. There was nobody near the weapon. Thinking that the boyeviki could not have gone too far, the intelligence officers separated and went towards different sides of the main street. At that moment, Magonov saw again the group of several people, and hide himself.

The Chechens went towards Sukhanov, who also hide near the road. From emotion, his gun fell. Understanding that he betrayed himself, he went out in the street.

Akhmet Ismailov, his wife Zinayda and their two daughters, Kheda and Fatima came up to the sergeant. They said that they were going to their relatives in the other side of the village, and asked the sergeants to let them pass. Sukhanov agreed. Ismailov whipered something to his daughters that went back, Akhmet and Zinaida went straight.

Seeing that Kheda and Fatima went backyards, Magonov suspected them of bringing boyeviki and decided to follow them. However, the girls went back home and quietly waited for their parents to arrive.

Sukhanov also feared that the people he had let pass would warn the boieviki, and decided to move.

"I got into an empty house, in which there was nothing except walls and a roof. As ill luck would have it, when I climbed in through the window, I stumbled over a brick. I began to thunder a little. Suddenly I heard someone stepping from behind. I thought that they did not need to come in the house, since throwing a grenade would have been enough. I bounded through the window and bounced the sub-machine-gun back. I rose my head and saw a silhouette. I thought they surrounded me. I took the sub-machine-gun and shot. I moved toward the fence to protect my back With fear, I would have shot again and again if my sub-machine-gun did not wedge. Suddenly I heard Magonov calling me."

At that time, Magonov was near the Ismailovs' house:

"I sat next to the house, in which the girls entered. At this moment, I heard a toneless sound, typical of the sub-machine-gun AS "Val": a special silent shooting weapon. Sukhanov had this kind of weapon. I run to look for him. I run towards the crossroads where there were two bodies. I finally found Sukhanov: he was sitting next to a deserted house. He was shaking from fear".

"I saw death, but it was the first time that I killed"

According to him, Magonov "tugged" Sukhanov in order to awaken him and brought him to a secure place. Sukhanov could hardly speak. With great difficulty, Sukhanov declared that he had killed boyeviki before his sub-machine-gun fouled.

"I watched the sub-machine-gun and said "Your cartridges just finished" and I put a new bugle" said Magonov.

The paratroopers went back to the killed Chechens. It was Akhmed and Zinaida Ismailovs. At that time, oil-stoves already lighted in the houses, Magonov then proposed to hide the corpses. They pulled the dead bodies aside of the fence and covered them with branches.

The paratroopers then went to the Ismailovs' house, where the killed people's daughters were standing near the gate.

When Alexey Sukhanov remembered what had happened then, he hardly could articulate and words hardly came out.

"We came near the house, the girls were already standing at the frontdoor. I began to feel very bad. I saw death, but I killed first. There was a buzzing in my head, as if it had a cap, as if there was fire inside, I was terribly thirsty. I sat on potatoes, I completly could not stand up and I just moaned that I wanted to drink. The girls said that they straightaway bring me water and went inside the house.

Sergeant Magonov more briskly said:

"I told them that a special operation was carried out and that they did not have to worry about their parents. They went in the house to get some water. We followed them. Sukhanov went first, I was behind him. I did not even cross the threshold, when I heard the same toneless shots."

Only Sukhanov saw what exactly happened in the house.

“I stepped in the room, and the light hit my eyes. I do not know what happened to me: I saw two silhouettes, took the sub-machine-gun and shot. I turned around and saw an armed man coming closer. I hardly understood that it was Magonov. He took the sub-machine-gun off me and ordered me to go out and breathe fresh air. I reached the fence and fell. I stayed sick for a long time. Then, Magonov went out, and caught me up to our position. Later, I knew that Magonov cut one dead girl’s ear. I can not understand why.”

Magonov as well was not in a state for explaining his act:

“When I entered the house, I saw the girls’ bloody bodies, I also started to be mad. I remember: I took the kitchen knife from the table, went up to one girl, took her ear in one hand and slashed it with the other one. I then wrapped it up in cellophane, and finally threw it. I do not know the reason why I did all this.”

The psychologist, who worked with Magonov during the preliminary investigation, explained that Magonov watched Oliver Stone’s film “Platoon” about the Vietnam war, many times. The hero of the film also cuts a Vietnamese girl’s ear. The expert added that it is obvious that Magonov remembered this scene very well. And when he happened to be in similar circumstances, and moreover, being under high stress, he acted according to the pattern.

“Slowly you come to yourself, and slowly you die”

Within one hour and a half, the paratroopers got back to their position and slept. When they woke up, everybody knew about the incident: early in the morning, Chechens came to the commanding officers and demanded the extradition of the criminals.

Magonov and Sukhanov said that they came to the commanding officer on their own, and recognized all the facts. They were put in a zindan (a vegetable pit), that served as guardroom.

“We did not sleep for two nights after that. Anyway, it was impossible to sleep in the zindan: there were water, dirt and lice at the bottom” said Sukhanov. “They tortured us with electroshock: they dragged us out of the pit and attached us on a chair with two conductings, the lieutenant turned the volume and the more he turned, the stronger the current was. They said: testify what they tell you. We did not care. We had already confessed everything.

Magonov and Sukhanov were above all afraid of another thing: the investigators implied that they could transfer them to the relatives of the dead people. Magonov and Sukhanov were then ready to sign anything.

“You know how Chechens deal with people like us?” It seems that Sukhanov remains afraid of this. “They stick in drugs and strip your skin off. And then, you slowly come to yourself and slowly die from the painful shock.

Magonov remembers that during the investigation, his “colleague” made a real impression of madness on him.

“When we were in the zindan, he was absolutely out of mind. I told him what and how to write. I rubbed shoulders with him so many times – I astonished that he was found responsible. Moreover, he had a serious contusion.”

“It is an obvious attempt to get rid of witnesses”

In the court’s verdict, the majority of the facts mainly concurred with Magonov and Sukhanov’s testimony. However, the investigation differently presented several details.

According to the verdict, when meeting Magonov and Sukhanov, the head of the family Ismailov – Akhmet Ismailov – ordered his daughters to go back home and asked the servicemen not to arrest him so that he could notify the neighbours about the forthcoming special operation. Parting with the Chechen, the soldiers went their way, when suddenly they heard someone stepping behind them. Out of the dark, someone was running towards them. According to his first testimony,

Magonov touched Sukhanov's shoulder: this sign meant "Attention!". But Sukhanov understood it as an order to open fire. The person he killed turned out to be Akhmed Ismailov.

Soon after, Zinaida Ismailov ran up to them and so her husband's deadbody and was dumbfounded. Sukhanov shot her before she started to shout. The paratroopers hide the corpses and went to the Ismailov's house, where Fatima and Kheda stayed. According to the investigators, the sergeants feared that the girls could identify them. Sukhanov shot again in the house, he had a silent sub-machine-gun.

Experts found Magonov and Sukhanov responsible. In the court, the public prosecutor declared that "the assassination of Akhmed Ismailov could be accidental, but, concerning the other crimes – it is an obvious attempt to get rid of witnesses". The Judge condemned Alexey Sukhanov to 18 years of deprivation of liberty, and Dmitry Magonov – to 15 years.

"Hold on Dima, hope we will see each other. Iury Budanov"

Dmitry Magonov was born in the Kharkovsky region (Ukraine). He was still young when his parents moved to Kazakhstan. It was the first time that Dmitry met Chechens there. But at that time, as he says, "everybody was equal" and the word "Chechen" did not have the same meaning as today. In 1991, the family Magonov moved to the countryside of the Chernoye Viazemsky district in the Smolensky region.

Dmitry says that when he was 18, Alexander Nevzorov's film "Purgatory" made a great impression on him. He wanted to serve in the army and got ready to it thoroughly. He participated in the military patriotic club and got the grade of hand-to-hand fighter. There was just one problem: Dmitry did not have the Russian citizenship. Thanks to it, I would be able to be serviceman, remembers Magonov. Dima wanted to serve in Chechnya, but at that time, the first campaign ended.

Dmitry was called to the 106th Tulskaia guard division of the VDV. He served in Kosovo, among the peacemaker force of the KFOR, and participated in military operations for one year. Although he had his first contusion there, Dima remembers Kosovo with joy. He served well. The American general Clark himself, decorated Magonov with a memorable sign – the sergeant served in the sub-unit that ensured the entire intelligence office contingent.

In summer 2000, Dima was demobilized. He owned 16 thousands dollars from Kosovo and went to his family in the countryside of Chernoye.

"I did not feel well in the civil life. I could not even breathe like when I was in war. I started to depress, I could not do anything in the village. So, I got away to Chechnya. I signed a contract, my mother saw it and cried."

He did not have a girlfriend.

"I always avoided long relationship with women. Because I saw weakness in people who had attachment to someone. There were lots of guys with me, who missed their girlfriends. I did not need that."

In August 2000, Magonov arrived in Chechnya.

"I was lucky. On the very first day, I participated in fighting and was under fire. The depression stopped and the tiredness disappeared." Says Dima with enthusiasm and smiles.

He spent four months in Chechnya. He liked fighting. But he was sceptical to the commanding officers. And always tried to "display my own initiative".

"You know how special operations are carried out nowadays. They notice the head of the administration beforehand, servicemen knock on doors and say: "Hello!". It is even funny!"

Dima especially suffers from an event occurred in the Shatoysky district, on the border of Grozny.

“We took aim at 68 boyeviki, crossing Grozny. But there was no order to open fire. Finally we were ordered to let them pass, the command wanted to know to where they were going. However, the boyeviki hide themselves behind the pass.”

After his arrest, Dima stayed in the prison of Rostovsky SIZO (detention center) for more than a year, in the same cell that of Yury Budanov. They are still writing to one another.

“Budanov, is one of the most honest men in Russia” affirms Dmitry Magonov. “A remarkable person. I know another aspect of him, different from that you can read in newspapers or watch on television. In Chechnya, I heard only good things about him. It is a pity that good commanding officers became so few. I know that he was diminished responsibility, this is not surprising. Will a man whose 39 years old be of sound mind after two wars and several contusions. And during the first war, how many friends did he lose? How can he be normal?”

According to Dmitry, Budanov writes him very warm letters, he tries to support him. “Hold on Dima, hope we will see each other again”, this is how the colonel usually ends his letters to Magonov.

According to Magonov, everybody is good to him in the prison. Nobody offends. There are no more detainees for crimes in Chechnya here.

“It is true that they are two more prisoners, who fought during the first war. But they committed crimes in their civil life. This is the Chechen syndrome.” Says Magonov.

Magonov’s younger brother, Andrey, visited him. It is time for Andrey to serve in the army, and he also wants to serve in Chechnya. He is already registered in the enlistment office to serve in the same subdivision that of his brother served in. Magonov tried to dissuade him. It did not work.

At the end of the interview, Dmitry Magonov shares his plans for the future:

“I more and more wish to live. I expect to be released on probation. I feel pity for Chechens. Each one has sisters, brothers, and children. My fault: my self-confidence. Of course, I became cleverer. I read a lot. I like Russian classical literature of the second half of the XIX century. I read “War and Peace” and I will soon begin “Crime and Punishment”.

“ When I will go out, I will be 41. I will do my best to be a man”

Alexey Sukhanov lived the major part of his life with his father, in a remote village of the Khabarovsk region. You can reach it only by plane or helicopter, said Sukhanov. Near the village, there are no roads or railways.

When he was a child, he loved hunting. His uncle gave him a gun. With the money he gained from hunting, he bought a motor cycle “Voskhod”, a second hand Japanese brand.

After having finished school, Alexey studied in the technical secondary school. He dreamt of marrying a fellow-villager girl, Svetlana, a future music student. He did not manage: a year after having finished the technical secondary school, he was called in the army.

Sukhanov says that he well served. Within half a year, he was one of the rare people that received the title of sergeant and honours student: to be an example for “youngsters”. He was then called in the intelligence service of the Ussuriskiy detached brigade of the VDV. 6 months before he would finish his military service, an order was passed to send 70 paratroopers, following the loss occurred in Chechnya.

“We all worried of course, we knew where we were sent to. But I worried the most, when we arrived in Khankala. The helicopter, in which we flew, choked up with dead bodies.”

He started to serve in fighting conditions. According to him, the atmosphere was completely different: there was not even a “tough test” for new servicemen. They lived under canvas: 20 men and a small television in each one. They organized friendly parties. On his friend’s birthday, Alexey offered him a armoured waistcoat, taken from a killed boyevik.

“It was imported” smiles Sukhanov. “It did not even had a bullet from the sniper’s rifle.”

Sukhanov remembers only good things about the officers.

“In Chechnya, officers treat soldiers as if they were friends. Sometimes they do not. It depends on who protects your back.”

Once, when he accompanied the convoy in Grozny, Alexey came under a grenade fire:

“Everything was closed up. I was afraid, and thought I got injured. I rubbed my face, it was dry, there was no blood, only dirt, but there was a ringing in my head and my right ear was bloody. In the medical unit, the doctor said that it would mend naturally.”

Compare to Magonov, Sukhanov serves his sentence in tough conditions. In the cell, he says, it is impossible to light a match because of the lack of oxygen. Alexey does not complain.

“Here, in the Khabarovsky SIZO, it is like a health resort.” He says with a cheerful voice. “The cell is the same that in Rostov. But here, we are 18 men; there, we were more than a hundred.”

Sukhanov will no longer fight for a change of sentence.

“I do not want to please myself with illusions.” He says. “They prevent me from living. I already got used to the idea of staying 18 years in prison. When I will get out, I will be 41. Life does not finish yet. I will learn in jail. I will do my best to be a man.”

Khankala. July 13, 2001. INTERFAX

Ten residents of Chechen villages Assinovskaya and Sernovodsk (Achkhoy-Martanovsky district) received physical injuries in the course of the mop-up operations carried out by federal forces on July 3-4. Viktor Dakhnov, the Prosecutor of Chechnya, informed Interfax about the accident: 'Facts of inflicting physical injuries have been established in accordance with the due procedure, there exists evidence, the beatings have been recorded by medical doctors, the protocols have been drawn up' - he reported.

Along with this, the investigators 'have established the facts of inflicting material damage' in the Chechen settlements. In Assinovskaya and Sernovodsk the teams of investigators continue their work, checking 'a large amount of complaints received from the local residents' - said V. Dakhnov. "Not all of the facts specified are being confirmed, often the local residents accuse the military servicemen proceeding from emotions, not from specific events" - he noted.

At the same time the final conclusion of someone's guilt has not been drawn, since the investigation "has to go through an immense amount of factual evidence and testimonies of witnesses", explained the Prosecutor of Chechnya. "The main question for investigation is whether violations of regulations for carrying out special operations by federal forces have taken place" - said V. Dakhnov. In his opinion, the answer to this question will be received after the official check-ups, which will be filed to the case. "Presently, the prosecution has no evaluations of the events from the military, the militiamen and the special services" - noted the Prosecutor of Chechnya.

He reminded that a criminal case had been instigated on the events in Assinovskaya and Sernovodsk in compliance with articles 286 and 161 of the Criminal Code of the Russian Federation - "exceeding official authority" and 'robbery' accordingly. Additionally, several other articles have been added to the case, namely 'inflicting physical injuries' and 'inflicting damage to property'.

As has been previously reported, in the start of July in Sernovodsk and Assinovskaya the members of illegal armed formations have carried out a series of terrorist acts, killing 5 officers of temporary OVD of Achkhoy-Martanovsky district of Chechnya and the military servicemen of interior forces of MVD, destroying two automobiles. A base of temporary dislocation of the MVD was subjected to fire, injuring one of the servicemen.

Almost immediately after these events a large-scale operation by the federal forces was launched in the Chechen settlements located at the border with Ingushetia. Sernovodsk was entirely blockaded, the identity of all male residents aged 15-60 had been checked. 500 persons had been checked through the computer database. On July, 5 the heads of local administration of Sernovodsk, Vakha Arsamakoev, and of Assinovskaya, Nazarbek Terkhoev, sent in their resignations. The officials explained their decision by the fact that "*zachistka* carried out in the last two days in their settlements bore an unjustifiably rough character".

Khasan Deniev, the deputy head of administration of Kurchaloi district of Chechnya likewise decided to resign from his position. He claims that "since recently the situation in the district is becoming more complicated", this related to the disappearance of people detained during mop-ups in Kurchaloi, Maytrup and Oktyabr'koye. In his turn, the chairman of government of Chechnya, Stanislav Ilyasov confirmed that in the course of the special operations in Sernovodsk and

Assinovskaya “serious violations have been committed”. In the meantime, the Interior Minister of the Russian Federation Boris Gryzlov claimed that ‘rough but necessary special operations’ were carried out in Chechnya. He disagreed with the statement of the Chairman of the Chechen government S. Ilyasov that the violations of law committed during the special operations for revealing and detaining the members of illegal armed formations — the so-called *zachistki* had taken place. “These operations are carried out the way they should be carried out, in compliance with legal norms circumscribed for counter-terrorist operations”.

Grozny. July 16. INTERFAX

In Grozny on Monday will take place the government meeting of Chechnya representatives of the commandment of the allied group of forces, MVD and other power structures.

According to the information from the press-service of the Cabinet of Ministries, in compliance with the assignment of the Executive Representative of Russia in the Southern Federal Okrug, Viktor Kazantsev, the leadership of the Republic and the heads of administration of the districts will be informed about the preliminary results of investigation into criminal cases, instigated on the facts of violations during special operations in Assinovskaya and Sernovodsk.

According to the latest data, the law-enforcement agencies received 357 complaints from the local residents. On the eve of the event the head of the administration of Chechnya Akhmad Kadyrov asserted to Interfax that “for establishing relations of trust between the military and the civilian populations, the military servicemen guilty of outrages, if those have indeed been committed, have to be held responsible”.

“Only strict observance of law will help stabilize the situation and start the process of return of refugees”, he noted.

At the same time the executive head of administration of Kurchaloy district Khasan Deniev announced to journalists that in this sense “the investigation into the facts of disappearance of 8 local civilians and applying physical force to 11 detained has not even started”. In early June, Kh. Deniev sent in his resignation. However, later he agreed to stay in the office having received reassurance from the head of administration of Chechnya and V. Kazantsev that the events in Kurchaloy would be investigated and the culprits held responsible.

Attachment 5

Grozny. June, 17 2001. INTERFAX.

The head of administration of Chechnya Akhmad Kadyrov claims that he personally saw the order signed the day before by the Executive Commander of the Allied Forces Vladimir Moltenskoy which holds responsible some individual representatives of commandment of Allied Group of Forces. Kadyrov made this announcement, when commenting upon the recently appeared evidence that none of the officials named by the Commandment of the Allied Forces in relation to the special operations had been punished.

In his opinion, conversations of this kind aim at diminishing the significance of the measures taken by the leadership of Allied Forces and by the republican administration for ensuring stability in Chechnya. He noted that V. Moltenskoy and the representatives of prosecution work efficiently to conclude the investigations and to determine the degree of responsibility of individuals involved in violations in the Chechen settlements of Kurchaloy, Assinovskaya and Sernovodsk. A. Kadyrov announced to journalists that he had been shown a video recording of brothers Berkhoev and Musanipov detained from Kurchaloy on June, 30 and thrown out the day before in the outskirts of village Melchu-Khi. A. Kadyrov emphasized that what he was shaken by what he had seen. The bodies of the Chechens bore numerous marks of beatings and cut injuries, he said. According to Kadyrov, all the three men were in a critical state even unable to speak. He abstained from verbalizing any interpretation of the event, although characterized it as an 'atrocities'. I will not leave it like this and will do everything in my power for the guilty to be identified and punished in accordance with the law"- claimed Kadyrov.

On Monday, the Deputy Procurator General of the Russian Federation Vladimir Kravchenko confirmed that brothers Bekhoev and Musanipov were in a critical position in the hospital and the investigation enactment were to be carried out with them within the framework of investigations into the criminal cases earlier instigated on the events in Kurchaloy. Speaking of the timeframe for investigation of the criminal cases and if necessary their transfer to courts, A. Kadyrov noted that cases of the kind cannot be completed in a week or two, but "the people should know the principled approach of the military and civilian authorities to those events". "The antiterrorist operation is carried out against bandits, terrorists and kidnappers of people, not against the civilian population, and each fact of violation of human rights, to say nothing of inflicting heavy physical injuries, could not be left without attention, if we want to bring peace back to Chechnya"- claimed A. Kadyrov.

A. Kadyrov emphasized that the troops had fulfilled their assignment and now the order should be established, targeted work done by secret services and the units of interior troops of Russian at pre-specified addresses.

Kadyrov saw indirect guilt of the local ROVD servicemen in the events in Kurchaloy: they failed to prevent kidnapping of 8 civilians from the village by unidentified persons, in spite of their obligation to abort 'illegal actions, whoever commits them'. A. Kadyrov thinks that to improve the situation and to return refugees to Chechnya it is necessary to start the process of reviving the social sphere, create working places, stop the practice of large-scale 'zachistki'".

Moscow. July 17 2001. INTERFAX.

The Executive Representative of the President of the Russian Federation in the Southern Federal Okrug, Viktor Kazantsev considers that violations of law have been committed by the individual servicemen of the federal forces and by the civilian population in the Chechen settlements of Assinovskaya, Sernovodsk and Kurchalok. He announced this in the broadcast of the TV channel NTV Tuesday evening.

According to Kazantsev, 8 criminal cases have been instigated on the facts of these violations. The Executive Representative does not exclude the possibility that the number of cases increases. A number of authoritative officials at different levels of power ministries and departments have been punished, he reported.

At the same time, the Executive Representative emphasized that “we should not forget about the illegal actions of the civilian population”. “The very fact that more than one half of them renounced their applications (with the complaints on the actions of the federal servicemen - IF), speaks for itself,- he said.

Attachment 7

August, 21 2001 Strana.Ru

More than 60 residents of villages Sernovodsk and Assinovskaya have been officially recognized as victims of unlawful actions by the representatives of federal forces, which has taken place on July 2-4 carried out special operations for checking the observance of passport regime. This the Prosecutor of Chechnya Vsevolod Chernov reported at today's meeting of the members of the working groups of State Duma of the Russian Federation and PACE, which took place in Grozny chaired by the special representative of the President of the Russian Federation in the Republic Vladimir Kalamonov.

In the words of Chernov, the innocent victims of the special operations have a right for compensation of their losses and "now the military servicemen try to make up for the damage inflicted to these citizens". At the same time, the prosecutor noticed that the investigations into the circumstances, related to the actions of the federal forces in Assinovskaya, Sernovodsk and Kurchaloy continues. Concrete individuals have already been arrested for the events in Kurchaloy, and accusations have been issued "in conjunction with the atrocities, committed by them against the civilian population", emphasized Chernov.

Upon his claim, in the course of investigation the negligence on behalf of authorities has become obvious. "We are determining the circle of those individuals in order to give legal evaluation to them", - he noted. But, without waiting for the final results of the investigation, the prosecution of the republic considered it possible to forward the corresponding documents of the prosecution reaction to the Minoborony, MVD and FSB of Russia. "There we raise the question of strict punishment for a number of officials, including the authorities of the known special operations"- emphasized Chernov.

Human Rights Center “Memorial”

CLEANSING OPERATIONS IN THE KURCHALOYEVSKIY REGION

June 2001

In June 2001, members of the Human Rights Center ‘Memorial’ went to the Kurchaloyevskii region in the Republic of Chechnya, where they interviewed local residents, talked to the region’s administrative representative and visited the central hospital.

Below follows information about local events; the appendixes provide excerpts from local residents’ statements.

Kurchaloyevskii region is located on the plain and foothills to the east of Grozny.

Since autumn 2000, the Human Rights Center (HRC) ‘Memorial’ has been receiving news about the extreme violations of human rights occurring in this region. The HRC ‘Memorial’ was the recipient of information about Kurchaloyevskiy, submitted on the 22nd November 2000 by Mr. M. Taramov, the chief administrator of the region. This report includes descriptions of sabotage and acts of terrorism by the rebels, as well as numerous cases of violence against peaceful civilians by the federal forces.

Makhkal Taramov, a civil servant of the Russian administration and a man under death threats from the rebels, nonetheless released the following statement:

«The criminal acts committed by the federal forces and by representatives of various special service branches have a hugely negative effect on the general atmosphere in the region and cause widespread repercussions. There are constant cases of peaceful civilians being unlawfully detained and terrorised during the so-called ‘clean-up operations’. People are taken away and their fate becomes a mystery <.....> Deliberate contempt is shown to civilians passing through at each checkpoint. Local police are often offended and derided. The bureaucratic chaos created by the federal forces adds to the explosive liability of the situation.

In the Spring of 2001 the **‘Operational Headquarters for the improvement of the socio-political situation’** was set up with the participation of the region’s military commander, heads of the regional administration, leaders of the Temporary Department of Internal Affairs (VOVD – police temporarily taking command in Chechnya) and the Regional Internal Affairs Management (RUVD – Chechen police). Several times a month, this board chaired widely attended conferences, but the situation in the region did not improve. The HRC ‘Memorial’ continued to receive reports of acts of aggression against civilians by servicemen of the federal forces: of murders, robberies, torturing and ‘disappearances’ of local residents held under arrest.

At the same time armed formations continued resistance against the the federal forces.

30th April 2001: on the road outside the village of *Oktyabrskoe* a landmine blew up a vehicle of the Unified Military Forces Group. One soldier died and two were wounded.

1st May 2001, *Kurchaloy*: an uncased bomb exploded in coach that had been transformed into a cafe. Six servicemen of the federal forces and a waitress were wounded.

Evening, 1st May 2001: as a result of the shelling of a car, **Saikhan Chukaev**, the head of the village administration of *Geldagan*, was killed.

2nd May 2001: in the northern outskirts of *Kurchaloy*, a radio-operated landmine blew up a truck carrying servicemen of the Khabarovskiy OMON returning from a special operation. One policeman died and two were wounded.

Immediately following this event, soldiers arrested 4 local residents – men who happened to be not far from the site of the explosion; two were workers at a car repairs works, one, the owner of a roadside cafe and one, a young man who was washing his car by the river. During their arrest they were all severely beaten. At the VOVD however, for some reason only one of them was beaten up. Within 2 days all the arrested men were released. However, this incident caused clashes between soldiers and the local women, which led to the injury of an 11-year old girl.

12th May 2001: at 04:30 in the morning, soldiers arriving in armoured cars surrounded a block of flats in the village of *Geldagan*, burst into the home of **Khamdi Khumandinovich Gerikhanov** (born 1954) and shot dead his son **Umar Khamdievich Gerikhanov** (born 1982). The soldiers shot **Khamdi Gerikhanov** first in the leg, beat him and then shot him in the head.

On the same day armed federal forces representatives burst into the house where the brothers of the killed Khamdi Gerikhanov were living. They were taken from the house and released only after torture and assault:

Khamzat Khumadievich Gerikhanov (born 1952) – broken right foot, concussion.

Gairbek Khumadievich Gerikhanov (born 1959) – damaged ribcage, lower back, pelvis.

Ilyas Khumadievich Gerikhanov (born 1966) – forced to drink a substance that caused his body to break out in a rash and left him feeling extremely unwell.

Abubakar Khuseinovich Umarov (born 1980) – grievously beaten up.

According to the report from the headquarters of the United Federal Forces Group, dated **14th May**, two rebels were killed in **Gedagan**.

17th May 2001: near the village school in *Tsotsin-Yurt*, the military commander of the Kurchaloyevskii region, colonel **Sergei Kislov**, stopped a passing car with three men inside and demanded to see the driver's documents. In response the driver shot at the commander several times with a pistol. The commander died later in hospital from his wounds.

In the return fire the driver and one passenger were killed. The third rebel managed to escape.

At the time of the incident, 4 young men were found near the scene. Not having succeeded in catching the third passenger, soldiers arrested these men. They were:

Dzhabrail Abdulkadyrov (born 1972)

Askhab-Ali Mugudinovich Biyakaev (born 1985)

Umar Makhmayev (born 1980)

A man of dagestani origin who had come to the region to buy oil.

In the evening of the same day General **Troshev** appeared on television. He presented 4 men; their heads covered by sacks, and said that they were responsible for the commander's death. The parents of the men recognised them, but when they questioned the authorities – the commandant's office, the VOVD, ROVD and the federal security service (FSB) - all denied that the men had been detained.

* The word «serviceman» is used here and further on, although it has almost always been impossible to identify who exactly has been taking part in these actions. It could have been servicemen from the interior forces, OMON men [riot police] or SOBR [rapid reaction forces], SpetsNaz [anti-terrorist troops] of the GUIN [special troops linked to penal system services] of the Russian Federation Justice Ministry, and others. Federal forces personnel in Chechnya frequently operate wearing camouflage uniforms with no identification badges and hardly ever identify themselves to the local population.

All 4 men were released within 2 weeks. They had all been beaten but no charges had been made.

27th May 2001: armed men in camouflage and facemasks burst into the house of the divisional police inspector of *Geldagan*, **S. Chukaev**, and killed him and his brother.

THE FIRST 'CLEANSING' OF THE VILLAGE OF MAIRTUP

1st June 2001: soldiers surrounded *Mairtup* (Kurchaloyevskii region) in the early morning. A 'cleansing' operation began, in which neither the regional commander nor the administrative head were involved. Soldiers burst into residential blocks, 20 or 30 at a time and fanned out round the courtyard and sheds. They held the residents at gunpoint in the courtyard, while they turned the contents of the homes upside down; tearing down carpets, breaking furniture and confiscating anything valuable. On discovering young men, the soldiers announced they were taking them with them, although they then offered the families the opportunity to pay for their immediate release.

8 men were taken to the outskirts of the village where they were chased by dogs and beaten. Later, 4 were released and the remaining men were taken to the commandant's office. They were detained there for 5 days. Two of them were then released, but two – **Said-Khasan Salamov** (born 1953) and **Said-Magomed Vakhaev** (born 1962) disappeared without trace. Vakhaev was taken to the commandant's office in a state of unconsciousness and was then taken away on a stretcher. Nonetheless the commandant's office claimed that neither Vakhaev nor Salamov had been held there. Documents confiscated from the released detainees were not returned to them.

Beginning of June 2001: the headquarters of the Unified Military Forces Group in the North Caucasus released several statements about increased rebel activity in the Kurchaloyevskii region.

5th June 2001: **Sheikhi Dubaev**, a member of the security services of the head of the administration of Chechnya, received several wounds as a result of an attack on his car in the outskirts of the village of *Kurchaloy*.

6th June 2001: an armoured division approached the outskirts of the village of *Mairtup*. Soldiers seized 3 herdsmen and delivered them to the 33rd regiment, which is based in the former territory of the road repair station. There the prisoners were taken into tents and tortured with electric shocks, thus forcing from them testimonies indicating names of people in the village connected to the rebels. They were then thrown into a pit where they were left without food and water until the following evening when they were taken to a forest and abandoned.

8th June 2001: according to a commanding representative of the United Federal Forces Group, an armoured vehicle was blown up in a mine incident near the village of *Mairtup* and two policemen were killed.

On the same day the second 'cleansing' of the village of *Mairtup* commenced and continued till the 9th June 2001.

THE SECOND 'CLEANSING' OF THE VILLAGE OF MAIRTUP

Firstly the statements of two official persons:

On the 9th June an unnamed general informed a correspondent of Interfax: "We cannot adopt the approach 'an eye for an eye', but neither can we promise the residents of Mairtup a peaceful existence over the next two weeks".

On the 26th June A. **Kadirov**, the administrative head of the Republic of Chechnya informed journalists that the return of refugees from Chechnya is significantly hampered by "clean-up operations, which are accompanied by pillaging and excesses of behaviour in relation to peaceful citizens». He noted the 'clean-up' of *Mairtup* as an example where, he stated, «300 people, who were not involved in the unlawful activities were arrested".

8th-9th June 2001: the village of *Mairtup* was blockaded. The 'cleansing operation', as usual took place in the absence of the commandant and the administrative head. Members of the Tverskoi OMON who are serving at the checkpoint nearest to the village and are supposed to guarantee the safety of its residents, shut themselves in a building and took no steps to intervene.

Undisguised robbery and extortion took place in the village. Servicemen of the federal forces rounded up the young men under any pretence. Dozens of people were arrested.

9th June 2001: **Apti Akhyadov**, a 14-year-old boy, was killed. By mistake, the permanent address on this boy's provisional I.D. was incorrectly stated as *Alleroi*. Knowing that such a mistake could cause severe problems for her grandson, his grandmother advised him to run away. **Apti** ran off but the soldiers noticed him and one of them shot as he was climbing over a fence. The shot was taken at close range and it would have been obvious that this was not a grown man, especially since **Apti** was not a tall boy. His brother ran up to him but he was already dead. The soldiers decided to detain the 16-year-old brother of the dead boy. In vain the boy asked to be allowed to remain until his brother's funeral and swore he would then turn himself in. But they took him away nonetheless.

Driven to despair, the residents of the village laid **Apti's** body on a stretcher and the gathering crowd set off through the village to the regional centre of *Kurchaloye*. The soldiers immediately burst out of the courtyards where they had been carrying out their 'cleansing operation'. A woman threw a stone at them. One soldier aimed and fired an automatic weapon at her. A second soldier grabbed him and forced the first's arm upwards and the shots went off into the air. The soldier tried to shoot a second time, but was again prevented from doing so. The residents wanted the commanding officer to speak to him, demanding not the ending of the 'cleansing operation; but that it should be carried out lawfully. The soldiers began to fire into a pile of stones, which the villagers were standing in front of. Several bullets ricocheted into the crowd; three men received injuries as well as one woman whose knee was shattered by a bullet. Two men hoisted her up and called for the commanding officer. The soldiers compromised saying that the commanding officer would address them only if the crowd withdrew 10 metres and only three men approached the administrative building.

At this moment the deputy commander of the region Odissey Danaev arrived. The residents noticed that he was in a good mood and told him what had happened. Danaev promised that in future the cleansings would be carried out only in the presence of members of the military and civil administration.

Apti Akhyadov's brother was released late that evening. There were no charges made against him.

‘CLEANSING OPERATION’ IN THE VILLAGE OF TSOTSIN-YURT

15th June: the latest meeting of the ‘Operational Headquarters for the improvement of the socio-political situation’ took place in the morning in the regional centre of Kurchaloy. In particular the order of the commanding officer of the Unified Military Forces Group in the Northern Caucasus №145 was being discussed. According to this order, the commanders of the various sections and divisions of the federal forces must co-operate with the leaders of the local administration, the military commandants, chiefs of the regional police units and the military prosecutors during all special operations in civilian areas. At the start of a special operation, the leader of the operation must invite these officials to his command office.

However, as it later became clear, at the very time that this was going on, and without even informing the head of the Kurchaloyevskii region, anyone from the village’s central administration or even the commandant of Kurchaloyevskii region, the federal forces were undertaking a ‘cleansing operation’ in the village of *Tsotsin-Yurt*.

From 10:00 am *Tsotsin-Yurt* was surrounded by a large number of armoured vehicles. By 11:00 am soldiers blockaded the village. No one was admitted to the village, not even a woman bringing the dead body of her child back from *Makhachkala*.

Next, the helicopter safeguarding *Tsotsin-Yurt* discharged its passengers. All the residents’ passports were checked which was accompanied by extensive pillaging of their property. All the pillaged possessions were loaded into the armoured vehicles and transported to a point at the outskirts of the village. Everyone who had been arrested was also taken to this point.

Dozens of male village residents were arrested. They were all subjected to beatings and torture that resulted in broken ribs and limbs. Almost all of them had bloodblisters on their bodies.

Soldiers stopped the drivers of buses and cars along the road through the village, and beat them also.

Most of those arrested were released the same day, however, the fate of 11 people remained unknown. In the course of a week, 9 of the 11 were released. They had been held in temporary solitary confinement cells (IVS) in *Kurchaloy*. Among the detainees was **Rezvan Saidovich Kubiev** (born 1969) who was suffering from mental illness. Rezvan is not aware of what he does or what is going on around him, he cannot feed himself but has to be fed by his mother. He was kept in isolation for a week.

Two of the arrested men disappeared completely. The men were two brothers — **Adash Adamievich Edisultanov** (born 1975) and **Beslan Adamievich Edisultanov** (born 1973). It is possible that the reason the representatives of the federal forces paid special attention to them was because their bodies were showed old scars. There are statements that reveal that on the 16th of June they were detained with the other residents of *Kurchaloye* (see below). There is no current information (as of the beginning of July) as to their whereabouts.

‘CLEANSING OPERATION’ OF THE VILLAGE OF KURCHALOY

16th June: at dawn the federal forces set about the ‘cleansing’ of *Kurchaloy*. According to statements from local residents, the cleansing began at 4:00am and 10 people were arrested according to information on file about them.

Arrests of men on file

Two brothers – Magomed-Salakh (born 1980) and **Magomed-Emi Dokhtukaev** (born 1978). The circumstances under which Mahomet-Salakh was wounded by an automatic weapon outside his house are undetermined. He was still alive when soldiers returned to the scene and placed him in an armoured vehicle. They then placed his brother, **Mahomed-Emi** and father, **Said-Mahomed Dokhtukaev** (born 1959) in the same vehicle.

A little while later **S-M. Dokhtukaev** was released after being told: «You will never see one of your sons again, and the other won't be around either. Off you go and suffer for the rest of your life».

The fate of the two brothers remains unknown. Local residents believe that the unrecognisable remains of human bodies, found in the outskirts of the village on the 21st June belonged to them. The relatives of the men, however, are unwilling to accept this.

Khasan Dzhunaidovich Chimaev (born 1948): at 4:00am soldiers, arriving in cars with muffled motors, stole into his courtyard. Chimaev was home at the time with his wife and 15-year-old daughter. Half asleep, his daughter scarcely managed to tell him: «someone's in our courtyard» when the soldiers burst into his home, breaking down his door and windows. Asking no questions, they began ripping the doors off cupboards and wardrobes, overturning and smashing up furniture. Finding no evidence of criminal activity, they left with Chimaev with the words «we'll have the old man».

21st June: among the corpses found that, day relatives identified him by scraps of his clothing (his wife identified him by the collar of his shirt she had mended).

Vakha Magomadov: He worked in the regional office of internal affairs, therefore he left his house and climbed into the military's vehicle calmly when he was detained. Those who arrested him stole all the valuables from his house.

Magomadov's dead body was found on the 21st June near to the village.

Khanpasha Khizriev: He showed his documents ascertaining that he was a divisional police inspector to the soldiers, carrying out identity checks. He was not held while being arrested, according to the eyewitness accounts of his relatives; he climbed into the military's vehicle. At the commandant's office his mother was told that they had no information as to his whereabouts.

Among the bodies discovered on the 21st June his body was identified by a note in his trouser pocket. It was a note to him as the divisional police inspector asking for someone to be officially registered.

Two brothers – Rizvan and Ibragim Gaibov: from 1997-1999 (during the Maskhadov regime) their brother, Idris Gaibov, was the prefect of the region of Kurchaloevskiy. After the second war in Chechnya began, he moved away from Kurchaloy, but his brothers were hassled every time there was a 'cleansing operation'. This time was no different; in the morning of the 16th of June Rizvan and Ibragim were arrested but released in the evening. However, on the 17th June Rizvan was again arrested. His exact whereabouts are unknown but it has been reported that Ibrahim Gaibov is alive and being held in a solitary confinement cell at the VOVD.

In addition to the brothers, three other men were arrested who were released after having been beaten and tortured. For example, one of the arrested men, whose son is probably a rebel fighter against the federal forces, had his back sliced. Two ribs were broken as a result of the beatings he suffered. A sharp implement was inserted into his ear as a result of which he now has only partial hearing.

The utter 'cleansing' of Kurchaloy

After the arrests of those on file, many armoured vehicles entered the village and blockaded the streets. A complete check of all the houses commenced. The same thing happened here as in *Mairtup* and *Tsotsin-Yurt* – looting and extortion. The soldiers blatantly loaded valuables – stereos, televisions and carpets into their armoured vehicles.

Public institutions such as the medical clinic were also looted.

The 'cleansing' commenced with no notification or co-operation with the local administration. Soldiers simply didn't allow the head of the regional administration to leave his house that morning.

Only in the afternoon the colonel leading the operation (who refused to identify himself) met the head of the region and the village administration in the presence of the head of the VOVD and the military commandant. He stated that all men arrested would be later released if no charges were made. Those who were clearly involved in suspicious activities would be taken to the military base in *Khankala*. And those who had to be 'worked on' (in the words of the colonel) would be taken to the VOVD.

During the 'cleansing' neither the commandant's assistants nor the VOVD police even tried to stop the excesses. Later the regional commandant claimed that he had not been informed about the impending 'clean-up' operation.

The 'clean-up' continued till the **17th June**, the looting and extortion continued. Unlike the day before however, there were almost no arrests.

Arrests, beatings, torture

16th June: over the course of the day about 120 men between 16 and 65 years old were arrested.

All the arrested men were blindfolded and had their hands tied behind their backs, and were transported to the outskirts of the village where they were held either outside or in a warehouse of agricultural chemicals. Several of the men were badly sunburned due to being forced to lie half-naked in the extremely hot sun for hours.

According to the accounts of those who suffered at the hands of the soldiers, they were beaten with plastic water-filled bottles. They were beaten around the head and other vital organs: kidneys, liver etc.

The arrested men were hang up on trees. They were forced to lie on the ground and soldiers jumped onto them. The soldiers burned their bodies with cigarettes, poked fingers in their eyes and squeezed their fingers and toes with pliers. In this way they forced answers to the standard questions: «Are there rebels in your village? «How are you helping the rebels?» «Who has weapons and where are they hiding them?» etc.

At the request of the interviewees, 'Memorial' is not releasing the names of those who were tortured. Among the residents of Kurchaloy who were seriously harmed, information on the following is available:

- A 44-year-old man who suffered broken ribs and was beaten about the kidneys and liver
- A 26-year-old man who had the fingers broken on both his hands
- A 29-year-old man who also had his fingers broken, had his nose broken and was wounded several times with a screwdriver.

There are other seriously wounded men about whom less information is currently available.

After the beatings and the torture, most of the men were released that evening. 19 of them were not returned the documents they held at the time of the arrests. Several more were released over the course of the next few days.

However, 7 of the men were not released: **Vakha Magomadov, Khasan Chimaev, Rizvan Gaibov, Ibrahim Magomed-Salikh Dokhtukaev, Magomed-Emin Dokhtukaev, Khanpasha Khizriev and Badruddi Israpilov.**

Regarding **Rizvan Gaibov** and **Badruddi Israpilov** (in whose homes hunting weapons were discovered) there is information that they are being held at the VOVD.

Unlawful executions: 'disappearances'

21st June 2001: 5 mutilated bodies were found a few kilometres from the village in the buildings of a deserted farm.

One of the deformed men was immediately identified. It was **Vakha Magomadov** (see above – arrests of men on file).

The other 4 bodies were practically in pieces, evidently from shell wounds. Nonetheless, two of the bodies were identified by relatives. That is the bodies of:

Khasan Chimaev

Khanpasha Khizriev.

The remains of the other two men were unidentifiable, but the village residents presume that they are the remains of the bodies of the **Dokhtukaev** brothers.

All these men were arrested by representatives of the federal forces, early in the morning of the 16th June during the selective arrests of men whose details are held on file.

The news agency Interfax announced the discovery of the bodies but didn't draw attention to the fact that they were the bodies of men who had been arrested by representatives of the federal forces.

«INTERFAX 22nd June: In Chechnya, 4 km from a regional capital, local residents discovered the dead bodies of five men.

As 'Interfax' was informed on Friday, the forensic examination at the ROVD of the Chechen region of Kurchaloyevskii established that they all died from their 'numerous shrapnel wounds'.

At the present time, it has been possible to identify two of the bodies: they are local residents who had previously been presumed missing. The ROVD confirmed that the identities of the other three bodies are currently being established.

A criminal case has arisen from the discovery of the bodies. Reporters from 'Interfax' gave details that an investigative team from the public prosecutor's office, the FSB and the military commandant's office are working on the scene.

*«INTERFAX 22 June: Names were established of two of the five men whose bodies were found with numerous wounds at the outskirts of the regional center of Kurchaloy. As Interfax reported earlier, the local ROVD established that among the dead were **Guseyn Chimaev** and **Vakha Magomadov**, both residents of Kurchaloy.*

They were last seen alive on the 16th June. Law enforcement agencies are investigating the events.»

The night of the 27th/28th June: In the village of *Geldagan* soldiers arrived in armoured vehicles (BTR) at the home of the **Israilov family**. The armoured vehicles broke down the brick wall around the courtyard and the soldiers burst into the house. Neighbours heard shouting and an order in Russian «Lie down on the floor!» After that there was a volley of machine-gun fire. In the morning it was established that **Dzhabrail Uvaisovich Israilov** (born 1953) and his sons **Beksolt Dzhabrailovich Israilov** (born 1982) and **Bekkhan Dzhabrailovich Israilov** (born 1983) had been killed.

Several residents of *Geldagan* cautiously express the opinion that the death of these people may have been connected to their involvement in money-changing operations.

report from the scene by members of the Human Rights Centre «Memorial»

**HUMAN RIGHTS CENTER «MEMORIAL»
THE «CLEANSING» OPERATIONS IN SERNOVODSK AND ASSINOVSKAYA
WERE PUNISHMENT OPERATIONS**

09.07.2001

On 2 July 2001 a «cleansing» operation was carried out in the *Sunzhenskiy district* of the Chechen Republic. The target of the «cleansing» operation was the large village of *Sernovodsk*, close to the border with Ingushetia.

On 3 July a «cleansing» operation began, targetting the village of *Assinovskaya*, in the *Achkhoi-Martanovskiy district* of the Chechen Republic. This «cleansing» operation continued on 4 and 5 July.

On 1 July a police car was blown up by a landmine in the village of *Sernovodsk*. 5 policemen were killed.

On 2 July, federal forces began a «cleansing» operation in *Sernovodsk*.

Representatives of the Human rights centre «Memorial» were on the scene and were witnesses to the fact that the «cleansing» operation was essentially an operation to punish all those living in the village and refugees staying in temporary accomodation. The «cleansing» operation was accompanied by mass looting and extortion. Villagers' property was destroyed and ruined. For no reason, grenades were thrown into several homes.

Several hundred local inhabitants were detained and taken out into a field between the villages of *Sernovodsk* and *Samashki*. There, the detainees were interrogated to try to find out from them who in the village supported the fighters, who was a «Vakhabit», where weapons were stored etc. The interrogations were accompanied by vicious beatings and torture. Dogs were deliberately set on several people. A number of people were tortured with electric current.

During the night from 2 to 3 July the majority of the detainees were released. However, more than a hundred men were taken away to *Achkhoi-Martanovskiy*, to the Temporary Department of Internal Affairs.

As a result of the events in *Sernovodsk*, a new flow of refugees poured into Ingushetia. By 3 July, around four thousand people had left Chechnya for Ingushetia. On 4 July, the flow of people out of Chechnya continued.

The «cleansing» operation in *Sernovodsk* was carried out on the same day that a special session of the State Duma was being held in *Groznyi* to discuss the problem of returning refugees to Chechnya.

It should be noted that in contravention of *order of the executive body of the Commander of Joint forces in the North Caucasus No. 145*, the «cleansing» operation was carried out without the co-operation of the local administration. Furthermore, servicemen locked up the head of the village administration, *Vakha Arsamakov* and the head of the administration for the Sunzhenskii region, Khizir Vitaev.

They were locked in their offices and not allowed out for ten hours. All the village militia and traffic police were disarmed during the «cleansing» operation and detained by the servicemen.

On 3 July, on the edge of the village of *Assinovskaya*, an armoured personnel carrier was blown up by a mine. On the same day a «cleansing» operation began in the village, which continued during 4 and 5 July. In the course of the «cleansing» operation mass looting again took place. People who tried to stop their property being taken away were beaten. Around 300 people were detained. They

were taken out to the edge of the village, into a field, where they were interrogated. The interrogations were accompanied by beatings.

DETAIL

On **1 July** around midday in the village of *Sernovodsk* a police UAZ truck was blown up by a mine at a level-crossing. Five policemen were killed.

Military vehicles quickly turned up at the scene. Soldiers opened fire with automatic weapons, machine-guns and grenade launchers into the surrounding woods. Then they detained two young people who were grazing cattle nearby. At first they wanted to shoot them on the spot, but the local policeman intervened. He proved that the two people could not have set off the mine. Nevertheless, the servicemen took away the shepherds. Nothing has been heard of their fate since.

Early on the morning of **2 July**, a sub-unit of federal troops entered *Sernovodsk* and began a «cleansing» operation. The soldiers said that the aim of the «cleansing» operation was to detain the rebel fighters who had caused the blast. However, they carried out their operation using barbaric and illogical methods.

The military servicemen burst into the courtyards of blocks, drove people out of their homes, threw grenades into attics and cellars, took any property which they liked and smashed and slashed furniture. They even began to gather up provisions in the village, killing chickens, turkeys and sheep and even digging up potatoes and loading them onto armoured personnel carriers.

It was clear that various sub-units took part in the «cleansing» operation. The worst excesses were carried out by those operating in the centre of *Sernovodsk*. Here, military servicemen shot at private vehicles and public transport unless the owner managed to pay them off first. In the courtyard of the home of the **Mutsiyev family**, two cars were shot up with machine gun fire in this way. The **Madaev family** had a «Zhigouli» VAZ 21099 taken away although the documentation for the vehicle was in order.

They even took a diesel electricity generator out of one building and a water pump.

Despite the fact that the village put up no resistance to the soldiers, grenades were thrown into the homes of the **Movsarov, Batashev, Salamov, Arsanukaev, Ramazanov, Saidulaev and Al'tamirov families**.

All the local police and traffic police department were disarmed and held by the servicemen. The head of the village administration, **Vakha Arsamakov**, and the head of the Sunzhenskiy district administration, **Khizir Vitaev**, were locked up in their offices by the soldiers at the start of the «cleansing» operation and not allowed out for ten hours.

In every yard, all males between the ages of 14 and 60 were detained. Some of those detained were able to buy their way out. A specific levy was set for this. If a person's documents were in order and he was registered locally, then this was 200 roubles. If his registration was not a local one (mainly refugees, living in the temporary accommodation centre in the buildings of the technical college and in railway carriages), then it was 500 roubles. If a temporary pass had expired or not all the photographs had been stuck into a passport, the levy was 1,000 roubles.

Several hundred people were unable to buy their way out (some reports say around 700) including two women, **Mazaeva Marem** (40 years old) and *Gazmagomadova*. Among those detained were two sons (aged 14 and 18) of the head of the village administration, **V Arsamikov**. A 90 year old man, **Abdul-Kadyr Gubaev** was also detained. Around 81 people were detained at the temporary accommodation centre and then taken away.

All the detainees were led out into a field between the villages of *Sernovodsk* and *Samashki*. There all of them, including the 90 year old **A-K. Gubaev** were ordered to lie face down on the ground and their shirts were pulled over their heads so that they could not see. If anyone made the slightest movement, he was hit in the head with a rifle butt.

They took away the detainees' money and removed rings and watches. The soldiers also ripped up some people's identity documents.

Interrogations were carried out in a tent which they set up there.

Almost everyone was asked the same questions: was he a fighter or a "Vakhabit" ; did he know any rebel fighters; what did he know about Basaev and Khattab. Those being questioned were savagely beaten. People were especially harshly treated if they had any scars on their bodies, even if they were from their childhood. Some people were tortured with electric shocks. Metal rings were put on their fingers and connected to an electric current.

This torture was used on: **Salambek Amagov, Alikhan Basaev, Islam El'diev, Ruslan Yasakov, Visingiri Madaev, Magomed Al'tamirov**. Dogs were set on **Visingiri Madaev** who was bitten repeatedly. The son of the head of the local militia, **Vakhi Susurkaev**, was savagely beaten.

At around 10.00 pm on 2 July they began to release the detainees. By 2.00am, most of the detainees had been released.

Salambek Amagov, 35, was dumped unconscious outside his house. When he was lifted up, blood poured from his throat. His relatives took him to the Achkhoy-Martanovskiy hospital.

More than one hundred of the *Sernovodsk* villagers who were detained were taken to *Achkhoy-Martan* to the Temporary Department of Internal Affairs.

As of 7 July, there was no news of the whereabouts of **Apti Isigov, Selimkhan Umakhanov, the brothers Bataev, the brother Muzaev and Ruslan Makhaev** (an invalid from childhood who is 1 metre and 30 centimetres tall).

On 8 July **Ruslan Makhaev** was freed.

Supplement (September 2001)

In September 2001 two persons among the detained inhabitants of Sernovodsk disappeared.

- **Apti Isigov**, born in 1978, who lived on 34, Nervomayskaya Street, was taken into custody by soldiers in his house in front of witnesses. Isigov spent some time with other detainees in APC, but was not taken to the filtration center.
- **Zelimkhan Umkhanov**, born in 1972, who lived on 4, Kutalova Street, was taken into custody by soldiers on Sernovodsk Street in front of witnesses. Umkhanov spent some time with other detainees including A. Isigov in APC. He also was not taken to the filtration center.

Supplement (May 2003)

We still do not know what happened to **Apti Isigov** and **Zelimkhan Umkhanov**. Criminal investigations suspended this case of disappearance because of the «incapacity of representing persons subjected to prosecution».

On the day after the «cleansing» operation (3 July) a large number of local people and refugees decided to leave *Sernovodsk*. People were leaving because soldiers had told them that they were going to «clean up» *Sernovodsk* for 7 days and promised to «wipe the village from the face of the

earth». Many women literally threw out their sons, insisting to them that it was better to sleep on the ground than to be killed or maimed. During the day, around 4,000 people walked or drove out into Ingushetia. At first they made their way to refugee camps in the village of *Ordzhonikidzevskaya* (*Sleptsovskaya*), and then dispersed to various places, afraid to stay together.

The exodus of people from Chechnya into Ingushetia continued throughout the following days. And people began to leave other villages as well. However, starting on 8 July, some Sernovodsk villagers began gradually to return.

It should be noted that the «cleansing» operation in Sernovodsk was carried out on the same day that a special session of deputies of the State Duma of the Federal Assembly of the Russian Federation was being held in Grozny to discuss the problem of returning refugees to Chechnya. The chairman of the government of the Chechen Republic, *S Ilyasov*, expressed his opinion at this session, that it was only the lack of money that was preventing the return of people. However, it is very clear that the Russian budget will not be able to guarantee returning refugees enough money to be able to buy themselves or their loved ones their freedom each time there is a «cleansing» operation.

On 3 July, on the edge of the village of *Assinovskaya*, an armoured personnel carrier was blown up by a mine and federal positions were shot at. One policeman was wounded.

That day, a «cleansing» operation began in the village, which continued on 4 and 5 July. During this «cleansing» operation there was again mass looting. A 68 year old inhabitant of the village, Gaugashvili, who tried to stop servicemen taking things from his home, was badly beaten. Relatives were able to take him to the regional Sunzhenskii hospital in Ingushetia, which saved his life.

Supplement (September 2001)

During the «mopping up» operation in Assinovskaya, four local inhabitants have been taken away. Two sisters, **Aishat** and **Raishat** — 17 and 18 — who were accordingly taken into custody because of the fact that they were wearing long coats and headscarves. They had been told that «Wahabits» wear this kind of clothes and therefore suspected them of being linked to rebel fighters. The sisters stayed three days in Achkoi- Martanovskij VOVD before their relatives gave a ransom in order to get her free.

Two other sisters - 26 and 28 - were taken into custody from their house because there was their brother's electrical equipment that could be used to make bombs, landmines etc- Their brother was electrician and he went out of Assinovskaya, the day before, for business purposes. The girls had been detained in Achkoi-Martanovskij VOVD. According to them, they had been hit in order to get information about who had put the landmines on the roads. However, after the interrogations, they had been released without demanding ransom.

In *Assinovskaya* about 300 people were detained and taken out to a field on the edge of the village. There they were interrogated. The questioning was accompanied by beatings. Among the detainees was the head of the *Assinovskaya* administration, **Nazarbek Terkhoev**.

On the evening of 3 July, the majority of the detainees from *Assinovskaya* and some of those villagers from *Sernovodsk* who had been taken to *Achkhoi-Martan*, were taken out to a wooded area near the village of *Chemul'ga* and released. For around 24 hours they remained in the same place, as it was as dangerous for them to go through the wood as it was for them to use the roads, blocked by military personnel. Only on 5 July, by risking their lives, were they able to make it to the village of *Chemul'ga*, from where they were able to return home or travel to Ingushetia.

Moscow. July 2001.

INTERFAX

The Special Representative of the President of the Russian Federation for Human Rights in Chechnya is convinced that the investigation into the events during the special operation in early July in Sernovodsk and stanitsa Assinovskaya will be completed in the nearest future. “I am satisfied with the actions of the prosecution. On these cases there are detained, including the military servicemen. The military prosecution is acting aggressively, gradually, and should the guilt of the military servicemen be established they will be punished, of which the world public will be informed”— V. Kalamonov said during his press-conference in the central office of “Interfax”.

He noted that 30 investigators and prosecutors are working on this case. “Practically everyone has been interrogated, not a single detail has escaped the investigation”, emphasized Kalamonov. In the words of the Special Representative, he is concerned about the disappearance of two civilians from these settlements. “Although their disappearance may not be related to the carrying out of the special operation”, - considers the Special Representative. He reported that in conjunction with the events 175 complaints had been received from the population on the actions of the military servicemen. In the words of V. Kalamonov, part of the complaints has been renounced and at first he did not exclude the possibility of this done under the pressure of the military. “However, our verification has shown that the complaints which have been renounced indicated violations which did not take place in reality ” — concluded V. Kalamonov.

Strasbourg. September 26, 2001.

INTERFAX

The prosecution of Chechnya has accomplished a thorough investigation into the circumstances of 'zachistki' in the Chechen villages Assinovskaya and Sernovodsk, carried out by the federal servicemen on July 3-4. "As of today 58 residents of these villages are recognized victims, four applicants being acknowledged as having received physical injuries, the majority of the applicants recognized as suffering material damage", Vsevolod Chernov, the Prosecutor of Chechnya, announced on Wednesday to "Interfax". The events in Assinovskaya and Sernovodsk have received "deep public resonance", also abroad, V. Chernov said, not excluding the possibility that circumstances of "zachistki" will become a subject of discussion in PACE on Thursday, September 27.

**Prosecution of the Russian Federation
PROSECUTION OF THE CHECHEN REPUBLIC**

Chechen Republic,
Grozny
Garazhnaya street, 9 b
Tel/fax (095) 777-92-26
14.07.2002 No 15/39-1336-02
To your № 289/02 of 14.06.02

103051 Moscow,
Maly Karetny pereulok, 12
Human Rights Center "Memorial"
To the Chair of the Council of HRC "Memorial"
Orlov O.P.

In the period of May 21–June 11, 2002 in the village Mesker-Yurt, Shalinsky district a special operation (zachistka) was carried out involving the units of MO, VV MVD, servicemen of VOGO and PO MVD of the Russian Federation, UFSB of the Chechen Republic, as well as the servicemen of Shalinsky VOVD, POM of village Mesker-Yurt, Shalinsky ROVD and the personnel of Ministry of Justice of the Russian Federation.

In the course of the special operation 208 persons were delivered to the filtration camp (FC) for verification and establishing of their identity; after all the necessary procedures completed they were handed over to the head of the local administration of Mesker-Yurt Aliev M.A. in return to receipt */under his personal responsibility- transl./*.

10 of the detained citizens, in whose cases there existed grounds to suspect their being privy to participating in the illegal band formations or who at the moment of detainment had weapons or ammunition on them, were handed over to the representatives of the territorial law-enforcement agencies- to Shalinsky VOVD.

In the period of May 21–June 11, 2002, i.e. during the special operation in the village Mesker-Yurt, the prosecution of the Shalinsky district of the Chechen Republic received from Shalinsky VOVD 8 files on the facts of armed clashes of the federal units with the members of illegal armed formations, as a result of which 9 members of band formations were killed, among them 4 were identified by the relatives as local residents (Khadzimuratov I.Y. Malaev M.S., Temirsultanov A.). One of the four, Saltamirzoev Adam, born 1966, according to the information of UFSB RF in the Chechen Republic was a leader of illegal armed formation nick-named "Black Adam". The above mentioned materials have been filed to the case № 59113 in order for the prosecution to establish the identity of the killed members of the illegal armed formations, places of their burial and to verify the circumstances of their death by prosecution.

The presence of the military prosecutor from the department of surveillance GSU VP SKVO, the lieutenant-colonel of justice Tereshuk V.V., was ensured since the first day of the special operation in the village Mesker-Yurt, Shalinsky district of the Chechen Republic; he stayed on the ground and directly dealt with the complaints and applications of the local residents related to illegal actions of the representatives of the federal forces involved in the actions for controlling the observance passport regime.

In the period when the special operation was carried out, as well as in the following days up until present the law-enforcement agencies of Shalinsky district and of the Chechen Republics have not received any complaints from individual citizens or from the officials of Mesker-Yurt on the facts of : intentional explosion of the building of the village administration, beating of the head of the village administration Mansur Aliev, torture and beatings of Barzaev Khusein, Khavadzhi Akhmadov, Vakha Mezhidov, Knusein Dudaev, Sharapudi Khakimov, brothers Khadzimuradov by the military servicemen, looting and hijacking of automobiles. The information received is being verified, you will be informed on the results of the verification additionally.

07.06.02 the prosecution of the Shalinsky district of the Chechen Republic instigated a criminal case № 59113 on the indications of crime stipulated in article 126 part 2 “ж” of the Criminal Code of the Russian Federation on the fact of kidnapping on 22.05.02 from Shkolnaya street, 6 Mesker Yurt of brothers Didishev - Adam, Abu, Aпти (in the text of inquiry- ‘brothers Didigov’). Upon the examination of the Didishev’s household the personnel of armed forces of FS discovered and expropriated a cache with ammunition (mine MON-100, cartridges to fire-guns). In the area of Mesker-Yurt, in the proximity of 500 meters from the village was discovered a grave with human remains, which supposedly contains the body fragments of the ‘disappeared’ brothers Didishev. Due forensic medial and criminalist examinations have been scheduled. The criminal case № 59113 since 11.06.02 is processed by the senior investigator of the Prosecutor’s Office of the Chechen Republic Ignatenko V.A.

10.06.02 the prosecution of Shalinsky district of the Chechen Republic instigated a criminal case № 59114 on the fact of indications of crime, stipulated by article 126 part 2 “а” of the Criminal Code of the Russian Federation on the fact of kidnapping of Ababukarov S-M.I on 21.06.02 from Lenina street, 64 Mesker-Yurt. In the framework of the investigation Abdulkhalikova A.A was interrogated and recognized a victim. A number of witnesses have been interrogated, their testimony had confirmed that the victim had been detained by the personnel of the militia during the operation controlling the observance of the passport regime.

Within the framework of the instigated criminal cases №59114 and № 59113 the prosecuting agencies of Shalinsky VOVD verify the information received from the residents of village Mesker-Yurt and the whereabouts of the following persons, allegedly ‘disappeared’ during the special operation: Madaev B.S., Magomadov A.A., Magomadov R., Ganaev R.S.

On top of that, upon the receipt of complaints from the residents of Mesker-Yurt on the disappearance of the civilians, the following criminal cases have been instigated and are currently under the investigation of the prosecution office of Shalinsky District of the Chechen Republic:

1. On 21.05.02 in the village Mesker-Yurt, Ortsuev Islam Abdulaevich, born 1980 during the special operation unidentified persons dressed in the camouflage uniform from his house in Lenina street, 157 under the pretext of verification of documents was taken to the filtration station and furthermore disappeared. On the fact of the disappearance the prosecution office of Shalinsky District of the Chechen Republic on 23.06.02 instigated a criminal case № 59127 on the indications of crime stipulated by article 126 part 2 “а, r” Criminal Code of the Russian Federation.
2. On 21.05.02 in the village Mesker-yurt during the special operation unidentified armed persons detained and kidnapped Gachaev Adam Aydievich from his house at Sheripova,

- 24, born 1973, who further went missing. On this fact the prosecutor's office of Shalinsky District of the Chechen Republic on 23.06.02 instigated a criminal case № 59126 on the indications of crime stipulated by article 126 part 2 "a, r" Criminal Code of the Russian Federation.
3. On 21.05.02 in the village Mesker-Yurt during the special operation Temirkhanov Lechi Omarovich, born 1980, under the pretext of verification of documents the representatives of federal forces detained from the his house at Moskovskaya street and further went missing. On this fact the prosecution office of Shalinsky District of the Chechen Republic on 23.06.02 instigated a criminal case № 59125 on the indications of crime stipulated by article 126 part 2 "a, r" Criminal Code of the Russian Federation.
 4. On 22.05.02 in the village Mesker-Yurt during the special operation for controlling the observance of passport regime and revealing the members of illegal armed formations, Askhabov Ibraghim Sharapudinovich, born 1983 was driven away in the unknown direction by unidentified persons in the camouflage uniform and disappeared. On this fact the prosecutor's office of Shalinsky District of the Chechen Republic on 26.06.02 instigated a criminal case № 59134 on the indications of crime stipulated by article 126 part 2 "a, r" Criminal Code of the Russian Federation.
 5. On 21.05.02 in the village Mesker-Yurt from the house at Tereshkova street, 63, Makhmudov Shoip Rizvanovich, born 1980, was detained and driven into unknown direction by unidentified persons dressed in the camouflage under the pretext of verification of documents, he had not returned home afterwards. On this fact the prosecutor's office of Shalinsky District of the Chechen Republic on 29.06.02 instigated a criminal case № 59138 on the indications of crime stipulated by article 126 part 2 "a, r" Criminal Code of the Russian Federation.
 6. On 21.05.02 in the village Mesker-Yurt during the special operation for controlling the observance of passport regime carried out by federal forces, from their house at Lenina 1, under the pretext of transporting to the temporary detainment facility were driven into unknown direction Israilov Aslan Eminovich, born 1981 and Israilov Anzor Eminovich, born 1984. On this fact the prosecutor's office of Shalinsky District of the Chechen Republic on 23.06.02 instigated a criminal case № 59128 on the indications of crime stipulated by article 126 part 2 "a, r, ж" Criminal Code of the Russian Federation.
 7. On 05.06.02 persons in the camouflage uniform armed in infantry weapons, from the house of his relatives at Sportivnaya in the village Mesker-Yurt was driven into unknown direction and went missing Dudagov Abu Magomedovich, born 1981 (in the text of inquiry- Dudaev), the resident of Grozny. On this fact the prosecutor's office of Shalinsky District of the Chechen Republic on 24.06.02 instigated a criminal case № 59135 on the indications of crime stipulated by article 126 part 2 "a, r" Criminal Code of the Russian Federation.
 8. On 27.05.02 during the special operation for controlling the observance of passport regime carried out by federal forces, from his house at Shkolnaya street, under the pretext of verifying identity were driven into unknown direction and further went missing brothers Magomadov: Suleiman Vakhaevich, born 1978 and Salambek Vakhaevich, born 1980. On

the fact of kidnapping Magomadovs the prosecution office of Shalinsky District of the Chechen Republic on 23.06.02 instigated a criminal case № 59129 on the indications of crime stipulated by article 126 part 2 “а, г, ж ” Criminal Code of the Russian Federation.

9. On 01.06.02 in the course of special operation carried out by the representatives of the federal forces in Mesker-Yurt Ibragimov Vakha Abdulsalimovich born 1975 (in the text of inquiry- Israilov) was kidnapped from his house by unidentified armed persons and further went missing. On this fact the prosecution office of Shalinsky District of the Chechen Republic on 26.06.02 instigated a criminal case № 59133 on the indications of crime stipulated by article 126 part 2 “а, г ” Criminal Code of the Russian Federation.

The head of the surveillance unit
For investigations of crimes
By the prosecuting agencies of the Chechen Republic,
The advisor of justice
Tjumen'tsev A.A.

Investigations into the case on the ‘disappearance’ of Zelimkhan Murdalov

As was announced by the Prosecutor of the Chechen republic V. Kravchenko in January 2003, the republican Prosecutor’s office instigated 1178 criminal cases according to article 126 of the Criminal Code of the Russian Federation on the facts of kidnapping of 1663 persons. Virtually all of these criminal cases have been suspended in compliance with article 195 part 3 of the Criminal-Procedural Code of Russia due to ‘impossibility to establish the identity of persons to be tried as the accused’. The only known criminal case instigated according to article 126 where the accusation has been issued was the case № 15004. The accused, Sergei Vladimirovich Lapin, an operational executive of militia from the town of Nizhnevartovsk (Khanty-Mansyisk Autonomous Okrug), is awaiting for trial, however, in the process of investigation, article 126 has been withdrawn from his accusation.

Zelimkhan Murdalov was detained on January 2, 2001 in the Oktyabr’sky district of Grozny by OMON from Khanty-Mansiysk and delivered to Oktyabr’sky VOVD, the base of this special unit. On January, 3 the deputy head of Oktyabr’sky VOVD, major Prilepin, informed the father of Zelimkhan, Astamir Murdalov that his son was among the detained, that marihuana had been found on him, and recommended the father to hire a defender, who would help organize the release of his son. Later one of the representatives of VOVD reported that Zelimkhan was released at 9 a.m., while his father was keeping the duty at the building since 8.20. The parents of Zelimkhan were also told that the head of VOVD colonel Kondakov left for vacation and would only arrive in two weeks. On January, 5 the parents turned to the Prosecutor’s office. The Prosecutor of Grozny Ponomarev together with the commandant of Grozny colonel Kolyanov went to Oktyabr’sky VOVD and in the book of records found that Z. Murdalov was allegedly released at 10.45 on January 3, 2001. It turned out that the signature had been falsified by the inspector Zhuravlev. On January 6, Ponomarev reported on the situation to the prosecutor of Chechnya V. Chernov and the military commandant of the republic I. Babichev; on January 7 a criminal case was instigated. I. Babichev went to Grozny to interrogate the personnel of Oktyabr’sky VOVD, including the colonel Kondakov, who was allegedly on vacation at this moment. The personnel insisted that Z. Murdalov had been released.

The prosecution interrogated the employees of Oktyabr’sky VOVD, including colonel Kondakov, major Prilepin and operations executive Lapin. An order for arrest of inspector Zuravlev was issued, he was suspected of forgery of the signature of Z. Murdalov. However the head of Oktyabr’sky VOVD, colonel Kondakov, antedate issued an order sending him back to the place of his permanent service. On January, 17 2001 was issued an order for arresting of Lapin, but in this case again colonel Kondakov prevented his arrest having antedate arranged a business trip for him. During the investigations there arose questions concerning the loss of a significant number of materials on the case by Zhuravlev under unidentified circumstances.

Lapin was arrested only after he issued threats to the journalist Anna Politkovskaya, who published in her article the data collected by Astamir Murdalov. After Lapin gave his testimony to

* Using the materials from the article by Anna Politkovskaya “The Case of cadet: the witnesses- to prison?” (Novaya gazeta N 48 July 8, 2002) and the report of Human Rights Watch “Detained without traces: In Chechnya people continue to ‘disappear’”, April 2002”

the prosecution concerning the circumstances of ‘disappearance’ of Murdalov and named other participants involved in them, namely of major Prilepin, the latter was not arrested, while Lapin himself was released having given a written undertaking not to leave the place of his residence. Eventually, a part of the accusation of Lapin - article 126 of the Criminal Code of Russia - has disappeared.

“...Lapin S.V. worked in the capacity of an inspector for investigation of the Criminal Investigation department of the Criminal militia of OVD in the town of Nizhnevartovsk Khanty-Manskysky Autonomous Okrug; he was sent to Grozny, where in the period of 3.11.200-14.01.2001 worked in the capacity of operations executive.. Lapin was continuously performing the function of the representative of the authority and in compliance with the federal laws “On militia” and “On the basis of civil service in the Russian Federation” and intradepartmental decrees of MVD of the Russian Federation, being allotted power authority exceeded it by use of violence and special means under the following circumstances:

2.1.2001 at about 11 a.m. in the Pavla Musorova street of the Oktyabr’sky district of Grozny.. was detained a resident of Grozny Murdalov Z.S... Lapin brought Murdalov into his office in Oktyabr’sky VOVD... Guided by falsely understood interests of his service, together with some employees of Oktyabr’sky VOVD unidentified by prosecution he started to force Murdalov to accept secret cooperation with the organs.. Having received a refusal from Murdalov, Lapin, acting in the capacity obviously exceeding the framework of his authority in the course of several hours was heavily beating Murdalov, inflicting numerous injuries on different parts of his body with his hands and feet and with a special instrument- a rubber stick PP-73, as a result of which caused physical injuries, such as cranial-brain damage, which caused pathological states endangering life, such as long term loss of consciousness, cramps, infringement of breath, which inflicted heavy damage to health and threat to health in the form of threat to life...After that Lapin accompanied Murdalov to IVS /temporary detainment facility-transl./ and transferred him to the officer on duty... When the personnel of IVS having noticed physical injuries on the body of Murdalov refused to place him in the cell of IVS, Lapin, again exceeding his authority and aiming at concealing the crime committed by him and other unidentified by the prosecution employees against Murdalov, wrote on behalf of the latter an explanation that the given physical injuries he received when falling from his own height and forced Murdalov under the threat of violence to confirm the correctness of the explanation.

In the morning of 3.1.2001... Lapin being afraid that the fact of physical injuries he inflicted to Murdalov would become public, acting in the preliminary agreement with the unidentified employees of Oktyabr’sky VOVD, on behalf of Murdalov signed in the protocol of his detainment and in the resolution of release from IVS...Then the employees unidentified by the prosecution acting upon consent of Lapin, took Murdalov out of IVS and drove him by car into unknown direction...

In the sum total of Lapin’s actions he is accused in compliance with article 286 part 3 “a” “6” (committing by the official of actions, obviously exceeding his authority which caused essential violation of rights and legal interests of the citizen, performed with resort to violence and threat of violence, using special means) article 111 part 3 ‘a’ (intentional infliction of heavy damage to health, threatening the life of a person committed by a group of persons according to the preliminary agreement); article 292 of the Criminal Code (forgery in professional issues).

Grozny, Lyapidevskogo street, 10
L'yanovoi A.Kh.
Tabadzanovoi G.
Dombaevoi R.

**Prosecutor's Office
of the Russian Federation**

Prosecutor's Office of Grozny
Chechen Republic
18.08.2000 № 1026

I hereby inform that in response to your application on the disappearance of L'yanov M.A, Dombaev I.K and Tabadzanov T.S. the Prosecutor's Office of Grozny has instigated a criminal case № 12113.

As a result of investigation it has been established that these citizens were detained in the course of "ambush" in Sadovaya street of Grozny by the personnel of Pskov OMON and the 8th BrON VV RF. At night they were delivered to the base of 8th BrON VV RF.

Of today the military servicemen have not been interrogated due to their refusal to participate in the investigation procedures. For this reason the fate of the young men has not been established.

The Prosecutor's office of Grozny has forwarded a separate assignment to the military prosecution.

1st Deputy Prosecutor
of the Grozny city
Junior advisor of Justice

V.B.Mukhamadeev

Oleg Orlov

DECEPTIVE JUSTICE

Situation on the investigation on crimes
against civilians committed by members
of the Federal Forces in the Chechen Republic
during military operations
1999—2003

(Updated in May 2003)

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