

# RUSSIA/CHECHNYA

## THE “DIRTY WAR” IN CHECHNYA: FORCED DISAPPEARANCES, TORTURE, AND SUMMARY EXECUTIONS

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*For me, every second feels like a whole year*  
—Zulai Azieva, mother of “disappeared” Lom-Ali and Umar-Ali.<sup>1</sup>

*[One official] said that the children were at Khankala, that they had drugs on them. I don’t care if they had taken them with an atomic bomb, but WHERE ARE THEY?*  
—Rashan Alieva, mother of “disappeared” Islam Dombaev.<sup>2</sup>

*I want to know where my son is detained and why. . . . I don’t even know where he is and how he is. It’s winter, my child went out in a t-shirt and barefoot.*  
—Rashan Alieva, mother of “disappeared” Islam Dombaev.<sup>3</sup>

*A human being is not a match, or a cow or a sheep that one can simply let vanish.*  
—relative of “disappeared” Adlan Eldarov who requested to remain anonymous.<sup>4</sup>

## SUMMARY

The “disappearances” of detainees in the custody of Russian federal forces in Chechnya is a major human rights crisis that the Russian government and the international community must address. The discovery of the mutilated corpses of some of the “disappeared” has substantiated fears that they have been tortured and summarily executed. While combat between federal forces and Chechen rebels has for the most part ceased, the “disappearance,” torture, and summary execution of detainees continues, marking the transition from a classical internal armed conflict into a classical “dirty war,” where human rights violations and not the conquest or defense of territory are the hallmarks. Because criminal investigations into “disappearances” have been shoddy and ineffective, impunity for such atrocities continues.

Human Rights Watch has documented more than 113 cases of “disappearances” in Chechnya since the military operation began there in September 1999.<sup>5</sup> A leading Russian nongovernmental organization, the Memorial Human Rights Center, has documented approximately 150 such cases. The true figures, however, are believed to be much higher. The first such case dates back to December 1999. The most recent happened in February 2001. The risk of “disappearances” affects everyone in Chechnya. Victims are predominately male and range from fifteen years of age to forty-nine; among them have been dentists, drivers, and auto mechanics.

In all of the cases documented by Human Rights Watch, witness testimony confirms undisputedly that federal agents—from the military, police, or security forces—took the individuals into custody, either during “sweep” operations, at checkpoints, or during targeted search and seizure operations. After the initial detention, however, all trace of them was lost. In many cases, officials deny that the individual was detained; in others, they acknowledge the initial detention, but then claim the individual was transferred, released, or otherwise no longer their responsibility. The wall of denial and the obfuscating, contradictory information provided by officials compounds the anguish and frustration experienced by relatives searching desperately for their “disappeared” loved ones. This has led one such family member to reflect in exasperation, “[They tell me] ‘our people didn’t take him,’ ‘the FSB didn’t take him,’ ‘the GRU didn’t take him,’ ‘the MVD didn’t take him.’ You get the impression that extra-terrestrials seized my son.”<sup>6</sup>

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<sup>1</sup> Human Rights Watch interview with Zulai and Lecha Aziev, Nazran, December 7, 2000.

<sup>2</sup> Human Rights Watch interview with Rashan Alieva, Nazran, December 4, 2000.

<sup>3</sup> Human Rights Watch interview with Rashan Alieva, Nazran, December 4, 2000.

<sup>4</sup> Human Rights Watch interview with a relative of Adlan Eldarov who requested to remain anonymous, Nazran, November 28, 2000.

<sup>5</sup> Fifty-two cases are described in this report, the remaining cases are on file with Human Rights Watch.

<sup>6</sup> FSB is the Russian acronym for the Federal Security Service, the principal successor organization to the KGB. GRU stands for Glavnoe Razvedovatelnoe Upravlenie, the main intelligence agency for the Russian armed forces. MVD is the Russian acronym

Perhaps the most pitiful picture today in Chechnya is that of relatives rushing to newly reported mass grave sites to search for the remains of the “disappeared.” Indeed, the corpses of many of the “disappeared” have subsequently been found in unmarked, makeshift graves and body dumps throughout Chechnya. The discovery of a cluster of graves containing about sixty corpses near the federal military base at Khankala generated intense media attention. While it contained an unprecedented number of corpses, it was not the first such burial site to be found in Chechnya. Human Rights Watch has documented at least eight makeshift graves containing mutilated bodies of individuals that bore unmistakable marks of torture. In another eight cases, the dead bodies were dumped by the side of a road, on hospital grounds or elsewhere. In one case of base corruption, a military serviceman insisted that the parents of two “disappeared” brothers pay him to sketch a map to their makeshift burial site. He apparently promised them, “If they’re not yours, I’ll give you back your money.”

### **The Obligation to Investigate**

“Disappearances” happen when government forces take people into custody, hold them in secret, and then refuse to acknowledge responsibility for their whereabouts or fate.<sup>7</sup> It is a phenomenon that has ravaged other parts of the world, notably Latin America. Following the emergence worldwide of patterns of “disappearances,” the international community, and particularly the United Nations, responded by compelling states to take action to prevent and investigate “disappearances,” and by creating mechanisms dedicated to this end. In 1980, in response to a request by the U.N. General Assembly to consider the issue of involuntary disappearances, the United Nations Commission on Human Rights created the Working Group on Enforced or Involuntary Disappearances.<sup>8</sup> The working group’s mandate is to “assist the relatives of disappeared persons ascertain the fate and whereabouts of their missing family members.”<sup>9</sup> It requests governments to investigate cases it has identified as warranting concern.

In 1992, the U.N. General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearances,<sup>10</sup> which recognizes the practice of “disappearances” as a violation of the rights to due process, to liberty and security of person, and freedom from torture. It characterizes the systematic practice of enforced disappearances as being “of the nature of a crime against humanity.”<sup>11</sup>

The declaration exhorts states to prevent “disappearances” by upholding habeas corpus and other due process rights, ensuring access to all detention facilities, and maintaining a central registry of all detainees. Because an essential feature of “disappearances” is the official obstruction of effective investigations, the declaration calls on states to diligently investigate “disappearances,” and hold their perpetrators accountable. The Russian authorities have not fulfilled this obligation. They have not committed the necessary resources to investigations, nor are they empowering the relevant agencies to conduct them. Indeed, to our knowledge, none of the thirty-four criminal investigations into “disappearances”—which include most of the cases documented in this report—has resulted in the discovery of the whereabouts of the “disappeared” or in an indictment of the perpetrator.

### **Searches by Relatives**

“Disappearances” in Chechnya are prolonged tragedies for the victims’ relatives. Desperate for information on the fate and whereabouts of their loved ones, relatives of the “disappeared” in Chechnya muster resources and courage to mount their searches. The families interviewed for this report generally leave no stone unturned. They write or visit every conceivable government agency or official at all levels that they believe could possibly have any

for the Ministry of Internal Affairs.

<sup>7</sup> Amnesty International, *“Disappearances” and Political Killings: Human Rights Crisis of the 1990s* (Amsterdam: Amnesty International, 1994).

<sup>8</sup> This was the first thematic mechanism created by the United Nations Commission on Human Rights (UNHCR).

<sup>9</sup> See UNHCR website, [www.unhcr.ch/html/menu6/2/fs6.htm#man](http://www.unhcr.ch/html/menu6/2/fs6.htm#man). (Accessed March 2001).

<sup>10</sup> General Assembly resolution 47/133, adopted 18 December 1992.

<sup>11</sup> In June 1994 the General Assembly of the Organization of American States adopted the Inter-American Convention on Forced Disappearance of Persons, which replicates many of the provisions of the U.N. declaration.

information on the whereabouts of their loved ones, or influence their fate: the police, the civilian and military procuracies, the FSB, military officials, and local, national, and inter-government structures, right up to President Vladimir Putin, and to the OSCE Assistance Group for Chechnya in Moscow and other international organizations. They travel to reported sites of mass or unmarked graves anxious to find the remains of their loved ones.

Relatives travel at great personal cost to any place they believe they can find information, be it to prisons in cities hundreds of kilometers away, to Nazran, Ingushetia, where journalists and human rights activists are active, or even to Moscow. Almost all relatives of the “disappeared” interviewed by Human Rights Watch had traveled to detention centers around the North Caucasus searching for their relatives. Many said they had sold their personal belongings or borrowed large sums of money to conduct this search, often to no avail. Detention centers all over the North Caucasus are tableaux of desperation: relatives of the “disappeared” scour lists of prisoners, are compelled to pay venal prison guards to look in registries for their loved ones’ names, and to pay sometimes large sums of money to predatory middlemen who frequent the centers, offering their “services” in locating the loved ones. Indeed, the enormous scale of detentions in Chechnya, combined with the artificial vacuum of official information, has created an entire informal infrastructure dedicated to collecting, exchanging, and buying and selling of information on the whereabouts of detainees.

This report is based on Human Rights Watch research conducted in November and December 2000, and in February and March 2001 in Ingushetia with the family members of the “disappeared.” It is based on dozens of interviews, as well as on correspondence between family members and federal and Chechnya Republic law enforcement agencies.

## **BACKGROUND NOTE ON THE RUSSIAN OPERATION IN CHECHNYA**

The Russian government has termed the operation launched in Chechnya in September 1999 as an “anti-terrorist” operation, grounded on the 1998 Law on the Suppression of Terrorism and the 1996 Law on Defense. This defines such operations as “special activities aimed at the prevention of terrorist acts, ensuring the security of individuals, neutralizing terrorists and minimizing the consequences of terrorist acts.”<sup>12</sup> Anti-terrorist operations are to be directed from an operational center, headed by a representative of the Federal Security Service (FSB) or the Ministry of Internal Affairs, who may use all necessary forces of the “bodies responsible for the suppression of terrorism.”<sup>13</sup> These include officials from the ministries of defense and internal affairs, the security services, and as yet unnamed federal and local executive bodies.<sup>14</sup>

In the Chechnya operation, the Russian government has deployed Ministry of Defense troops; the internal forces (*vnutrennyye voiska*) of the Ministry of Internal Affairs; riot police (OMON and SOBR), which are also under the Ministry of Internal Affairs; Ministry of Justice riot troops, and FSB units. The riot police units are also called “temporary police,” as they are staffed by police officers who are sent to Chechnya for limited periods of time from various regions in Russia. The regular police departments are staffed by Chechen police officers—many of whom served under the various past administrations in Chechnya—who do not directly participate in anti-terrorist operations. These police departments are currently weak structures, and many Chechen police officers reportedly have neither weapons nor access to vehicles or other equipment.

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<sup>12</sup> Federal Law on the Suppression of Terrorism, signed into law on July 25, 1998, Article 3.

<sup>13</sup> *Ibid*, Article 10.1

<sup>14</sup> *Ibid*, Articles 6 and 7.

The Law on the Suppression of Terrorism gives extensive powers to anti-terrorist units, while limiting unduly rights provided for in the International Covenant on Civil and Political Rights (ICCPR)<sup>15</sup> and the European Convention of Human Rights (ECHR),<sup>16</sup> including the rights to liberty and security of person,<sup>17</sup> to privacy, home, family and correspondence,<sup>18</sup> to freedom of movement,<sup>19</sup> and to the peaceful enjoyment of possessions.<sup>20</sup> Under the anti-terrorist law, officials involved in anti-terrorist operations can perform random identification checks and detain indefinitely individuals without proper identity documents.<sup>21</sup> They may freely enter homes, search vehicles and perform body searches.<sup>22</sup> They may restrict or prohibit the movement of persons and vehicles.<sup>23</sup> They can use any means of communication and transportation belonging to private individuals.<sup>24</sup>

Both the ICCPR and the ECHR allow interference with these rights only under strictly defined conditions.<sup>25</sup> Notably, the ECHR's exhaustive list of grounds for detention or arrest does not include the need to establish the identity of a person. Moreover, the law on the suppression of terrorism does not provide sufficient safeguards against abuse. It provides no indication at all as to the conditions under which and the extent to which these rights may be curtailed. The law is furthermore silent on due process that should be followed in case of interferences with these rights. Military, police, and security service units conducting the operation in Chechnya have routinely interpreted this silence to mean that no due process standards should be followed at all. Finally, the law even appears to encourage abuse of these provisions by explicitly stipulating that anti-terrorist units are exempt from liability for damage "caused to life, health and property of terrorists, as well as to other law-protected interests."<sup>26</sup>

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<sup>15</sup>The Soviet Union ratified the ICCPR on October 16, 1973. Russia, as the Soviet Union's successor state, is a state party to the convention.

<sup>16</sup>The Russian Federation ratified the ECHR on May 5, 1998.

<sup>17</sup> Article 9(1) of the ICCPR states that "everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." Article 5(1) of the ECHR contains a similar provision.

<sup>18</sup> Article 17(1) of the ICCPR states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence . . ." Article 8(1) of the ECHR states that "everyone has the right to respect of his private and family life, his home and his correspondence."

<sup>19</sup> Article 12(1) of the ICCPR states that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence." Article 2(1) of Protocol 4 to the ECHR contains the exact same provision.

<sup>20</sup> Article 1 of Protocol 1 to the ECHR states that "every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

<sup>21</sup> Federal Law on the Suppression of Terrorism, Article 13(1.2).

<sup>22</sup> Ibid., Article 13(1.4-5).

<sup>23</sup> Ibid., Article 13(1.1).

<sup>24</sup> Ibid., Article 13(1.6-7).

<sup>25</sup> For any interference with the right to liberty and security of person, both the ICCPR and ECHR require that both the procedures and grounds for detention or arrest must be provided for by law. For interference with the other rights enumerated, both the ICCPR and the ECHR also pose a requirement of "necessity" for such restrictions. For example, article 12(3) of the ICCPR stipulates that the right to liberty of movement and freedom to choose one's residence "shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with other rights recognized in the present Covenant."

<sup>26</sup> M. Tamas Ban, M. Frederic Sudre, M. Pieter Van Dijk, "Consolidated report containing an analysis of the correspondence between the Secretary General of the Council of Europe and the Russian Federation about article 52 of the European Convention of Human Rights," SG/Inf(2000)24, June 26, 2000. The experts noted that "While the Convention allows interference with these rights under strictly defined conditions, these are not reflected in the law. Its provisions are not specific and detailed enough in order to provide sufficient safeguards against any abuse, it is difficult to see what effective remedies are guaranteed in case of excessive application of the law and the fact that the law does not contain any proportionality requirements may result in massive interferences with these rights even in circumstances where this is not warranted. Furthermore, it seems symptomatic that the law is not only silent as concerns the responsibility of the anti-terrorist units for any possible abuse of their powers, but even appears to encourage them to overstep the necessity threshold [in Article 21]."

In this legal framework, the Russian operation in Chechnya has been carried out with unprecedented arbitrariness, which in turn has led to mass violations of human rights. Russian troops have detained tens of thousands of people—most of whom were never officially acknowledged to be registered as detainees. Almost none of these detainees had access to a lawyer and many were held in unofficial and makeshift detention centers. Russian troops have freely entered and searched thousands of homes—frequently stripping them bare of valuables—but no official record is acknowledged to exist for the vast majority of these searches.

It is in this climate of arbitrariness and impunity that “disappearances” have become a systematic part of the Russian operation in Chechnya.

### **A Note on Detentions**

Tens of thousands of people have been detained at one point or another over the course of the current Chechnya conflict.<sup>27</sup> The Ministry of Interior reported detaining 853 people during the month of January 2001 alone.<sup>28</sup> Most of these people were detained for failing to have proper identity papers, or being in a place where they were not officially registered as residents.<sup>29</sup> Many others were detained for no apparent reason and were never officially registered as detainees with the procuracy. Ministry of Interior figures do not reflect people who were detained by military servicemen, who also carried out widespread detentions.

The vast majority of the people detained were never officially registered with the procuracy, Ministry of Justice, or Federal Security Service as having been detained. Although many were detained for weeks or even months, most were released with no charges ever having been brought, or were amnestied.<sup>30</sup> In many cases, relatives won releases by extortionate payments to those in command. Many of these detainees were never held in official detention facilities, such as the temporary holding cell (IVS) of the regular police or pre-trial facility (SIZO). To the contrary, many were kept in make-shift detention facilities such as pits in the ground.

## **DETENTION AND “DISAPPEARANCE”**

In most of the “disappearance” cases documented by Human Rights Watch, the person who later “disappeared” was last seen in the custody of Russian troops. These people were detained either during sweep operations or at one of Chechnya’s many checkpoints. In a few cases, the detainees were taken away during night raids by Russian-speaking masked men, during raids on markets, or simply retained in custody while visiting a police station.

Relatives searching for their “disappeared” loved ones met with a variety of responses from military, security, and law enforcement agencies. In some cases, they outright denied the person was ever taken into custody, or even that a sweep or search operation had taken place. This occurred most frequently when relatives had no indication as to who carried out the detention, either because the agents wore masks during the sweep or search operation, or because it was unclear what authority, if any, had sanctioned the operation. In other cases, particularly when

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<sup>27</sup>On May 9, 2000, the Interior Ministry reported that 19,000 people and 10,000 vehicles were searched in Chechnya on the Victory Day holiday: “Troops Check 19,000 People,” *ITAR-TASS* news agency, May 9, 2000. Figures released by the Ministry of Interior in June 2000 indicated that 5,500 individuals were detained in Chechnya during the first five months of 2000: “5,500 Detained in Chechnya This Year,” *ITAR-TASS* news agency, June 7, 2000.

<sup>28</sup>“Details of Russian Interior Ministry’s Activities in Chechnya in January,” *Interfax* news agency, February 1, 2001.

<sup>29</sup> Human Rights Watch, *Welcome to Hell: Arbitrary Arrest, Detention, Torture and Extortion in Chechnya* (New York: Human Rights Watch, 2000).

<sup>30</sup>Detentions that are not registered with the procuracy or Ministry of Justice are permissible only for a period of three hours under Russian law (police law). The law on suppression of terrorism permits detention for identification purposes for an unlimited period of time. This law thus provides a legal basis for informal detentions although it does not legalize secret, incommunicado detention.

relatives could confront officials with information concerning the unit that had carried out the detention, officials acknowledged the initial detention, but claimed the “disappeared” person had already been released, transferred to another facility or to the jurisdiction of another agency, or that they were no longer responsible for his fate. In some cases, officials gave contradictory information to relatives, stating one day that their loved one had been released, but on the next that he was taken to the Khankala military base. In some exceptional cases, relatives of the “disappeared” have been able to receive useful information from military or police commanders or from lower ranking servicemen.

### **“Disappearances” After Large-Scale Sweep Operations**

Military servicemen and police frequently conduct large sweep operations in Chechen villages or towns, with the stated aim of seizing illegal weapons and ferreting out those believed to be collaborating with Chechen rebels. Typically, they detain dozens of men in such operations, many of whom “disappear” without a trace.<sup>31</sup> During research trips to Ingushetia in November 2000 and March 2001, Human Rights Watch collected detailed information on two such sweeps: in the village of Gekhi in August 2000 and in the villages of Starye and Novye Atagi in January 2001.<sup>32</sup> At least three men who were detained by Russian forces during the sweep operation in Gekhi subsequently “disappeared;” at least five men subsequently “disappeared” after being detained during the sweep operation in Starye and Novye Atagi. In both Gekhi and Novye Atagi, mutilated dead bodies of some of the detainees were later found. As is typical for large sweep operations, Russian soldiers during each of these sweeps detained large numbers of men, apparently at random. Most of these men were released after a few days—often after their relatives provided Russian troops with money, weapons, or ammunition. Human Rights Watch received numerous credible allegations of torture and ill-treatment from men who were detained during these three sweep operations.

#### **Novye and Starye Atagi (January 14 - 16, 2001)**

In the early morning of January 14, 2001, numerous armored personnel carriers (APCs), military trucks, and tanks drove into Novye and Starye Atagi to support a sweep operation. For the next two days, the villages were blocked off from the outside world and even travel within the villages was extremely difficult and risky. During the sweep operation, federal troops detained at least twenty-one men, most of whom were released within two days. However, at least five of the detainees “disappeared.” The bodies of two of them were found twelve days later at a rock quarry in Novye Atagi.<sup>33</sup>

#### **The “Disappearance” of Akhmed Zaurbekov and Khamzad Khasarov**

At around 11:00 a.m. on January 14, 2001, Akhmed Zaurbekov (age twenty-eight) and Khamzad Khasarov (age twenty-five) were walking from Novye Atagi to Starye Atagi. When they reached the outskirts of Starye Atagi, villagers told them that a sweep operation was under way and advised them to wait on the outskirts until it ended. According to relatives of the two men, who later spoke to these villagers, Zaurbekov and Khasarov decided to wait by the side of road just outside the village.<sup>34</sup>

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<sup>31</sup> In a sweep, federal forces seal off entire villages or town districts and systematically comb through homes. Frequently, they loot valuables in the process. Detainees are often taken to makeshift detention facilities where they are questioned, and are routinely beaten and tortured. Most are eventually released, often after relatives pay a ransom for them, after a few days. For more information, see: Human Rights Watch, “Field Update on Chechnya,” January 22, 2001; Memorial website, “Armed Conflict in the Republic of Chechnya: Chronicle of the Violence,” <http://www.memo.ru/hr/hotpoints/N-Caucas/hronics/index.htm> (March 2001).

<sup>32</sup> Human Rights Watch and Memorial received reports of other “disappearances” that took place during other large sweeps in the second half of 2000 and the first few months of 2001. Due to the frequency with which large scale sweeps take place, Human Rights Watch has not been able to document abuses that took place in each of these operations. For information on “disappearances” and other abuses during such sweeps, see Memorial website, “Armed Conflict in the Republic of Chechnya: Chronicle of the Violence,” <http://www.memo.ru/hr/hotpoints/N-Caucas/hronics/index.htm> (March 2001).

<sup>33</sup> In one incident during the two-day operation, Russian soldiers fired directly into a group of at least thirty women as they protested the attempted detention of one Novye Atagi resident, killing one woman and wounding another twelve. Human Rights Watch interview with Taus Kuntaeva, Nazran, March 10, 2001.

<sup>34</sup> Human Rights Watch interview with Ali Zaurbekov and Aina Khasarova, Nazran, March 1, 2001.

Some time later, villagers told the relatives they saw two APCs driving up along the road toward Starye Atagi. When the APCs passed the two men, ten or twelve persons in camouflage uniforms seized them by the arms and threw them into one of the APCs. According to the villagers, the men in uniform did not ask any questions and did not check the identity papers of the young men. The APC then drove into Starye Atagi.

Relatives of the two men found out about their detention only on the evening of January 16, 2001 as the entire village had been sealed off until that time. The next day, Zaurbekov's uncle and Khasarov's mother went to the procuracy, the local administration, and the local police department in Shali to seek information on the men's whereabouts. Initially, police officers told them that the two were at the station and would be released shortly. After waiting several hours, the relatives approached another officer, who told them that Zaurbekov and Khasarov were not at the police station and showed them a list of detainees he said proved this. The relatives subsequently went to the office of the military commander in Shali, who told them that there were no "detainees" there.

Although a contact in the Chechen OMON told the relatives that he had heard that Zaurbekov and Khasarov were at the Khankala military base, they did not receive any reliable news on the whereabouts of the two until a local stone cutter discovered their dead bodies in the rock quarry in Novye Atagi on January 26, 2001.

### **The "Disappearance" of Said-Magomed Debizov and Iznaur Serbiev**

Said-Magomed Debizov and Iznaur Serbiev—two cousins who were both born in 1967—went to work in Novye Atagi at a car repair shop on the morning of January 14, 2001. When the power went off at around 10:00 a.m., they headed home together. An aunt of the two men, Tamara Shabaeva, spoke to several eyewitnesses who knew the men, who told her that soldiers in a military truck asked the two men to approach them.<sup>35</sup> When they did, the soldiers seized Debizov and Serbiev by the arms and pulled them into the truck. The soldiers apparently made no attempt to check the identity papers of the two men. The truck—as well as two APCs standing nearby—then drove off in the direction of the Rostov-Baku highway. As of this writing, the detentions have not been acknowledged. Despite having petitioned authorities on their behalf, the parents of Debizov and Serbiev have not been able to obtain any information on the fate or whereabouts of their sons.<sup>36</sup>

### **The Possible "Disappearance" of Bekkhan Bargaev**

Bekkhan Bargaev was washing his car in a nearby stream on the morning of January 14, 2001. When he saw Russian APCs heading in his direction, he drove back home, the armored vehicles following him the entire way. In a letter to the Shali district procuracy, the local military commander and the local head of administration, Bargaev's mother, Saret Yasodova, wrote that three APCs, which had no licence plates or other identification marks, drove at high speed behind her son's car toward her house.<sup>37</sup> Soldiers came out of the APCs and pulled her son away from her, beating Yasodova with their rifle butts in the process. The soldiers pulled Bargaev from her arms, beat him, and took him away.<sup>38</sup> According to Yasodova a military commander told relatives that Bargaev had been taken to Khankala and had confessed to participating in rebel activity. However, as of March 2001 she had not been able to obtain official confirmation of his location or that he was at Khankala.<sup>39</sup> Human Rights Watch fears that Bargaev has "disappeared."

### **Gekhi (August 8 to 11, 2000)**

On the morning of August 8, 2000, federal troops—identified by eyewitnesses as military servicemen from the 245th regiment and riot police, or OMON, from Penza—surrounded the village of Gekhi for a sweep operation. A letter from the Khankala military procuracy confirms that a unit under the command of police major Alexander

<sup>35</sup> Human Rights Watch interview with Tamara Shabaeva, Nazran, March 4, 2001.

<sup>36</sup> Ibid.

<sup>37</sup> Letter to the procurator of Shali region, the military commander of Shali region and others, undated, from Saret Yasodova.

<sup>38</sup> Ibid.

<sup>39</sup> Human Rights Watch interview with Tamara Shabaeva, Nazran, March 4, 2001.

Silantev, normally the head of the Penza province police, participated in the sweep operation.<sup>40</sup> Eyewitnesses told Human Rights Watch that armed personnel carriers and soldiers blocked roads and intersections, preventing people from entering or leaving the village.<sup>41</sup> Subsequently, soldiers started detaining men, ostensibly to check their identity papers. According to villagers, more than fifty men were taken to a field near the village cemetery, where some were severely beaten.<sup>42</sup> Most were released after relatives paid money to the soldiers. Human Rights Watch has not been able to confirm exactly how they were killed.

**The “disappearance” of Ali Musaev (age twenty-eight), Umar Musaev (age twenty-three)**

Two brothers, Ali and Umar Musaev, were detained and “disappeared” on the morning of August 8 after a shootout in their courtyard. Almat Musaev, their father, witnessed the shooting and his sons’ detention, told Human Rights Watch that he was returning home that morning when a Chechen man unknown to him at the time ran into his courtyard.<sup>43</sup> Soldiers walking ahead of Musaev suddenly jumped into the courtyard of his home and started shooting. When the shooting ended, the father walked to his home and saw the dead body of the unknown person and his youngest son—alive but with arms tied behind his back—on the ground. The servicemen subsequently put the youngest son in an APC and took him away. The elder son was forced to drive himself, using his own car, to the local commander’s office.<sup>44</sup>

Shortly after the detention of their sons, the Musaev parents heard from neighbors that Russian national television had shown a news item in which two military commanders, Lieutenant General M.I. Lubenets and Maj. Gen. Yakov Nedobitko, said they had found and killed several Chechen commanders in Gekhi, and that the body of a Chechen man shown in the broadcast resembled their son Umar. Musaev’s parents obtained a videotaped copy of the broadcast and recognized the dead body of their younger son, whom they had last seen alive as he was taken away in an APC.

The Musaevs searched for their sons for more than a month. Immediately following the detention, Aminat Musaeva, the mother, went to see the local military commander in Gekhi, who, she reports, was absolutely uncooperative and simply denied any knowledge of the detention of her sons despite the fact that Musaeva discovered her elder son’s car near the commander’s office.<sup>45</sup>

Several weeks later, Gekhi villagers informed Musaeva that Alexander Silantev led the Penza special police force that had conducted the sweep. When Musaeva confronted Silantev, he eventually acknowledged detaining the Musaevs, but said he was no longer responsible for their fate. According to Musaeva, Silantev claimed he had handed them over to Generals Lobunets and Major General Nedobitko at a checkpoint near the town that same day. He also reportedly told her that he had thought “they” had released the brothers but then added that “maybe your children were taken to Khankala.”<sup>46</sup>

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<sup>40</sup> Letter dated November 1, 2000, from the military procuracy at Khankala military base to Aminat Musaeva, signed by Khalemin, D.V.

<sup>41</sup> Human Rights Watch interview with Almat and Aminat Musaev, Nazran, November 24, 2000; a relative of Adlan Eldarov who requested to remain anonymous, Nazran, November 28, 2000. See also: Memorial website, “Armed Conflict in the Republic of Chechnya: Chronicle of the Violence: August 2000,” <http://www.memo.ru/hr/hotpoints/N-Caucas/hronics/hr0008/index.htm> (March 2001).

<sup>42</sup> Ibid.

<sup>43</sup> This man was identified by Almat and Aminat Musaev as Rezvan Alikhadzhiev or Abukhadzhiev. A letter from the Khankala military procuracy states that this man was suspected of having bombed an APC on August 8, 2000. Letter dated November 1, 2000, from the military procuracy at Khankala military base to Aminat Musaeva, signed by Khalemin, D.V.

<sup>44</sup> Human Rights Watch interview with Almat and Aminat Musaev, Nazran, November 24, 2000.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

In September 2000, the Musaev's found their sons' corpses in an unmarked grave. A military officer had compelled them to pay for information on the location of the grave. A November 1 letter from the military procuracy at Khankala military base states that the Musaev brothers were in fact taken to the Gekhi temporary police station and that "their trace is then lost, as your sons are not listed in the registry of temporary detainees or in the temporary detention center of the Urus-Martan region."<sup>47</sup>

### **The "Disappearance" of Adlan Eldarov**

About 10:00 a.m. on August 9, a group of federal servicemen came to the house of thirty-five-year-old tractor driver Adlan Eldarov, apparently looking specifically for him. A relative of Adlan Eldarov, who asked to remain anonymous, told Human Rights Watch that he pleaded with the unit leader, Captain Oleg Efremenko, not to take Eldarov.<sup>48</sup> Efremenko reportedly promised to bring Eldarov back in "half an hour." Eldarov was subsequently taken to the field near the village cemetery, where other villagers had also been detained. After their release, these villagers told Eldarov's relative that they had seen soldiers severely beat Eldarov, and that after some time Eldarov was put in a tank, apparently to be taken to the hospital.<sup>49</sup> However, as far as the relative is aware, Eldarov never arrived at the hospital. His whereabouts continue to be unknown to this day.

### **"Disappearances" during Targeted Sweep and Special Operations**

Targeted sweep or special operations—ranging in scope from a single household or public place to an entire street or a block—are carried out every single day in most of Chechnya. Twenty-four of a total of 113 "disappearance" cases documented by Human Rights Watch occurred during *adresnye zachistki*, or targeted sweeps.<sup>50</sup> Forces carrying out these operations took steps to conceal their identity: the troops wore masks and their licence plates or other vehicle identification marks were covered or removed. In most cases, the troops did not provide a clear explanation to the detainee or his relatives as to the reasons for his detention. In most of these cases, numerous people were witnesses as the person was detained and taken away.

### **The "Disappearance" of Akhdan Tamaev (Roshni-Chu, January 6, 2001)**

On the morning of January 6, 2001, police from the Urus-Martan temporary police precinct came to the Tamaev home and detained twenty-eight-year-old Akhdan Tamaev, in the presence of a number of family members. Tamaev did not have his identification documents with him at the time, as his father, Ovkhad, had taken some of the family's documents, including Akhdan's passport, to the Danish Refugee Council offices in order to receive humanitarian supplies.<sup>51</sup> The police requested a car and then drove off—with Akhdan—to the assembly point for detainees in that area, on the northern side of Roshni-Chu.<sup>52</sup>

Ovkhad Tamaev told Human Rights Watch that he arrived home just minutes after police had departed with his son.<sup>53</sup> He immediately drove on to the prisoner assembly point, where he showed Akhdan's passport to the military commander, Gaidar Gajiev, and the head of the Urus-Martan temporary police precinct, Zakhar Kuriaev. According to Tamaev, the commander told him he would "figure everything out" and release Akhdan. However, Tamaev, and many of his relatives and neighbors, waited at the assembly point the entire day. At around 5:00 p.m., the police

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<sup>47</sup> Letter dated November 1, 2000, from the military procuracy at Khankala military base to Aminat Musaeva, signed by Khalemin, D.V.

<sup>48</sup> Human Rights Watch interview with a relative of Adlan Eldarov who requested to remain anonymous, Nazran, November 28, 2000.

<sup>49</sup> Military officials later confirmed to the relative that their records indicated that Eldarov was sent to the hospital.

<sup>50</sup> Eleven are described in this report; the remainder are on file with Human Rights Watch.

<sup>51</sup> Humanitarian organizations normally require people who wish to receive humanitarian assistance to produce identification papers. This way a record is kept of who received assistance and when.

<sup>52</sup> In Russian: *sbornyi punkt*. This is a place where detainees are taken before they are brought to formally established detention centers.

<sup>53</sup> Human Rights Watch interview with Ovkhad Tamaev, Nazran, March 3, 2001.

officers drove Akhdan—together with two other young men, Muslim and Alikhan Malakiev—in a prisoner transport van to the Urus-Martan temporary police detention center. Tamaev said: "We quickly followed the van and stood outside the center until curfew fell." That evening, the Malakievs were released—they had apparently been detained for some typographical error in their passports. Both confirmed that Akhdan had been with them all day.

The following day and for days after, Gajiev and Kuriaev denied that they ever detained Akhdan Tamaev. For weeks, sixty-year-old Ovkhad Tamaev went to the Urus-Martan temporary police station every single day seeking the release of his son. He told Human Rights Watch:

During about the first two weeks, maybe twenty to twenty-five days, I was told, "We don't know anything, we don't know what you're talking about." I told them, "But you saw us standing [at the assembly point] that very day that he was detained, how the women cried and demanded that Akhdan be released." They simply replied: "Prove it."<sup>54</sup>

Tamaev told Human Rights Watch that the police chief and military commander even refused to accept a written complaint from him. "I had to send letters to [police chief] Zakhar Konstantinovich Kuriaev and [military commander] Gaidar Gajiev through the republican procuracy."<sup>55</sup>

According to Tamaev, things had changed in late January after he met with Vsevolod Chernov, the procurator of the Chechen republic. After that meeting, a man in military uniform who did not identify himself confirmed that Akhdan had indeed been at the Urus-Martan temporary police station but that he had been transferred to FSB custody. Several days later, Tamaev arranged a meeting with the local head of administration, who also invited Kuriaev and Gajiev, as well as local FSB and police officials. At the meeting, officials finally acknowledged that Akhdan Tamaev had been detained, but gave varying statements about his fate. According to Ovkhad Tamaev, an investigator from the temporary police department stated that Akhdan had been transferred to FSB custody. Kuriaev, the head of the temporary police department, said that he had been detained but was released and that "apparently someone intercepted him." Tamaev told Human Rights Watch that he got angry at that point saying: "What is this, the head of the police and a colonel cannot tell me where he was taken? If he is dead, give me his corpse, if he isn't dead, tell me where he is." None of the officials acknowledged the detention in writing.<sup>56</sup>

### **The "Disappearance" of Aslan Dundaev, age twenty-four (Urus-Martan, December 18, 2000)**

At around 4:00 p.m. on December 18, 2000, Aslan Dundaev, Said-Magomed Sagaev, Rizan Ibragimov, Tair Timkhaev, and Timur Yasaev were standing, chatting, on Kirova Street in their home town, Urus-Martan. According to Muslim Dikaev, an eyewitness, two police jeeps (*UAZik*, in Russian) and a minivan—all without license plates—drove up and encircled the group.<sup>57</sup> Around twenty masked and armed men jumped out of the vehicles, seized the five men and pushed them into the three cars. Dikaev, who was sitting in his own car down the road, said he could not approach, as the masked men leveled their assault rifles in his direction. When Dundaev's mother tried to approach the masked men, they told her: "If you come closer, we'll shoot."

The three cars then drove off in the direction of Tangi-Chu, where a military base is located. Dikaev told Human Rights Watch that a friend of the five men, who also witnessed their detention, followed the three cars for some time in the direction of Tangi-Chu. However, he was forced to take a side road when one of the cars noticed him following them and stopped.<sup>58</sup>

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<sup>54</sup>Ibid.

<sup>55</sup>Ibid.

<sup>56</sup>Ibid.

<sup>57</sup> Human Rights Watch interview with Muslim Dikaev, Aslan Dundaev's uncle, Nazran, March 9, 2001.

<sup>58</sup>Ibid.

Relatives of the five men immediately approached the Urus-Martan administration and the local military commander's office. According to Dikaev, Lecha Mamadsuev, the deputy head of the department of law enforcement agencies for the Urus-Martan local administration, phoned the military base at Tangi-Chu and was told that the five men were indeed there. The person he spoke to promised that the men would be released the next morning.

The next morning, however, Dikaev said, Urus-Martan commander Col. Gaidar Gajiev informed the relatives that the men had been transferred to Khankala on December 18, 2000. The mayor of Urus-Martan then phoned Khankala military base and was told that the men were indeed at Khankala and would be released that day at 3:00 p.m.

Dikaev told Human Rights Watch that eventually all of the young men except Dundaev were released. The four who returned told Dikaev that at around 8:30 p.m. on December 19, 2000, they were put in an APC and dumped at various different locations. One of the men, Said-Magomed Sagaev, said that Dundaev was thrown off the APC before him, but that the APC stopped; Sagaev believes soldiers may have picked him up again. The four men arrived home the next day. When relatives went back to the authorities in Urus-Martan to ask about Dundaev, the local head of Chechen police told them: "You should just be happy that four got out. Just forget about the fifth one."

According to Dikaev, the four men told relatives afterwards that they—and also Dundaev—had first been held in a pit in Tangi-Chu where they were severely beaten. Sagaev emerged with a broken rib. Two of the four men went to the doctor for examination of their injuries. The others were too frightened to do so.

### **The "Disappearance" of Said-Rakhman Musaev, Magomed Magomadov, and Odes Mitaev (Raduzhnoe and Dolinskii villages, December 10, 2000)**

Masked men on military vehicles detained Magomed Magomadov, Said-Rakhman Musaev, and Odes Mitaev on December 10, 2000. Between 6:00 and 9:00 p.m. on December 10, 2000, a convoy of two APCs and four military trucks without identification marks, carrying between sixty and seventy armed and masked men in military uniform, conducted a raid in the villages of Raduzhnoe and Pobedinskoe just west of Grozny. As they drew near the house of thirty-one-year-old Magomed Magomadov, men in the convoy opened fire on a passenger car, wounding the driver. According to a relative of Magomadov, who asked to remain anonymous, witnesses told him masked men seized Magomadov when he came out of his house to see what had happened, and drove off toward the highway.<sup>59</sup> The same evening, masked men seized another twenty people from the villages of Dolinskii and Raduzhnoe, including Said-Rakhman Musaev and Odes Mitaev.

On December 13, 2000, eleven of the twenty-one detainees were released from Russian army custody. Five others were released on December 17. According to Magomadov's relative, the sixteen former detainees told villagers that they had been detained at the Khankala military base in pits that were covered by tents. Those released on December 17 confirmed that Magomadov, Musaev, and Mitaev were still at Khankala. Two days later, two more of the twenty-one detainees were deposited in Gikalo village. These villagers, according to the relative, said that Magomadov and Musaev had been separated from the others reportedly because they were observing Ramadan and would not accept water when it was offered to them. It was not clear where Mitaev was at this point. The relative said that all eighteen men who had been released alleged they had been severely beaten.

For more than two months, the families of Magomadov, Musaev, and Mitaev had no information on their fate or whereabouts. On February 21, 2001—after receiving news of a possible sighting of the bodies of the three at the mass grave at Dachny village—the relatives traveled to the site and found the corpses of their loved ones.

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<sup>59</sup> Human Rights Watch interview with a relative of Magomed Magomadov who requested to remain anonymous, Nazran, March 9, 2001. For testimony from relatives of all three men, see Memorial website, [www.memo.ru/northkavkaz.htm](http://www.memo.ru/northkavkaz.htm) (March 2001).

### **The “Disappearance” of Jabrail Alaskhanov (Grozny central market, November 26, 2000)**

On November 26, 2000, federal troops conducted a sweep operation at the central market in Grozny. During the operation, servicemen detained forty-three-year-old Jabrail Alaskhanov and “Salman Aslanov,”<sup>60</sup> took them to a bus that already contained other detained men, and drove them to an assembly point located in the former circus building (which was on the way to Khankala), where they blindfolded the detainees.<sup>61</sup> From that point on, all trace of Jabrail Alaskhanov was lost.

Forty-one-year-old Ruslan Alaskhanov, Jabrail's brother, told Human Rights Watch that he learned these details of his brother's detention from the wife of “Salman Aslanov” who was detained together with Jabrail Alaskhanov.<sup>62</sup> She had been at the market herself when her husband was taken away. Her husband, however, was released after six days. According to Ruslan Alaskhanov, the husband told him he had last seen Jabrail at the circus, just before they were blindfolded. After that, the man said, he was held in a pit for six days and beaten.

Ruslan Alaskhanov approached the military commander of Grozny's October district, the Grozny city procuracy and the October district local administration immediately after finding out about the unacknowledged detention and “disappearance” of his brother. None had information on his brother's whereabouts, but all told Alaskhanov that they would activate a search. The Grozny city procurator reportedly told Alaskhanov that he had not been warned in advance of the sweep operation at the Grozny central market in late November 2000 and that there had been unlawful detentions during the sweep.

### **The “Disappearance” of Edilbek Isaev (Sweep Operation at Starye Atagi Hospital, September 7, 2000)**

On September 7, 2000, a group of federal military servicemen detained Edilbek Isaev at the hospital in Starye Atagi. He was never formally acknowledged to be in detention. An eyewitness told Human Rights Watch that he saw men in camouflage, speaking and looking Russian, leading away Isaev on the second floor of the hospital. When a doctor asked the soldiers to explain their actions, they answered that they needed to question Isaev. An offer by the doctor to question Isaev in a quiet room in the hospital was dismissed with the remark, “We have other places for questioning people.” The eyewitness saw Isaev being taken away.<sup>63</sup>

According to hospital personnel, Isaev had first come to the hospital on March 20, 2000 in grave condition—a gunshot wound that had penetrated the skull and a complicated shinbone fracture due to shrapnel wounds. Doctors performed surgery on Isaev twice and his condition gradually improved. Isaev was finally released from the hospital on May 3, 2000. By September 2000, he came to the hospital for twice-weekly check-ups.<sup>64</sup> One week after his September 7 hospital visit, Isaev's mutilated corpse was found in an unmarked grave.

### **The “Disappearance” of Nura Lulueva, Markha Gakaeva, and Raisa Gakaeva (Raid on northern market in Grozny, June 3, 2000)**

An army APC carrying about twenty armed and masked men in camouflage raided Grozny's northern market on Mozdokskaya Street at around 9:00 a.m. on June 3, 2000. The masked men detained Nura Lulueva, a forty-year-old mother of four children, her cousins Markha and Raisa Gakaeva and another seven to nine people, most of them women.<sup>65</sup> The masked men loaded them onto the APC, pulled bags over their heads, and drove away.

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<sup>60</sup> Ruslan Alaskhanov told Human Rights Watch that this man did not want to be named.

<sup>61</sup> The building of the Grozny circus is currently in use as assembly point for detainees before further transportation and as a detention center. Human Rights Watch has not identified the government agency that runs it.

<sup>62</sup> Human Rights Watch interview with Ruslan Alaskhanov, “Bart” refugee camp, Ingushetia, March 1, 2001.

<sup>63</sup> Human Rights Watch interview with “Ruslan Amirov” (not the witness's real name), Nazran, November 17, 2000.

<sup>64</sup> Ibid.

<sup>65</sup> Said-Alvi Luluev told Human Rights Watch that he was able to establish the name of only one other person, Zavalu Tazurkav, who was also seized in the incident. Human Rights Watch has no information on his fate.

Said-Alvi Luluev, Nura Lulueva's husband, arrived at the market several hours after the sweep and talked to numerous eyewitnesses.<sup>66</sup> A judge, Luluev told Human Rights Watch that everyone, including Chechen police officers from the local precinct, found the raid puzzling, as apparently nothing extraordinary had happened at the market that morning. Luluev said that when local police—informed by eyewitnesses—came to the market and asked the masked men for an explanation, one apparently flashed an ID and told the police “not to interfere.” The masked men subsequently fired toward the police officers and drove away. Human Rights Watch does not know if anyone was wounded.

According to Luluev, his wife and her cousins had been selling strawberries at the market. He said that such small-scale trade provided his family with vital income as he had been unemployed since 1997, when the Chechen government introduced Sharia law. All three women lived in Gudermes, but apparently traveled to Grozny on a regular basis.<sup>67</sup>

Luluev approached all of the law enforcement agencies, including the temporary police department, the procuracy, and the FSB on a regular basis to find out who carried out the raid and where his wife was taken. However, each of these agencies said they had not carried out the detention of his wife and denied that any special operation had taken place that day at the northern market in Grozny.

On March 4, 2001, Nura Lulueva's brother identified her body and those of their cousins at the Ministry of Emergency Situations in Grozny, where bodies that were recovered from a mass grave near Khankala military base were brought for identification purposes. The three bodies were buried that same evening in the village of Noiber near Gudermes.<sup>68</sup>

### **The Raid on Alkhan-Kala Hospital (February 2, 2000)**

Federal forces have practiced forced disappearances in sweep operations since the early months of the war, when they were fighting for control of Grozny and other districts of Chechnya. On February 2, 2000, Russian troops moved back into the village of Alkhan-Kala after several groups of Chechen fighters had broken out of Grozny and traveled through it several days earlier. At the Alkhan-Kala hospital, large numbers of Chechens—predominantly fighters—remained with injuries they had sustained crossing a mine field when leaving Grozny. Russian troops detained these people on February 2, 2000. Among those detained was twenty-five-year-old Khajimurat Yandiev. His mother, Fatima Bazorkina, has looked for him since, without success.

Television crews from NTV and CNN present at the Alkhan-Kala hospital taped a Russian military officer interrogating Yandiev. During the interrogation, the officer angrily scolds Yandiev for wearing a Russian army jacket and then tells his subordinates to execute him, saying, “Kill him, finish him, shoot him, damn it.”<sup>69</sup> A member of one of the television crews told Human Rights Watch that he saw Yandiev being put in an APC and taken away.<sup>70</sup> The footage also shows Russian soldiers kicking Yandiev and other Chechens in their wounded legs.

Fatima Bazorkina has not been able to find her son. She did manage to track down several people who were with Yandiev at the Alkhan-Kala hospital at the time of the detention, and who had subsequently been released. None of these people had any information on his fate or whereabouts.<sup>71</sup> In a November 24, 2000 response to an appeal to the military procuracy to look for her son, the Khankala military procuracy stated that the appeal had been sent to the

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<sup>66</sup> Human Rights Watch interview with Said-Alvi Luluev, Moscow, October 19, 2000.

<sup>67</sup> Ibid.

<sup>68</sup> Human Rights Watch interview with Said-Alvi Luluev, Moscow, March 12, 2001.

<sup>69</sup> Human Rights Watch has a video tape with this interrogation on file.

<sup>70</sup> In March, a reporter for CNN showed the tape to a Human Rights Watch researcher in Moscow and told him what he saw at Alkhan-Kala that day.

<sup>71</sup> Human Rights Watch interview with Fatima Bazorkina, Karabulak, Ingushetia, November 17, 2000.

military procuracy “without grounds” because “no involvement in the disappearance of Bazorkina’s son of particular military servicemen is discovered.”<sup>72</sup> Despite her pleading to do so, as of December 8, 2000, procuracy officials had not opened a criminal investigation into Yandiev’s “disappearance.” The Memorial Human Rights Centre has sent the General Procuracy in Moscow a copy of a videotape, shot on February 2, 2000, that showed Yandiev in the custody of Russian troops.<sup>73</sup>

### **“Disappearances” from Checkpoints or Roads**

Chechnya has a maze of checkpoints<sup>74</sup> run chiefly by federal forces where civilians are stopped for their identity documents. In forty-nine of the 113 “disappearance” cases documented by Human Rights Watch, the individual was stopped by soldiers or police officers either at or near a checkpoint.<sup>75</sup>

### **The “Disappearance” of Said-Khusein Imakaev, age twenty-three (On the Road Between Starye and Novye Atagi, December 17, 2000)**

On December 17, 2000, at around 3:00 p.m., Said-Khusein Imakaev, a dentist by training, was driving to his home in Starye Atagi when masked federal soldiers on the road from Novye Atagi stopped his car. Marzet Imakaeva, Imakaev’s mother, spoke to several women who had been traveling in a car behind her son’s, and who had witnessed his detention.<sup>76</sup> According to Imakaeva, the women told her that Imakaev got out of the car and put his hands on the hood; the masked soldiers, however, reportedly did not frisk him or check his identity documents. They threw him in a car without a license plate. When the women traveling in the next car—at least one of whom knew Imakaev—got out to plead with the soldiers to let Imakaev go, the soldiers started shooting. Two of the soldiers took off their masks and got into Imakaev’s car, after which both cars drove off.

The morning after Imakaeva learned of the detention, and on subsequent days, she and her husband went to all of the authorities: the military commander, the police, and the FSB. They all denied their respective agency’s involvement in the detention, and denied knowing anything about her son. She told Human Rights Watch:

They all say: “Our people didn’t take him, our people didn’t take him.” “The FSB didn’t take him,” “the GRU didn’t take him,” “the MVD didn’t take him.” You get the impression that extra-terrestrials seized my son.

As of this writing, Said-Khusein’s parents have not received any further information on the fate of their son.

### **The “Disappearance” of Adam Davletukaev (Alkhan Kala, December 18, 2000)**

At approximately 2:00 p.m. on December 18, 2000, Russian soldiers detained Adam Davletukaev (age nineteen) and Sula Katsiev as they were crossing a bridge over the Sunzha river in Alkhan-Kala. They drove the two away in

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<sup>72</sup> Letter dated November 24, 2000 from assistant to the military procurator V.P. Zelenin of the Khankala military procuracy to Fatima Bazorkina.

<sup>73</sup> See: Letter dated October 27, 2000 from chairman of the council of Memorial, Oleg Orlov to the Special Presidential Representative for the protection of Human Rights and Freedoms of the Citizens of the Republic of Chechnya, V.A. Kalamonov.

<sup>74</sup> Although authorities have not revealed the total number of checkpoints in operation in Chechnya, Bill Frelick of the U.S. Committee for Refugees reported passing through fifteen checkpoints between the border with Ingushetia and the city limits of Grozny, a distance of only forty kilometers (twenty-five miles), and added that checkpoints are far more frequent within Grozny itself. Bill Frelick, “Inside Chechnya: Misery, Fear, and Abuse,” *Refugee Reports* (Washington, D.C.: U.S. Committee for Refugees), vol. 22 no. 2, February 2001.

<sup>75</sup> Twenty-five are described in this report; the remainder are on file with Human Rights Watch.

<sup>76</sup> Human Rights Watch interview with Marzet Imakaeva, Nazran, March 4, 2001.

military vehicles in the direction of Urus-Martan. According to Razet Mishaeva, Davletukaev's aunt, several taxi drivers standing near the bridge saw the detention and informed Davletukaev's parents.<sup>77</sup>

Immediately after receiving news of the detention, Davletukaev's relatives went to the Urus-Martan police station and to the military commander's office to seek information about his whereabouts, but were unable to find any trace of Davletukaev. Trips to Urus-Martan on subsequent days were equally unsuccessful. After Sula Katsiev was released on December 21, relatives learned that he and Davletukaev had initially been brought to the Urus-Martan commander's office but that Davletukaev was later taken away. Neighbors and one relative said they saw Davletukaev on December 20 in Alkhan-Kala, in the custody of Russian forces. They believed he was taken to the local military commander's office. However, when relatives inquired there, they were told Davletukaev was not there. Remains of Davletukaev's decapitated corpse were found in January at an abandoned farm near Alkhan-Yurt.

#### **The “Disappearance” of Adam Abubakarov (Between Urus-Martan and Goity, March 14, 2000)**

Officials acknowledge that seventeen-year-old Adam Abubakarov was detained at a checkpoint between Urus-Martan and Goity on March 14, 2000, but claimed that he was released shortly afterward. However, Abubakarov never returned home, and as of December 2000 his parents were still searching for him. The Urus-Martan regional procuracy claimed in a letter to Abubakarov's parents that he was released on March 17, 2000 under an amnesty. In the letter, acting procurator L. Iliushenko stated that “Abubakarov A.I. wrote in his explanation that after filtration he planned to travel to relatives in the village Germenchuk, Urus-Martan district.”<sup>78</sup>

#### **The “Disappearance” of Islam Dombaev, Murat Lyanov, and Timur Tabzhanov (Sadovaya Street, Grozny, June 28, 2000)**

On the evening of June 28, 2000, fifteen-year-old Islam Dombaev left his home with a guitar at around 9:00 p.m. to meet up with his neighborhood friends, Murat Lyanov (age seventeen) and Timur Tabzhanov (age eighteen). According to Dombaev's mother, Rasha Alieva, the three young men frequently sat outside in their closed-off courtyard playing songs on the guitar; but on this night they did not return.<sup>79</sup>

In the course of a search that was started by the parents of the three young men, it became clear that night they had left the courtyard to go to the house of Timur Tabzhanov. As they were crossing the street, officers from the Pskov OMON unit and the OBRON-8 unit, under the command of Ministry of Internal Affairs internal troops, detained them and took them to a local military camp before sending them to Khankala. Rasha Alieva, who started the search for her son early in the morning on June 29, 2000, told Human Rights Watch how she finally learned the details of her son's detention:

Every morning, mine clearers [*sapery*, in Russian] clear Sadovaya street of mines. That means that soldiers walk down the street with their equipment and with an APC following them. We ran up to them first and asked whether they had heard anything about the disappearance of three boys. The soldiers who walked up front with the equipment told us right away: “Yes, they brought in three boys yesterday—boys with a guitar.” I immediately understood from the mention of the guitar that it was them and asked: “Where were they taken?” . . . The soldiers answered that this morning the children were taken to Khankala.

. . . We ran up to the commander [who sat in the APC], stopped the APC, and asked “Tell us please . . .” but he bluntly refused. [He said:] “I have no idea what you're talking about. I didn't see any children.” We then went to the location of the OBRON-8 unit—two hundred meters away from us. They also refused [to

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<sup>77</sup> Human Rights Watch interview with Razet Mishaeva, Nazran, March 8, 2001.

<sup>78</sup> Letter from L.V. Iliushenko, acting procurator of the Urus-Martan regional procuracy, to I.A. Abubakarov, dated November 2, 2000.

<sup>79</sup> Human Rights Watch interview with Rasha Alieva, Nazran, December 4, 2000.

talk], called their commander but he wouldn't come out. Close by was checkpoint No. 17 with OMON units from Pskov. We went to them. . . . At the checkpoint, they didn't tell us anything: "We didn't see anything, we don't know anything. What are we going to do with kids?"<sup>80</sup>

Alieva and the other two mothers eventually found a police officer at the Lenin district temporary police department who sympathized and promised to help.<sup>81</sup> Several days later, police investigator Aman Karasaev brought her son's guitar for identification. He said the commander of the OBRON-8 unit had given it to him. The commander had claimed his men found it on the street. Later, Karasaev allowed her and the other mothers to read a police report on the detention of her son. Alieva told Human Rights Watch:

The report stated that "the children were detained while crossing the street" and that they had a whole arsenal of weapons on them. The children were brought to the OBRON-8 department for questioning, where they confessed to mining the street in the morning. . . . [It also said that] at 9:00 a.m. on June 29, they were delivered to "Pamir." Investigator Aman [Karasaev] told me that "Pamir" is Khankala.

Karasaev reportedly told Alieva he could be of no further help to her, as his "arms are short." He suggested that Alieva and the other mothers seek help from the Grozny military commander, Maj. Gen. Vasilii Prizemlin. Alieva told Human Rights Watch that she had not managed to speak to Prizemlin himself but that his subordinates had refused to provide her any assistance. Alieva scoured lists of prisoners, compiled by former detainees and posted at markets, on buses, and lampposts, to no avail. She was unable to secure any information confirming the youths' detention at Khankala or anywhere else.<sup>82</sup>

Alieva's case illustrates the vulnerability and desperation on the part of family members of the "disappeared" that has motivated predatory "information" middlemen. On several occasions, middlemen showed up on her doorstep, claiming they were sent by "the Russians," and demanding money up front and in exchange for her son. Alieva said that as soon as she demanded concrete evidence—a photograph, a written note or a video or audio tape—that these people knew where her son was, they left and did not come back. One woman, Alieva said, came to her in Nazran and said: "I urgently demand money." She claimed Alieva's son was in train carriages at Cherevlennaia. Alieva refused to give her money up front. Instead, she suggested: "Take me with you. I'll go there with money." [The middleman:] "I won't take you with me. They don't allow that."

### **The "Disappearance" of Nineteen People at the Checkpoint Between Duba-Yurt and Chiri-Yurt (January 13, February 18 and March 6, 2000)**

Between January and March 2000, at least nineteen people "disappeared" after being seized at the checkpoint between Duba-Yurt and Chiri-Yurt, in central Chechnya.

The Memorial Human Rights Center found that on January 13, 2000, soldiers at the checkpoint detained four men, Visit Arsanukaev (age thirty-six), Said-Magomed Delmukhanov (age thirty-five), Hussein Didaev (age thirty-three), and Vakha Titaev (age thirty-nine), for unclear reasons. Although the wives of the four men actively searched for their husbands, they were unable to establish their whereabouts.

On February 18, 2000, soldiers detained—in the presence of numerous witnesses—Kashi Bashaev (age thirty-eight), Hussein Basnukaev (age forty-one), and Ruslan Kaikharov (age twenty-seven or twenty-eight). According to Memorial, the men had been transporting a number of women and children who had been wounded during a

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<sup>80</sup> Ibid.

<sup>81</sup> Ibid.; Human Rights Watch interview with Asya Lyanova, Nazran, November 28, 2000.

<sup>82</sup> Human Rights Watch interview with Rasha Alieva, Nazran, March 5, 2001.

bombardment of the village of Aslanbek-Sheripova.<sup>83</sup> The women and children were apparently moved to a different car and the three drivers were detained. After the checkpoint was dismantled in the spring, relatives of the “disappeared” men found the two cars in which they had been traveling. Both cars had been crushed by a tank and buried. The fate of the men remains unknown to the day of this writing.

On March 6, 2000, soldiers at a checkpoint located between Ulus-Kert and Duba-Yurt<sup>84</sup> detained forty-eight-year-old Musa Astamirov and his twenty-nine-year-old son, Alibek, along with four women and ten other men.<sup>85</sup> The women were released soon afterwards. Together with neighbors from the village and relatives of the detained, the women then waited at the checkpoint for the release of the twelve men. When soldiers staffing the checkpoint told them that the men had been sent back to Ulus-Kert, the women, relatives, and villagers immediately conducted a search there, but were unable to find the men. Upon arrival back at the checkpoint, the soldiers told the group that the men had been transferred to Chiri-Yurt. Searches in Chiri-Yurt were again fruitless.<sup>86</sup>

Kulpa Aslambekova, wife of Musa Astamirova and mother of Alibek, has since the time of her relatives' detention continuously visited detention centers throughout the North Caucasus to seek news of her loved ones and repeatedly approached official bodies at the national and local levels. Her efforts have been unsuccessful.<sup>87</sup>

On May 10, 2000, local villagers at Tangi-Chu unearthed the bodies of three men at the cemetery of that village. They were later identified as Arsanukaev, Titaev, and Delmukhanov; according to the Shali district procuracy, Didaev was also murdered. All of the others who “disappeared” at the Chiri-Yurt checkpoint, to our knowledge, remain “disappeared” as of this writing.

#### **“Disappearances” During Nighttime Raids**

Human Rights Watch documented two cases in which masked men speaking unaccented Russian raided houses in the middle of the night and took away three young men.<sup>88</sup> In both cases, the masked men had apparently come in Russian military vehicles. In each of these cases, the whereabouts of the men remain unknown as of this writing.

#### **The “Disappearance” of Musa Gairbekov (Grozny, October 8, 2000)**

At 4:00 a.m. on October 8, 2000, a group of five masked men in military uniforms, speaking unaccented Russian, entered the house of Baskhan Gairbekov on Shefskaia Street in Grozny. They hit Gairbekov over the head with a rifle butt, locked his wife in a separate room, and took their thirty-one-year-old son Musa with them. Baskhan Gairbekov told Human Rights Watch that the masked men pulled Musa off his bed, wrapped a sheet around his head, and took him away.<sup>89</sup> The men told Baskhan Gairbekov that “if you move, we’ll shoot.” They then heard the sounds of cars

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<sup>83</sup> See Memorial, “Corpses Found of People who ‘Disappeared’ After Detention for Document Checking,” [www.memo.ru/hr/hotpoints/N-Caucas/filtry00/dubajurt.htm](http://www.memo.ru/hr/hotpoints/N-Caucas/filtry00/dubajurt.htm), (March 14, 2001).

<sup>84</sup> According to Aslambekova, the wife of one of the two men who were detained that day, the checkpoint was under the control of commander Sergei Parichevno.

<sup>85</sup> The other men detained were Akhdan Abubakarov (born 1964), Aslanbek Imakaev (born 1963), Balaudi Imakaev (1959), Zalavdi Malikov (born 1964), Anzor Malikov (born 1979), Said-Magomed Yasuev (born 1961), Said-Salam Yasuev (born 1967), Saida Rasaev (born 1966), Sultan Akhmadov (born 1948), Isa Khadzhiev (born 1968).

<sup>86</sup> Human Rights Watch received a joint letter from the wives and sisters of most of these men, addressed to Peter Bouckaert and dated April 20, 2000. Human Rights Watch also received separate letters from the wives of Balaudi Imakaev, Zalavdi Malikov, and Said-Magomed Yasuev, all addressed to Peter Bouckaert and dated April 21, 2000. These letters explained the circumstances of the “disappearances” and asked for help establishing the whereabouts of the men.

<sup>87</sup> Human Rights Watch interview with Kulpa Aslambekova, Sleptovsk, Ingushetia, February 28, 2001.

<sup>88</sup> Eight additional such cases are on file with Human Rights Watch.

<sup>89</sup> Human Rights Watch interview with Baskhan Gairbekov, Nazran, December 5, 2000.

pulling away. Neighbors later told Gairbekov that they had seen two APCs blocking Shefskaia Street that night, but that the licence plate number had been made illegible. As of December 2000, Musa Gairbekov was still missing.<sup>90</sup>

### **The “Disappearance” of Lom-Ali Aziev (age twenty-seven) and Umar-Ali Aziev (age twenty-six) (Grozny, September 24, 2000)**

At approximately 1:20 a.m. on September 24, 2000, a group of eight masked men silently entered the home of the Aziev family in Grozny. When Lecha Aziev woke up and asked them who they were, the men told him to be quiet and started beating him, breaking two of his ribs. The men put a gun to the chest of Zulai Azieva, Lecha’s wife. Lecha told Human Rights Watch:

As I lay on the floor [after being hit], they went into the kids’ room where the two boys were sleeping. The youngest got up, they hit him with a rifle butt, he fell down. They stepped on him and started to scream: “Give the handcuffs.” They put on the handcuffs and put a bag over his head. When they put the bag over his head, I understood that there wasn’t anything I could do.<sup>91</sup>

Zulai Azieva told Human Rights Watch that she offered her sons’ passports to the men but that they were not interested in them. She said that her sons were not allowed to dress themselves and were taken away in their underwear. Neighbors from their building<sup>92</sup> and across the street later told the Azievs that they had seen masked men with flash lights combing through the apartment building from the second to the ninth floor and that more had stood outside the building.

As of March 2001, the Aziev brothers were still missing.<sup>93</sup>

In both the Aziev and Gairbekov cases, relatives told Human Rights Watch that they went to all law enforcement and military agencies to search for their sons; the Azievs did so the very morning after they had been seized. In both cases, all law enforcement and military agencies that were approached denied having carried out the nighttime raids, and the “disappeared” individuals were not acknowledged to be registered at any of the detention centers that were contacted.

The head of the Lenin district administration, to his credit, provided Azieva with a car to travel to various commanders’ offices and sent a doctor to her home to examine her beaten husband. The local administration also helped her check whether her sons were in various detention centers in the area. The Azievs had a less positive experience when they appealed to the offices of Akhmad Kadyrov, the Russian-appointed civilian administrator for Chechnya and Beslan Gantemirov, the Russian-appointed mayor of Grozny. Aziev told Human Rights Watch that both had told him that his sons might be in Khankala but that they—as civilian administrators—have no access to that military base.<sup>94</sup>

### **“Disappearances” from Detention Centers and Police Stations**

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<sup>90</sup> Two weeks before Musa Gairbekov was taken away, Baslan Gairbekov buried his other son, Isa. Twenty-six-year-old Isa Gairbekov had left the family home on September 26, 2000 to go to the central market. He did not return. The next day, at around 2:00 p.m., unknown people brought Isa’s dead body to Shefskaia street. According to his father, he had been shot through the neck and heart but had not been tortured or ill-treated. The body of another, unidentified Chechen man was found at the same location.

<sup>91</sup> Human Rights Watch interview with Zulai and Lecha Aziev, Nazran, December 7, 2000.

<sup>92</sup> The door of the neighbor’s apartment was broken open at the same time as that of the Azievs. According to Lecha Aziev, the masked men hit the female neighbor with a rifle butt and forced her down on her knees. Another neighbour, frightened by the noises ran to the Azievs’ door but the masked men thrust her away.

<sup>93</sup> Human Rights Watch interview with Lecha Aziev, Nazran, March 2, 2001.

<sup>94</sup> Ibid.

Some people who were acknowledged to be held in detention centers or police stations “disappeared.” In August 2000, four people who were held at the Internat detention center in Urus-Martan “disappeared,” with authorities failing to account for their whereabouts. In October 2000, a man who voluntarily entered a police station in Grozny never exited it.

### **The “Disappearance” of Abdulkasim Zaurbekov (October district temporary police station, October 17, 2000)**

Forty-nine-year-old Abdulkasim Zaurbekov worked as a car mechanic for the October district temporary police station for about two months prior to his “disappearance” on October 17, 2000. A day before his “disappearance,” a police official had told him that he had to cut spending and would no longer be able to employ him. The official asked Zaurbekov to collect his remaining salary the following day. On October 17, Zaurbekov and his son drove to the police station. Abdulkasim Zaurbekov entered the station at around 11:00 a.m. to collect his pay, while his son waited in the car. According to Rosa Yusupova, Abdulkasim Zaurbekov’s wife, the son did not have his identity papers with him and therefore stayed in or near the car all the time.<sup>95</sup> When his father did not return for an unexpectedly long time, the son approached duty officers and asked after his father, but was told to just sit and wait. When it became dark at around 7:00 p.m., the son once more approached the duty officer, this time to hear that “there are no civilians anymore” at the police station. The son then drove home.

The next morning, a large number of Zaurbekov’s relatives went to the police station. After some difficulty, two relatives were allowed into the office of the head of the precinct, Yu. Z. Skarzhinskii. Skarzhinskii told the relatives that he knew “nothing,” that Zaurbekov was not on any lists of people detained at the precinct, and that there were no reasons to detain him. Relatives managed to examine the precinct entry records, which confirmed that Zaurbekov had signed in at 11:20 a.m. on October 17, 2000. According to police officials, Zaurbekov had received his money and left the building. However, the exit records do not show a departure time for Zaurbekov. As of March 2001, Zaurbekov’s whereabouts and fate remained unknown.<sup>96</sup>

### **The “Disappearance” of Yusup Satabaev, Yunus Chadaev, Aslanbek Gugiev, and Kazbek Vakhaev (“Internat” Detention Center, Urus-Martan, August 14, 2000)**

In August 2000, four young men “disappeared” without a trace from the Internat detention center in Urus-Martan. The mothers of the four men have looked for their sons unsuccessfully ever since.

According to Tamara Satabaeva, Penza OMON units detained her son, Yusup (born in 1976) on February 23, 2000 during a sweep operation in Grushevo, a village in Urus-Martan district.<sup>97</sup> Satabaeva told Human Rights Watch that her son was initially held at the Internat detention center in Urus-Martan where, according to former Internat detainees, prison guards had severely beaten and humiliated him. When Satabaeva heard from former detainees that her son had been transferred, she said she paid five hundred rubles to a Russian official, who told her Yusup Satabaev had been transferred to Chernokozovo.<sup>98</sup> Indeed, prison guards at Chernokozovo confirmed to Satabaeva that her son was there. In subsequent months, Satabaeva frequently traveled to Chernokozovo, where she was allowed to exchange short written notes with her son and bring him packages once a month. He was apparently treated reasonably well.

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<sup>95</sup> Human Rights Watch interview with Rosa Yusupova, Nazran, December 6, 2000.

<sup>96</sup> Human Rights Watch interview with Rosa Yusupova, Nazran, March 9, 2001.

<sup>97</sup> Human Rights Watch interview with Tamara Satabaeva, Nazran, December 4, 2000.

<sup>98</sup> For more on extortion of payment in return for information on the whereabouts or for release of detainees, see Human Rights Watch, “Welcome to Hell”: *Arbitrary Detention, Torture, and Extortion in Chechnya* (New York: Human Rights Watch, October 2000), pp.77-82.

In July 2000, Satabaeva hired a lawyer, who then saw her son at the Chernokozovo detention center. He told her on July 27 that Yusup had been amnestied and would shortly be released.<sup>99</sup> Instead of releasing him immediately, officials transferred Satabaev back to the Internat on August 4, 2000. Satabaeva told Human Rights Watch that when she went to the Internat to collect her amnestied son, Nikolai Ovtin, an investigator with the temporary police department, informed Satabaeva that he would be held for another ten days.

In subsequent days, Satabaeva regularly brought food and clothing to the Internat, expecting her son's imminent release. However, on August 14, 2000, prison guards informed her that her son was no longer at the detention center as "relatives took him away on the night of August 13." In a conversation that same day, the head of the temporary police department, Anatolii Shigaev, apparently told Satabaeva that her son had been taken either to the Khankala military base or to the army's 245<sup>th</sup> regiment. When Satabaeva pressed him for more details, she said "he brought in several of his subordinates, who took me out of the room and threw me straight out of the Internat. He [Shigaev] said: 'I'm not going to answer anymore of your questions. Where your son is, you look yourself, I don't know anything.'" As of early March 2001, Satabaeva had no information on her son's fate or whereabouts.<sup>100</sup> Satabaeva told Human Rights Watch that people who were detained with her son those last few days alleged that he had been subjected to torture.

The three other men, Kazbek Vakhaev (age twenty-five), Yunus Chadaev (age twenty-seven), and Aslanbek Gugiev (age twenty-seven) were detained separately in early August 2000. In a letter to Vladimir Kalamanov, R. Vakhaeva, the mother of Kazbek Vakhaev, stated that officers from the temporary police department in Urus-Martan detained her son on August 1, 2000 and promised that he would be released after checking his documents.<sup>101</sup> Maya Chadaeva, mother of Yunus Chadaev, told Memorial that her son was detained during a sweep operation in the village of Shalazhi on August 9, 2000. Riot police officers who carried out the sweep told Chadaeva that her son would be released soon thereafter.<sup>102</sup> While the exact circumstances of Gugiev's detention are unknown, joint letters from the mothers of Satabaev, Chadaev, Vakhaev, and Gugiev to the Red Cross and State Duma deputy Aslambek Aslakhanov indicate that he was also detained for an identity check.<sup>103</sup>

All three were brought, separately, to the Internat detention center. Vakhaeva wrote in her letter that until August 13, 2000, guards at the Internat accepted packages she prepared for her son. That day, she wrote:

[T]he head of the temporary police department Viktor Ivanovich Shigaev came out and said that Kazbek Vakhaev had been taken to the *gruppirovka* [Tangi-Chu military base], returned me my son's passport and then added that he could not do anything more for me."<sup>104</sup>

Relatives of the other young men were also informed that day or the next that their sons were no longer in the Internat. In appeals to the Red Cross and State Duma deputy Aslambek Aslakhanov, the three mothers stated that the head of the temporary police department in Urus-Martan, whom she named as Anatolii Shigaev, was unable or unwilling to tell them the whereabouts of their sons, apparently telling them alternately that they were released, that

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<sup>99</sup> Human Rights Watch has a copy of the decision to close the criminal case against Yusup Satabaev and amnesty him, dated July 27, 2000, on file.

<sup>100</sup> Human Rights Watch interview with Tamara Satabaeva, Nazran, December 4, 2000. Activists at Memorial's office in Nazran confirmed to Human Rights Watch on March 15, 2001 that Satabaeva was still looking for her son as of mid-March 2001.

<sup>101</sup> Letter dated September 14, 2000 from R. Vakhaeva to Vladimir Kalamanov.

<sup>102</sup> Memorial made a transcript of the undated interview available to Human Rights Watch.

<sup>103</sup> One letter signed by the mothers of the four young men who "disappeared" from the Internat is dated September 16, 2000 and addressed to Aslambek Aslakhanov of the Russian State Duma. The other, also signed by the four mothers but undated is addressed to the Red Cross and Red Crescent society.

<sup>104</sup> Letter dated September 14, 2000 from R. Vakhaeva to Vladimir Kalamanov.

the FSB took them away, that they were in Mozdok, at Khankala, or in the hands of the 245th regiment.<sup>105</sup> In several letters to the mother of Yunus Chadaev, the Urus-Martan district procuracy claimed that the young man had been released on August 14, 2000.

## THE RESPONSE OF STATE AUTHORITIES

### Procuracy Investigations into “Disappearances”

- 1. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.*
- 2. Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.*
- 3. Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.*
- 4. The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.*
- 5. Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.*
- 6. An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.<sup>106</sup>*

Russian authorities have a duty to investigate forced disappearances. While the civilian procuracy has launched about thirty-four investigations<sup>107</sup>—including some of the cases documented in this report—none of the “disappeared” has been found through a formal investigative procedure, and not a single person has been indicted for crimes comprising a forced “disappearance.”<sup>108</sup> The authorities are not committing the necessary resources to investigations, and are not empowering the relevant agencies to conduct them. Indeed, the investigations seem doomed to fail because they are assigned to the civilian procuracy, which has no jurisdiction over military servicemen.<sup>109</sup> The military procuracy often refuses to cooperate with investigations by, for example, making servicemen available for questioning, yet no authority appears willing to compel the military procuracy to cooperate or take responsibility for such investigations. The civilian procuracy is poorly staffed, late in opening investigations, and in some cases fails even to take the most basic steps, such as questioning available witnesses, before it simply suspends the

<sup>105</sup> Human Rights Watch has copies of these letters on file. One letter signed by the mothers of the four young men who “disappeared” from the Internat is dated September 16, 2000 and addressed to Aslambek Aslakhonov of the Russian State Duma. The other, also signed by the four mothers but undated is addressed to the Red Cross and Red Crescent society.

<sup>106</sup> Declaration on the Protection of All Persons from Enforced Disappearances, G.A. res. 47/133, 47 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/47/49 (1992). Adopted by General Assembly resolution 47/133 of December 18, 1992

<sup>107</sup> See “Report on the Activity of the Special Representative of the President of the Russian Federation for Guaranteeing Rights and Freedoms of Men and Citizens in the Chechen Republic for the Year 2000,” Moscow, December 2000.

<sup>108</sup> Such investigations are investigated as kidnappings, under article 126 of the Russian criminal code. One exception to this rule is the prosecution of Yuri Budanov, currently on trial for the March 2000 abduction and murder of Kheda Kungaeva. In sharp contrast to the cases described in this paper, federal authorities acknowledged and investigated her abduction and murder immediately after the crime took place.

<sup>109</sup> The military procuracy is responsible for investigating crimes committed by those serving in the armed forces, such as the army, as well as by those serving in the Ministry of Internal Affairs’ armed forces and Spetsnaz forces. Crimes committed by other Ministry of Internal Affairs personnel (including Otriady Militsii Osobogo Naznachenia (OMON)) are under the jurisdiction of the civilian procuracy.

investigation.<sup>110</sup> In addition, relatives of the “disappeared” face problems of access to the civilian procuracy—and nearly insurmountable barriers to meeting with the military procuracy—and often encountered among procuracy investigators a negligent attitude toward “disappearances.” The unjustifiable delays in opening criminal investigations only served to further endanger the life and well-being of the “disappeared.”<sup>111</sup>

### **Lack of Authority**

The most devastating flaw in the investigative process is the civilian procuracy’s lack of authority to compel cooperation by the military, which often plays a crucial role in detentions followed by “disappearance.” The military procuracy and military officials obstruct investigations by denying access to investigators, and by refusing to question servicemen, as requested by civilian investigators. When criminal investigations are transferred to the military procuracy, it routinely returns these cases to the civilian procuracy, claiming that “involvement of military servicemen was not confirmed.” In many cases, it appeared that such claims were not based on a meaningful investigation.

A. Maliuk, the investigator handling the “disappearance” of Akhdan Tamaev, told Tamaev’s father on March 2, 2001 that the investigation was not progressing because, as a civilian investigator, he did not have jurisdiction over the military. He said that in fact the military procuracy should investigate Tamaev’s “disappearance” but that he did not have the authority to forward the case to it.<sup>112</sup> Similarly, Lecha Aziev told Human Rights Watch that his sons’ case investigator was powerless because he has no access to the Khankala army base.<sup>113</sup>

Investigator Maliuk confronted the same limits to his authority in dealing with the Musaev brothers’ case. He told the Musaevs’ mother that he did not have the authority to question Generals Nedobitko and Lubenets—both of whom were shown on national television in the presence of Ali Musaev’s dead body.<sup>114</sup> Strangely, in a November 2000 letter to Musaeva, the Khankala military procuracy informed Musaeva that the Penza military procuracy was requested to question Silantev, the head of the Penza OMON troops who presided over Musaev’s detention. The letter does not mention Generals Nedobitko and Lubenets at all, implying that the military procuracy does not see them as relevant witnesses in this case.<sup>115</sup>

According to Rashan Alieva, mother of “disappeared” Islam Dombaev, investigators on the “disappearance” of Islam Dombaev, Murad Lyanov, and Timur Tabzhanov attempted to question a military official, requested that a military commander conduct an internal investigation into the “disappearance,” and wrote several letters to the military procuracy requesting that they question a number of key witnesses under its jurisdiction.<sup>116</sup> However, as far as Human Rights Watch is aware, the military officials and the military procuracy refused to comply with these requests.

In an August 18, 2000 letter to the three youths’ parents, the deputy Grozny city procurator wrote that a criminal case into the “disappearance” of their sons had been opened and that it had been established that the Pskov OMON and the 8<sup>th</sup> OBRON unit of the interior troops had detained the three. He also wrote that “in connection with a refusal

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<sup>110</sup> Investigators in Chechnya appear to do three-month tours of duty while “on loan” from other regions of Russia. The rapid turnover in procuracy offices in Chechnya appears to be disrupting investigations.

<sup>111</sup> Under Russian law, procuracy officials are obliged to open criminal investigations within three days—ten in exceptional cases—after receiving information on the criminal offense, if there are “sufficient grounds” to assume that a criminal offense was committed. Article 109 of the criminal procedure code of the RSFSR. In accordance with article 108 of that code, the information on the criminal offense may be contained in, among others, a newspaper report, a letter from a victim, or an NGO report.

<sup>112</sup> Human Rights Watch interview with Ovkhad Tamaev, Nazran, March 3, 2001.

<sup>113</sup> Human Rights Watch interview with Lecha Aziev, Nazran, March 2, 2001.

<sup>114</sup> Human Rights Watch interview with Alamat and Aminat Musaev, Nazran, November 24, 2000.

<sup>115</sup> Letter from the Khankala military procuracy dated November 1, 2000, addressed to Musaeva A.D., signed by assistant of the military procurator, Khalemin D.B.

<sup>116</sup> Human Rights Watch interview with Rashan Alieva, Nazran, December 4, 2000.

to appear for investigative steps, military servicemen of the 8<sup>th</sup> OBRON unit<sup>117</sup> have not been questioned at this time.” He added that the Grozny city procuracy had requested that the military procuracy question the military servicemen.<sup>118</sup> Indeed, among documents obtained by the relatives is a letter from a Grozny city procuracy investigator, V.S. Eroshkin, to the Khankala military procuracy that contained such a request. In this August 29, 2000 letter, Eroshkin wrote:

A separate request (Outgoing No. 149 p-2000, dated August 9, 2000) has been addressed to you to question as witnesses the soldiers of the above-mentioned OBRON-8 unit and their commander Glushchenko. However, as yet no answer has been received to this request within the time limits provided by the law. Commander Glushchenko has refused to come to the Grozny city procuracy. In regard of the above, I earnestly ask you to provide assistance in establishing the whereabouts of the above-mentioned children.<sup>119</sup>

It is unclear whether the Khankala military procuracy ever responded to this request. However, letters from this procuracy to the youths’ parents suggest that it did not pursue a separate investigation in a meaningful way. On August 24, 2000—no doubt after the Khankala military procuracy had received the August 9 request—military procuracy officer O.V. Sinchirin wrote to the parents of the “disappeared” that it had forwarded their complaint to the Grozny city procuracy, which was conducting a criminal investigation into the abduction of the young men. The author made no mention of the OBRON-8 unit.<sup>120</sup> In another letter to the parents of the three men, dated October 5, 2000, the Khankala military procuracy stated—contrary to earlier findings by the Grozny city procuracy—that the detention of the three men was carried out by “officials of one of the subdivisions of the Pskov OMON.”<sup>121</sup>

Also among documentation obtained by parents of the men was a letter from investigator Eroshkin to Lieutenant General Lubenets, which reminded the general of the previous request to carry out an internal inquiry into the detentions.<sup>122</sup>

Human Rights Watch is aware of only a few responses by the military procuracy regarding “disappearances.” In all these cases, the military procuracy claimed that “participation of military servicemen was not confirmed.” For example, in a September 27, 2000 letter, the Khankala military procuracy wrote to the relatives of Adlan Eldarov, who “disappeared” during a sweep operation in Gekhi in August 2000, that “military servicemen of the federal forces” were not involved in Eldarov’s detention.<sup>123</sup> Similarly, in a November 24, 2000 response to a mother’s appeal to look for her son, the Khankala military procuracy stated that the appeal had been sent to the military procuracy “groundlessly” because “no involvement in the disappearance of Bazorkina’s son of particular military servicemen is discovered.”<sup>124</sup>

### **Lack of diligence**

<sup>117</sup> OBRON units are special Interior Ministry troops.

<sup>118</sup> Letter from the Grozny city procuracy dated August 18, 2000, addressed to A. Lyanova, G. Tabzhanova and R. Dombaeva, signed by first deputy procurator of the city of Grozny, V.B. Mukhamadeev.

<sup>119</sup> Letter from the Grozny city procuracy dated August 29, 2000, addressed to military procurator Okorokov, O.I. of military unit 20102, signed by investigator V.S. Eroshkin of the Grozny city procuracy.

<sup>120</sup> Letter from the Khankala military procuracy dated August 24, 2000, addressed to K. Tabzhanova, A. Lyanova, and R. Dombaeva, signed by assistant to the military procurator of military unit 20102, O.V. Sinchurin.

<sup>121</sup> Letter from the Main Military Procuracy dated October 5, 2000, addressed to the General Procuracy of the Russian Federation and A. Lyanova, signed by D.V. Tsirekidze.

<sup>122</sup> Letter from the Grozny city procuracy dated August 28, 2000, addressed to Lieutenant General Lubenets, commander of the unified forces, signed by investigator V.S. Eroshkin.

<sup>123</sup> Letter from the Khankala military procuracy dated September 29, 2000, addressed to head of the department for internal affairs of the Ministry of Interior for the Chechen republic, signed by acting deputy military procurator, I.N. Mogilnyi.

<sup>124</sup> Letter dated November 24, 2000 from assistant to the military procurator V.P. Zelenin of the Khankala military procuracy to Fatima Bazorkina.

In some cases, civilian investigators attempted to use their lack of authority to conceal their failure to question witnesses who fell well within their jurisdiction, such as the relatives of the “disappeared,” witnesses to the moment of detention and “disappearance,” and police and FSB officers who may have been involved in the “disappearance.” In some cases, there were unjustifiable delays in opening the investigations.

The Grozny city procuracy opened a criminal investigation into the “disappearance” of Nura Lulueva only on June 23, 2000—three weeks after the incident, even though Lulueva’s husband had provided detailed information on the incident to the procuracy on June 3, immediately after it occurred. According to former judge Said-Alvi Luluev, Grozny city procuracy investigators handling the “disappearance” of his wife, Nura and several other women unjustifiably delayed taking even the most elementary steps to collect information on the case.<sup>125</sup> He told Human Rights Watch that investigators had not questioned him—the principle complainant and victim—until after the investigation had been suspended and then reopened, in November 2000.<sup>126</sup> Luluev also said that the investigator on the case had unjustifiably delayed questioning the eyewitnesses to the incident whom Luluev himself had tracked down, and did not follow up on their signed written statements.

The Grozny city procuracy opened a criminal investigation into the “disappearance” of Islam Dombaev, Murad Lyanov, and Timur Tabzhanov on August 8, 2000—almost six weeks after Russian troops detained them on June 28—even though the parents of the three young men had provided the procuracy with information on the detention and “disappearance” immediately. Dombaev’s mother, Rashan Alieva, told Human Rights Watch that because the investigator on the case was not taking any meaningful steps, she more or less forced the investigator to write several letters to the military procuracy (see above) and several detention centers. She told Human Rights Watch:

I insisted that the investigator write these letters. I said, “You show me proof of the work you are carrying out. Nothing is changing, in spite of me coming here [so often] and you getting sick of me.” He said: “I’ll write those letters for you.”<sup>127</sup>

Rosa Yusupova had a similar experience. She told Human Rights Watch that she visited the case investigator, Sharpudi Amkhaev, on March 12, 2001. She said:

He still hadn't sent a request for information to the military procuracy at Khankala to find out whether or not my husband is there. I insisted that he do so, and dictated the letter to him on the spot, he wrote it up while I was there. I also asked him why he hadn't yet questioned the employees of the temporary police station. He said he hadn't been able to get around to it, and then he invited me to come back in a few days so that we could write the letter together. But, you know, he has to make enquiries to find out what the names of those employees are, in order to draw up the letter properly, so what's the point of waiting for me to draw it up together...it just proves that he's not looking to obtain the information himself... more time will go by, that's all.<sup>128</sup>

In most cases, it was impossible to determine whether civilian investigators had questioned police officials, as they rarely shared such information with the relatives of the “disappeared.” For example, in the case of the “disappearance” of Akhdan Tamaev, it was unclear whether the investigator of the Urus-Martan region procuracy

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<sup>125</sup> Human Rights Watch interview with Said-Alvi Luluev, Moscow, October 19, 2000.

<sup>126</sup> Human Rights Watch interview with Said-Alvi Luluev, Moscow, March 12, 2001. Luluev also said he had not been recognized as a victim (in Russian: *poterpevshii*) of the crime under investigation. Under Russian law, this procedural status grants victims of crimes a number of rights during the investigation and in court, including filing complaints and requests, and reading the case materials after the investigation has ended. Article 53 of the code of criminal procedure.

<sup>127</sup> Human Rights Watch interview with Rashan Alieva, Nazran, December 4, 2000.

<sup>128</sup> Human Rights Watch interview with Rosa Yusupova, Nazran, March 14, 2001.

had questioned the chief of the Urus-Martan temporary police station or the administrator of the detention center at that police station, both of whom played a significant role in Tamaev's "disappearance."<sup>129</sup>

As of late November 2000, procuracy investigators had not opened a criminal investigation into the "disappearance" of Adlan Eldarov following a sweep operation in the village of Gekhi in August 2000, even though his relatives had repeatedly informed the civilian and military procuracies in Chechnya of the "disappearance." One of Eldarov's relatives even provided the procuracy with the name of the captain who supervised the detention, as well as the licence plate number of the car in which he came to their house.<sup>130</sup>

The same relative provided Human Rights Watch with copies of ten letters he received from various procuracy offices around Russia. Not one of these letters states that a criminal investigation had been or will be opened. In four separate letters, sent between early September and late October 2000, the Urus-Martan district procuracy repeatedly instructed the local temporary police department to open a "search" case into the disappearance of Eldarov.<sup>131</sup> It is unclear whether such a case was eventually opened.

As the Musaev case demonstrates, delays in opening investigations increase the risk to the life of the "disappeared." The Urus-Martan district procuracy opened a criminal investigation into the "disappearance" of the Musaev brothers from Gekhi only after their dead bodies had already been found and identified on September 13, 2000. Aminat Musaeva, the mother of the young men, told Human Rights Watch that she reported the "disappearance" to the competent authorities immediately after it happened.<sup>132</sup> She insisted on being informed of their whereabouts and that they be released immediately. Throughout the week following the "disappearance," Musaeva and her husband provided law enforcement agencies with evidence of their detention. Yet, according to Musaeva's account, even after her sons' dead bodies were found, it took her personal persistence to convince the local procuracy to open a criminal investigation. Eventually, in mid-September a criminal investigation was opened, apparently into the kidnapping and murder of her sons.<sup>133</sup>

Although investigator Maliuk appears to have taken a number of the appropriate steps in the Musaev case, it appears that he has not questioned some of the key witnesses. First of all, Alexander Silantev, the police commander who led the detention operation on August 8, 2000, left Chechnya for his home in Penza. Investigator Maliuk apparently told Musaeva that he had sent Silantev an official letter requesting details on the detention. As of late November 2000, Musaeva was unaware of a response from the police commander.<sup>134</sup>

In a few recent cases of "disappearances," procuracy officials appear to have opened criminal investigations more swiftly. For example, in the case of the "disappearance" of the Aziev brothers on the night of September 24, 2000, the Grozny city procuracy opened a criminal investigation on September 29, 2000 after law enforcement officials had taken written statements from the father and several neighbors. In the case of the "disappearance" of Abdulkasim Zaurbekov at the October district temporary police station on October 17, 2000, the Grozny city procuracy opened a criminal investigation no later than November 5, 2000.<sup>135</sup> The investigations, however, have led to a dead end.

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<sup>129</sup> Human Rights Watch interview with Ovkhad Tamaev, Nazran, March 3, 2001.

<sup>130</sup> The car number was given as: UAZ-469 with a state licence plate No. OBS 31-62.

<sup>131</sup> A request for a search (*rozysknoe delo*) does not have the same status as a criminal investigation.

<sup>132</sup> Human Rights Watch interview with Alamat and Aminat Musaev, Nazran, November 24, 2000.

<sup>133</sup> A letter from the Khankala military procuracy confirms that the criminal case was opened under article 105 of the criminal code (premeditated murder). A letter from the procuracy of the Chechen republic to the Urus-Martan region procuracy, dated November 3, 2000, instructs the latter to open a criminal investigation under article 126 of the criminal code (kidnapping).

<sup>134</sup> Human Rights Watch interview with Alamat and Aminat Musaev, Nazran, November 24, 2000.

<sup>135</sup> The Grozny city procuracy sent Rosa Yusupova a letter on November 5, 2000 in which it stated that a criminal case had been opened under article 126 of the criminal code (abduction).

Sixty-one-year-old Shakhid Baisaev “disappeared” during a sweep operation in Staropromyslovskii district of Grozny on March 2, 2000. The Grozny city procuracy opened a criminal investigation into his “disappearance” on May 10, 2000. The procuracy suspended the criminal investigation on September 14, 2000 due to “impossibility to establish identity of perpetrators.” However, eyewitnesses to Baisaev’s detention state that people in uniform took him. Furthermore, an official document from the head of administration of Pobedinskoe village shows that Russian troops indeed carried out a sweep operation between 10:00 a.m. and 2:30 p.m. that day.<sup>136</sup>

### **The Disposition of the Procuracy**

Several relatives of “disappeared” persons complained to Human Rights Watch that they cannot meet with procuracy officials, as it is even difficult to gain physical access to the premises of procuracy offices—in particular, the military procuracy at the Khankala military base.

Sultan Saidaev, whose son, brother, and nephew “disappeared” on December 20, 1999 told Human Rights Watch that after he understood that the civilian procuracy was not able to conduct a proper investigation—not having the right to question military officials—he decided to visit the military procuracy at Khankala himself.<sup>137</sup> He never made it, however, as soldiers at one of the checkpoints stopped him and refused to allow him onto the military base. Said Alvi Luluev, whose wife “disappeared” on June 3, 2000, had a similar experience. He said the soldiers at the checkpoint would not even allow him through when he showed them papers identifying him as a Russian federal judge. He said the soldiers simply told him they had orders not to let anyone through. Several other relatives of the “disappeared” told Human Rights Watch they unsuccessfully tried to visit the military procuracy at Khankala.<sup>138</sup>

Aminat Musaeva managed to visit the military procuracy at Khankala once. She said that time she somehow managed to talk her way through numerous checkpoints before she got to the main entrance to the military base.<sup>139</sup> After successfully negotiating her way through that checkpoint and even getting the Federal Security Service to approve her admission pass, she walked two kilometers before reaching the procuracy itself. Musaeva said the procuracy official reacted with immense surprise saying: “Woman! How did you get in here?” Musaeva explained the case of her sons and the procuracy official expressed an interest in seeing a videocassette showing her dead son in the hands of high-ranking officers. However, when Musaeva tried to come back to the base, she did not make it through the checkpoints. She said the procurator at one point told her to “Go to Chernobyl.”<sup>140</sup>

Rosa Yusupova, wife of “disappeared” Abdulkasim Zaurbekov, also managed to visit the military procuracy at Khankala once. She said she got through all of the checkpoints without too much trouble, but at the main entrance she had to talk and argue with the guards for a long time. She told the guards that she had been invited by Sergei Petrukhin of the military procuracy but the guards said they did not know where the procuracy was located and could not contact Petrukhin to alert him to her arrival. Finally she convinced them to let her in, left her passport at the KPP and saw Petrukhin. When he invited her back in a few days, she explained how hard it had been to get on the base. She said that in response, “he just smirked.” Yusupova has since tried to get back onto the military base but without luck. She told Human Rights Watch: “Now access to Khankala is much more difficult than in November. I was probably pretty lucky to get in during the fall.” She said she had tried to get in a few days ago but failed.<sup>141</sup>

Most relatives of the “disappeared” did not complain about access problems to district-level civilian procuracy offices. However, Said-Alvi Luluev told Human Rights Watch he did have problems gaining access to the Grozny city

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<sup>136</sup> Report (in Russian: *spravka*) from the administration of Pobedinskoe village, dated September 20, 2000, signed by Batukaev I.A.

<sup>137</sup> Human Rights Watch interview with Sultan Saidaev, Assinovskaia, November 30, 2000.

<sup>138</sup> Human Rights Watch interview with Said-Alvi Luluev, Moscow, March 12, 2001.

<sup>139</sup> Relatives referred to the main entrance as the KPP (*Kontrolnyi propusknoi punkt*), or “control and admission point.”

<sup>140</sup> Human Rights Watch interview with Aminat Musaeva, Nazran, March 13, 2001.

<sup>141</sup> Human Rights Watch interview with Rosa Yusupova, Nazran, March 14, 2001.

procuracy and the republican procuracy. He said the procuracy is located on a street with several other official buildings, including the Lenin district temporary police department, the military commander's office, the Grozny city administration, the Federal Security Service, and the Ministry for Emergency Situations and is heavily guarded by a "whole cascade of barricades." Luluev said that he managed to get into the police department and procuracy only after showing guards papers identifying him as a federal judge. He said that in order to enter the premises of the procuracy of the Chechen Republic in Gudermes, he had to appeal to the head of the Gudermes administration who then walked him through all checkpoints and gates.<sup>142</sup> The relatives of Aslan Dundaev, who "disappeared" on December 18, 2000, complained that they had problems getting access to the procurator of the Urus-Martan district. Muslim Dikaev, an uncle of Dundaev, told Human Rights Watch that he and other relatives had been trying to see the procurator for several months but that he "was never around." Dikaev also said they had tried to leave a letter for him but procuracy officials had refused to take it.<sup>143</sup>

Many relatives of the "disappeared" complained of the uncooperative attitude of procuracy officials. They said that procuracy officials were often unwilling to talk to them or made offensive remarks about the "disappeared" loved one. Procuracy officials also apparently charged the relatives with the responsibility for the investigation, instructing them to travel to various different places to look for their loved ones.<sup>144</sup>

Said-Alvi Luluev told Human Rights Watch that on several occasions when he came to the Grozny city procuracy officials were drunk and sent him away without talking to him. He also said that he visited the Chechen Republic procuracy on several occasions, each time leaving complaints and inquiries about his wife addressed to then-procurator of Chechnya, Vladimir Kravchenko. When he finally got to speak to Kravchenko, Luluev confronted him on his wife's "disappearance," after which Kravchenko scolded Luluev for not having written any complaints to the procuracy.<sup>145</sup> A deputy procurator of the Grozny city procuracy told Rashan Alieva that her son and his friends had "probably never arrived at Khankala" and that she better "look for him in a strip of forest."<sup>146</sup>

Several relatives of the "disappeared" told Human Rights Watch that procuracy officials had told them to stop coming in for information about the investigation. Rashan Alieva said that for the first two months after her son's "disappearance," she regularly visited the procuracy office to find out whether they had any news. After approximately two months, she was told "Why do you keep coming here?" After some time went by, Alieva went to the procuracy again and the investigator suddenly started grilling her for news.<sup>147</sup> Rosa Yusupova had a similar experience. In an December 2000 interview, she told Human Rights Watch that she had been going to the procuracy and police station every few days to find out whether there had been any new information and that "they are often even dissatisfied: 'Why are you coming here?! We have a lot of work! If we receive information, we will let you know.'" She had not received any information from the procuracy since.<sup>148</sup>

Several relatives told Human Rights Watch that procuracy officials continuously told them to visit various different detention centers around the North Caucasus to look for their children. Rashan Alieva, for example, told Human Rights Watch: "I come to him [the procuracy investigator] and he starts to type: Go here, go there, go to Chernokozovo, go to Pyatigorsk, go to Stavropol."<sup>149</sup> It is unclear for what purpose the relatives should travel to all these detention centers, as under Russian law the procuracy should have access to full lists of everyone held there.

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<sup>142</sup> Human Rights Watch interview with Said-Alvi Luluev, Moscow, October 19, 2000.

<sup>143</sup> Human Rights Watch interview with Muslim Dikaev, Nazran, March 9, 2001.

<sup>144</sup> Human Rights Watch interview with Zaurbekova's wife, Rosa Yusupova, Nazran, March 14, 2001; Human Rights Watch interview with Said-Alvi Luluev, October 19, 2000.

<sup>145</sup> Human Rights Watch interview with Said-Alvi Luluev, October 19, 2000.

<sup>146</sup> Human Rights Watch interview with Rashan Alieva, Nazran, December 4, 2000.

<sup>147</sup> Ibid.

<sup>148</sup> Human Rights Watch interview with Rosa Yusupova, Nazran, December 6, 2000.

<sup>149</sup> Human Rights Watch interview with Rashan Alieva, Nazran, December 4, 2000.

At the same time, relatives said investigators had told them they did not want to risk their lives leaving their offices and would not travel to investigate the “disappearance.”

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

Many relatives of “disappeared” who were interviewed by Human Rights Watch had written or visited the office of Vladimir Kalamonov, the special representative of the president of the Russian Federation for Human Rights in the Chechen Republic.<sup>150</sup> Kalamonov’s offices—with branches in Znamenskoe, Grozny, Gudermes, and other regional centers—functions as an ombudsman. Staff receive visitors, take their written complaints, and then approach the appropriate authorities to seek a solution for the applicant’s problems. Thirty-eight of the “disappeared” persons Human Rights Watch documented were on a list of missing persons that is kept by his office.

A large percentage—over twenty percent—of the complaints Kalamonov’s offices receive concern alleged arbitrary detention and “disappearances.”<sup>151</sup> In such cases, his office liaises with procuracy offices, the Ministry of Justice, and other official agencies to attempt to establish the whereabouts of individual detainees, to learn the reasons for detentions, and to facilitate releases, provided they are not under investigation for a serious criminal offense. In his December 2000 report, Kalamonov stated that his office had managed to track down forty-eight people who had been reported “missing” and had established that an additional twenty-six had been convicted of a criminal offense and were serving a sentence.

In his December 2000 report, Kalamonov expressed concern over the rising number of complaints about “disappearances of citizens filed by relatives, friends and neighbors, and recorded in letters from city, district, and village executives. The report also criticizes the arbitrary way in which sweep operations are carried out and the lack of respect for due process when searching houses and detaining their inhabitants.

Kalamonov’s office maintains a list of individuals who went missing in the course of the current conflict, during the interwar years, and during the 1994-1996 Chechnya conflict. As of December 2000, the list contained the names of 462 people, and was forwarded to the Ministry of Internal Affairs, which opened 145 searches [*rozysknye dela*] in addition to 255 cases that the ministry had already been handling for Chechnya.

Human Rights Watch welcomes the fact that a federal official keeps a record of missing persons. The list would be more useful both to criminal investigations and statistical analysis if it contained information on the circumstances under which the person went missing, especially in cases in which those missing were last seen in government custody. To our knowledge, complainants often provide such information to the office. The list should also be updated on a regular basis. Human Rights Watch is aware of several people whose names were on the list that was published in October 2000, even though their dead bodies had been found in May 2000. It is possible that there are also people listed as missing who have since been found in custody, at liberty, or dead. The list should also make clear the difference between missing individuals and those who have been forcibly disappeared.<sup>152</sup>

Most relatives of the “disappeared” interviewed by Human Rights Watch were discouraged by the apparent inability of Kalamonov’s office to help them find their loved ones, and seemed confused about how the office worked.

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<sup>150</sup> In February 2000, then acting President Vladimir Putin appointed Vladimir Kalamonov as his special representative for human rights in Chechnya. The appointment came at a time that human rights organizations and international media were reporting that Russian troops had summarily executed large numbers of civilians and that torture and ill-treatment of detainees was widespread. Russia, as a result, found itself under mounting international pressure to clean up its human rights record in Chechnya.

<sup>151</sup> In his December 2000 report, Kalamonov wrote that his offices in Chechnya and Moscow have received a total of 5,485 written complaints. 853 of these concerned lack of information about detained or arrested relatives, 357 - arbitrary detention.

<sup>152</sup> For example, the list states that seventeen-year-old Adam Abubakarov from Urus-Martan went missing in December 1999 whereas in fact, was detained by Russian troops in March 2000.

Almost all those interviewed for this report who had filed a complaint with Kalamonov's office said they had not receive any response. Only Fatima Bazorkina, the mother of Khadzhimurat Yandiev, received a copy of a letter from Kalamonov to the OSCE regarding her son. She had sent a letter to the OSCE Assistance Group asking their assistance in finding Yandiev, which in turn requested Kalamonov's office for information. The Assistance Group forwarded Bazorkina the Kalamonov office response, which stated that Yandiev is listed on his missing persons list as No. 363.<sup>153</sup> As a result of this lack of followup, the relatives said that they had no idea what Kalamonov's office was actually doing—if anything—with their complaints.

## TORTURE AND SUMMARY EXECUTION

*If they're not yours, I'll give you back your money.*

– A soldier's promise to the parents of the "disappeared" Musaev brothers, who sold them a map to the burial site.

By carrying out forced "disappearances," federal forces in Chechnya attempt to conceal the torture and summary execution of those in their custody, and therefore benefit from impunity for such crimes.<sup>154</sup> With the discovery throughout the year of the corpses of dozens of the "disappeared" in unmarked graves or at dump sites, it has become evident that federal forces have used "disappearance" as a cover for torture and summary executions. The February 2001 discovery of a mass grave containing at least sixty corpses near the Khankala military base created a sensation in the Russian and international media. It was by far not the first of its kind. Human Rights Watch has documented eight unmarked graves, all found in 2000 and 2001. Memorial Human Rights Center has documented at least one more unmarked grave.<sup>155</sup> Human Rights Watch has also documented eight cases when dead bodies were simply dumped by road sides, on hospital grounds or elsewhere. The Memorial Human Rights Center has documented numerous additional cases. The majority of the bodies showed signs of severe mutilation, including flaying or scalping, broken limbs, severed finger tips and ears, and close range bullet wounds typical of summary executions. Examinations by medical doctors of some of these bodies have revealed that some of the deliberate mutilations were inflicted while the detainees were still alive.

### Mass Dumping Site at Dachny Village, near Khankala

At least sixty dead bodies had been recovered from the abandoned summer cottage village of Dachny, less than a kilometer from Khankala military base, as of mid-March 2001. The overwhelming majority of the corpses—mostly male and ranging in age from eighteen to fifty years—were dressed in civilian clothes, had their hands tied behind their

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<sup>153</sup> Letter from the special representative of the president of the Russian Federation for Human Rights in the Chechen Republic, dated November 1, 2000, addressed to Ambassador Alfred Misson of the OSCE Assistance Group to Chechnya, signed by Vladimir Kalamonov.

<sup>154</sup> Memorial, FIDH, Human Rights Watch and Amnesty International, "Chechnya: A Joint Statement by Human Rights Groups," Strasbourg, January 24, 2001, <http://web.amnesty.org/ai.nsf/Index/EUR460022001?OpenDocument&of=COUNTRIES\RUSSIAN+FEDERATION> (March 14, 2001); Human Rights Watch, Welcome to Hell; Human Rights Watch, "Field Update on Chechnya," January 22, 2001; Physicians for Human Rights, Endless Brutality: Ongoing Human Rights Violations in Chechnya (Physicians for Human Rights, Boston, January 2001); Memorial, "Human Rights Situation in the Republic of Chechnya, fall 2000," address given by Oleg Orlov, at the Meeting of the Committee for Legal Affairs and Human Rights of the Council of Europe in Paris, December 2000, <http://www.memo.ru/hr/hotpoints/northkavkaz.htm> (February 1, 2001); Amnesty International, "On Human Rights: Bridging the Gap Between Rights and Realities," December 2000, <http://web.amnesty.org/ai.nsf/Index/IOR410142000?OpenDocument&of=COUNTRIES\RUSSIAN+FEDERATION> (March 14, 2001); Medecins du Monde, "Le Desespoir des civils tchetchenes," November 2000; Maura Reynolds, "War Has No Rules for Russian Forces Battling Chechen Rebels", Los Angeles Times, September 17, 2000.

<sup>155</sup> Memorial has documented the discovery of another unmarked grave in Mesker-Yurt containing the bodies of eight persons whom Russian soldiers had previously detained. See <[www.memo.ru](http://www.memo.ru)>.

backs and had gunshot wounds. At least thirteen of the bodies belonged to people who were known to have been detained by Russian federal forces and subsequently “disappeared.”

Rumours that bodies had been discovered at Dachny started to circulate in Chechnya as early as late January or early February 2001. However, as the village is located in the immediate vicinity of the main Russian military base in Chechnya, at Khankala, travel in the area is restricted. Also, many relatives of missing people told Human Rights Watch they were reluctant to conduct extensive searches so close to the military base because of fear of being shot at or detained.

As far as Human Rights Watch is aware, the first of the bodies, that of Adam Chimaev, was recovered from the village on February 15, 2001. According to Memorial Human Rights Centre, Chimaev was detained at a checkpoint between Shali and Germenchuk on December 3, 2000. His detention was witnessed by an acquaintance of the family. In early February 2000, a military officer told Chimaev’s relatives—who had been actively looking for him—that his body had been dumped in a cottage at Dachny village. The relatives subsequently paid U.S.\$3,000 to be allowed to remove Chimaev’s body from the village. Chimaev’s body had clear signs of torture and he had been shot three times in the chest.<sup>156</sup>

On February 24, 2001—after three more bodies had been removed from Dachny with the help of mine clearers—the discovery of the mass dumping site became generally known, both in Chechnya and elsewhere. That day, Chechnya procurator Vsevolod Chernov visited the site and procuracy officials confirmed that they had found numerous dead bodies in the village.<sup>157</sup> They also announced that many of the bodies had been booby trapped with mines and that the area would be closed to people seeking missing relatives.

In subsequent weeks, procuracy officials and mine clearers started recovering bodies from the village and brought them to a hangar used by the Ministry of Emergency Situations and the October district police department in Grozny. On March 3, Chernov announced that forty-eight bodies had been found.<sup>158</sup>

Over a period of two weeks in late February and early March, Human Rights Watch researchers in Ingushetia spoke to nineteen eyewitnesses who viewed corpses discovered at the village. These eyewitnesses said they had seen over sixty corpses in the hangar. They said that the overwhelming majority of the corpses were dressed in civilian clothing, and that they were between approximately eighteen and fifty years of age. There were at least eight women. The hands, legs, and eyes of most were bound with wire or cloth, and most also bore gunshot wounds in the stomach and chest area, and in the head. Several had been scalped. Eyewitnesses also confirmed that the state of decomposition of the corpses showed that they had been deposited on the dumping ground over a period ranging from one year to as recently as several weeks ago.

As of March 14, Human Rights Watch had confirmed that at least thirteen of the bodies found at Dachny belonged to people who had previously been reported by witnesses to have been detained by Russian forces and then “disappeared.” In five of these cases, there was convincing evidence that the men were taken to Khankala military base while still alive. Human Rights Watch also received detailed information on one other person whose body was found at Dachny. However, relatives of this person had not been able to find concrete evidence that Russian troops had detained him.

### **The Bodies of Magomed Magomadov, Said-Rakhman Musaev, and Odes Mitaev**

<sup>156</sup> See Memorial press materials, “Bodies Near Khankala: Unrefutable Proof of War Crimes by Federal Forces,” March 5, 2001, ([www.memo.ru/hr/hotpoints/N-Caucas/hankala/app2.htm](http://www.memo.ru/hr/hotpoints/N-Caucas/hankala/app2.htm), accessed March 2001).

<sup>157</sup> Robyn Dixon, “Chechen Bodies Found at Mass Dumping Site,” *Los Angeles Times*, February 25, 2001.

<sup>158</sup> Andrei Kuzminov, “On the Territory of the Gardening Collective ‘Zdorovy’e’ Outside Grozny Forty-Eight Dead Bodies Were Found,” *ITAR-TASS* news agency, March 3, 2001.

On February 21, 2001, relatives of three “disappeared” men from Raduzhnoe and Dolinskii villagers identified three of the corpses at Dachny village as Magomed Magomadov, Said-Rakhman Musaev and Odes Mitaev. One of the relatives who traveled to Dachny village told Human Rights Watch:

On February 20, 2001, a woman from Shali came to our home to tell us that the description of the clothes on one of the three missing matched the clothes of a corpse that she had seen in Dachny village. Mitaev’s mother had met this woman in Shali while looking for her son. This woman from Shali was looking for her own son and of course Mitaev’s mother described to her how her son was dressed on the day of his “disappearance.”

On February 21, 2001, we went to visit the place she had told us about, and we straight away found the three corpses lying uncovered on the ground. We were accompanied by around twenty mine-clearers, as the area had been mined. They cleared a specific area, and in that area we found two of the corpses, Magomed Magomadov and Musaev. They were lying in Dachny village, fifty meters away from the Khankala military base. Mitaev was one kilometer from the road across from the Khankala military base.

The corpses were in pretty good shape, given the cold weather. But it was clear that they had been tortured, their bodies were blue with marks of beating, their heads had been beaten, I think with rifle butts, bones on the extremities of their arms and legs were broken. Two of Mitaev’s fingers had been cut off. All had been shot in the stomach area, there were wounds on their shoulders, in the heart area, and all had been shot in the head. The hands of all three were tied behind their backs and their eyes were bound.<sup>159</sup>

The search was halted when two mines exploded.

#### **The Bodies of Nura Lulueva, Raisa Gakaeva, and Markha Gakaeva**

On March 4, 2001, relatives of three “disappeared” women—including the wife of Judge Said-Alvi Luluev—identified three more dead bodies from the Dachny site as Nura Lulueva, Raisa Gakaeva, and Markha Gakaeva. As noted, the three women had “disappeared” on June 3, 2000.

According to Said-Alvi Luluev, when his wife’s brother learned of the bodies at Dachny village on March 4, 2001, he immediately went to the village to look for his sister.<sup>160</sup> The same day, the brother went to the hangar at the Ministry for Emergency Situations in Grozny, where bodies that had been recovered were laid out, and identified his sister and their two cousins among the sixty corpses. He then took the bodies to their family’s home village and buried them.

Luluev told Human Rights Watch that, according to Nura Luluev’s brother, the three bodies were in an advanced stage of decomposition and were identified by earrings and clothing. He said that the women had blindfolds over their eyes. He said he did know the exact cause of death.

#### **Bodies at the Novye Atagi Quarry (Discovered: January 26, 2001)**

On January 26, 2001, a stone cutter discovered two corpses in the quarry at Novye Atagi. The relatives of Akhmed Zaurbekov and Khamzad Khasarov, who had “disappeared” in custody twelve days earlier, heard about the discovery the same day, and Khasarov’s brother went to the quarry and identified the two men. Procuracy officials and a photographer were also present, and after completing the necessary documentation, the brother brought the bodies back to Starye Atagi.

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<sup>159</sup> Human Rights Watch interview with a relative of Magomed Magomadov who requested to remain anonymous, Nazran, March 9, 2001.

<sup>160</sup> Human Rights Watch interview with Said-Alvi Luluev, Moscow, March 12, 2001, Moscow.

The relatives told Human Rights Watch that the Zaurbekov and Khasarov's bodies bore signs of severe torture: the extremities of the fingers of both men had been cut off or severely pounded.<sup>161</sup> Both ears were missing from both bodies. The bodies had burn marks—possibly from cigarette butts—above their eyes, on their cheeks and on their necks. Khasarov's body also had burns in the area of his right thigh. Their arms, elbows, and shoulder blades were broken. There were ten to fifteen centimeter long black bruises on the fronts and backs of their rib cages, as if they had been hit with a long blunt object. Zaurbekov's right cheek and the right side of his neck had been skinned. He had a bullet wound above his left eye with an exit wound at the back of his head. His hands were tied behind his back with wire, so tightly that the wire cut into his flesh.

### **Dumped Body at Abandoned Farm near Alkhan-Yurt (Discovered January 21, 2001)**

On January 21, 2001, local villagers from Alkhan-Yurt found the remains of a body at an abandoned farm between Alkhan-Yurt and Gekhi. They brought the corpse to Alkhan-Yurt, where the local grave digger buried it, but kept the clothes that they had found on the body. When Adam Davletukaev's relatives learned of the discovery of the body, they travelled to Alkhan-Yurt and recognized the clothes as Adam's. Razet Mishaeva told Human Rights Watch that she and other relatives later exhumed the remains of the body, seeking further confirmation. However, she said, the body's head was missing and very little else was left of it.

We thought maybe we would find out something, if there was something to find out. Well, it turned out that there were some spinal bones left, parts of a leg, of the right arm, parts of the shoulder, the wrist but without the little finger. We thought that if the little finger is there . . . There should be a wart on Adam's little finger. It was cut off.<sup>162</sup>

Mishaeva had no idea as to the cause of her son's death. She said no forensic examination of the remains had been carried out.

### **Unmarked Grave at Jalka (Discovered September 16 and 20, 2000)**

On September 16 and 20, 2000, Jalka villagers discovered two unmarked graves not far from the village with five bodies. The bodies belonged to people who had "disappeared" in the custody of Russian troops earlier that month. According to a report by the local civilian administration and eyewitness accounts, all of the bodies were severely mutilated.<sup>163</sup> The official report also alleged that a total of nine civilians from Jalka "disappeared" in the custody of Russian troops in September 2000, four of whose corpses were not found in the unmarked graves. Human Rights Watch has not been able to establish the names of the four.

### **Grave No. 1, three dead bodies, found September 20, 2000**

On September 15, 2000, Jalka villagers, Adam Vagapov (age twenty-seven) and Magomed Taimaskhanov (age thirty-two), and an internally displaced person from the Vedeno region, Sharpudi Usuev (age forty-five) "disappeared" while in the custody of Russian troops. Vagapov and a friend were walking home from the funeral of an acquaintance when three soldiers motioned them to come over and asked to see their documents. Vagapov's friend had his passport with him and was allowed to go but Vagapov—who had left his documents at home—was taken away.<sup>164</sup> Magomed Taimaskhanov left his home—without his documents—to buy spare parts for

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<sup>161</sup> Human Rights Watch interview with Ali Zaurbekov and Aina Khasarova, Nazran, March 1, 2001.

<sup>162</sup> Human Rights Watch interview with Razet Mishaeva, Nazran, March 8, 2001.

<sup>163</sup> German journalists Thomas Avenarius and Florian Hassel obtained a copy of this report which they shared with Human Rights Watch. The report (in Russian: *spravka*) was written by Sh.B. Abdurakhmanov, leader expert of the department for law enforcement agencies. It is dated September 21, 2000.

<sup>164</sup> Human Rights Watch interview with a relative of Adam Vagapov who talked to the friend, and who requested to remain anonymous, Nazran, November 23, 2000.

a broken television just after midday, and several villagers told his relatives they saw soldiers seize him.<sup>165</sup> The circumstances of the detention of the third man are not completely clear. However, several Jalka villagers told Human Rights Watch that Usuev had been to the mosque that day and was on his way home when soldiers detained him.<sup>166</sup>

The next day, after news of these new detentions had spread throughout the village, villagers received an anonymous tip to look for the men in a strip of forest nearby. Human Rights Watch has not been able to establish who received the tip or from whom it came. The local administration apparently warned villagers that the forest was mined, but on September 17, 2000, the regional military commander, groups of soldiers, and a large number of villagers went into the forest to look for the bodies. Villagers told Human Rights Watch that two local men indeed stepped on mines and were wounded, one seriously.<sup>167</sup>

Eventually, the search group came upon two graves, containing the bodies of the three men. According to one eyewitness:

Two [Taimaskhanov and Vagapov] were in one hole. They had levelled it up, put grass on it so that nobody would notice and on top of that they put a dead dog to make the smell less noticeable. . . . The other was twenty meters [further]. My neighbor, who dug them out, told me. They [the soldiers] had killed a cow, eaten it there and put the head on the other hole.<sup>168</sup>

All three had been shot and their bodies showed clear signs of torture.

#### **Grave No. 2, Two Dead Bodies, Found September 16, 2000**

On September 8, 2000, Kalbek Pashaev and Vakha Kamilov, two cousins, left Jalka for Grozny to find work. They had told their relatives they would stay over night in Grozny. When Pashaev and Kamilov did not return the next two evenings, relatives started to search for the men. Near Minutka Square, relatives found a woman who said she had witnessed their detention, shortly after a shootout on the square. According to the relative:

She told me: "I looked out on the street [and saw] two men running." She recognized them and told them to run "over here" to hide in the basement. They ran over but, as it turns out, federal soldiers were after them, contract soldiers. . . . The federal soldiers ran up . . . and forced them to come out.<sup>169</sup>

The men were taken toward the October district temporary police station. When the relatives went there to inquire about Pashaev and Kamilov, they were told that the men indeed had been detained at the police station but were released one-and-a-half hours later. However, Pashaev and Kamilov never came home.

On September 16, the relatives of the men were informed that villagers from Berdakel had found an unmarked grave with the bodies of two mutilated men on a road near Khankala. The next day the relatives travelled to Berdakel and identified Pashaev and Kamilov—whom Berdakel villagers had buried in a temporary grave—by their half-

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<sup>165</sup> Human Rights Watch interview with a relative of Magomed Taimaskhanov who requested to remain anonymous, Nazran, November 23, 2000.

<sup>166</sup> Human Rights Watch interviews with relatives of Adam Vagapov and Magomed Taimaskhanov who requested to remain anonymous, Nazran, November 23, 2000.

<sup>167</sup> Human Rights Watch interviews with relatives of Adam Vagapov and Magomed Taimaskhanov who requested to remain anonymous, Nazran, November 23, 2000.

<sup>168</sup> Human Rights Watch interview with a relative of Adam Vagapov who requested to remain anonymous, November 23, 2000.

<sup>169</sup> Human Rights Watch interview with a relative of the two men who asked to remain anonymous, Nazran, November 23, 2000.

destroyed and burned clothes. The relatives later found a man from Berdakel who said he had worked near the site of the unmarked grave when soldiers brought Pashaev and Kamilov there. The man said that soldiers had severely beaten the men and thrown a grenade at them. Finally, the soldiers had emptied canisters of petrol over the men and set them on fire. The relative interviewed by Human Rights Watch said that she, as a woman, had not seen the bodies of the two men when they were exhumed for reburial in their home village. However, she said that one man who did see the body of Pashaev gave her the details: “He said that half the skull was missing. As I understand, as a result of the grenade explosion. One arm was missing, an ear had been torn away. The body had wounds. . . .” Kamilov’s body was apparently in even worse condition.

### **Unmarked Grave of the Musaev Brothers in Gekhi (Discovered September 12, 2000)**

After the Musaev brothers “disappeared” on August 8, 2000, their parents regularly went to the military encampment in Tangi-Chu, among other places, to search for them. On September 12, soldiers at the base introduced Aminat and Alamat Musaev to a thirty-five or forty-year-old soldier they had never seen before.<sup>170</sup> The soldier offered to sell them information on the location of their sons’ grave, asking 5,000 rubles for each son (about U.S.\$178). The Musaevs negotiated the price down to 2,000 rubles each (about U.S.\$75), and the soldier gave them a small, hand-drawn map with a cross near the apparent burial site.<sup>171</sup> They said he promised that “If they’re not yours, I’ll give you back your money.”<sup>172</sup>

After warning the local administration, the military commander, and the procuracy, the Musaevs went to the site of the grave. The local head of administration came as well and brought a doctor and a forensic expert. They then uncovered two holes—one containing three bodies, another containing one. Alamat Musaev told Human Rights Watch about the condition of the bodies:

I saw [the bodies] only later, not during the exhumation but when they were brought to the cemetery. I saw my elder son, Ali, and fainted when I did. The others were impossible to recognize as they had been eaten by dogs; only bones remained. . . . We recognized [Umar] only by his teeth.<sup>173</sup>

The body that was found in the separate grave was identified as the man who was shot dead in the courtyard of the Musaev family. Alamat Musaev believed that the fourth body belonged to a man by the last name of Madiev. Human Rights Watch has no further information on his case.

### **Three Unmarked Graves at Starye Atagi (Discovered April or May 2000, June 15, 2000 and September 13, 2000)**

Local villagers, farmers, and shepherds have found at least ten bodies in three mass graves in the immediate vicinity of Starye Atagi. At least eight of the bodies were those of people who had previously “disappeared” in the custody of Russian troops. Human Rights Watch has no further information on the two others buried there.

Each time an unmarked grave was found, local villagers—especially those whose relatives had gone missing—rushed to the site to excavate the grave, anxious to gain closure on the fate of their loved ones. Sultan Saidaev was one of these people. His son, Adam Saidaev, brother Imran Kuntaev, and nephew, Abnan Abdurzakov March 16, 2001 “disappeared” after detention at a checkpoint near Starye Atagi on December 20, 1999. Anxious for any news of their fate, Saidaev helped dig every time news spread that a new unmarked grave had been found near the village. Eventually, Saidaev found his relatives when he and others went to excavate a grave that was found on September 13, 2000.<sup>174</sup>

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<sup>170</sup> Human Rights Watch interview with Alamat and Aminat Musaev, Nazran, November 24, 2000.

<sup>171</sup> Human Rights Watch has a copy of this map on file.

<sup>172</sup> Human Rights Watch interview with Alamat and Aminat Musaev, Nazran, November 24, 2000.

<sup>173</sup> Ibid.

<sup>174</sup> Human Rights Watch interview with Sultan Saidaev, Assinovskaia, November 30, 2000.

### **Grave No. 1, At Least One Body, Found in April or May 2000**

Sultan Saidaev told Human Rights Watch that he was among the first to see the body of a young man who was dug up by local farmers:

We found him in the following position. There is a canal there and usually the Sovkhoz canal is cleaned out in the fall with an excavator. The excavator dug up a chair with a young man tied up and shot, as if he were a target. I was the first one to come across that dead body, they told me a body had been found and I went there. He was in a sitting position as I am sitting here now. The upper part of his body had been buried, the upper part—above his waist was above the ground. His legs were hanging. When I came, his lower parts (the male parts) were full of worms. He was dressed in sneakers, “Adidas” jogging trousers, and a coat.<sup>175</sup>

The man’s last name was Sarmurzaev, but Human Rights Watch has no further information on the circumstances of his death.

### **Grave No. 2, Four Bodies, Found on June 15, 2000**

On June 15, 2000, a shepherd accidentally discovered the shallow grave—not far from a federal troop encampment—when it was unearthed by his dog. When local villagers started excavating the grave, they found the bodies of four men—including three brothers—who had been detained by federal troops during a sweep operation on January 27, 2000 in Starye Atagi. Their names are: Arbi Giriev (age thirty-two), Said-Emin Giriev (age thirty-seven), Said-Hussein Giriev (age thirty-seven), and Musa Sugaipov.

Relatives of the Giriev brothers told Memorial that they were present during the exhumation. They said that all four bodies showed signs of terrible torture. The hands of all of the victims had apparently been cut off, their knee caps had been smashed, and their ribs broken. The arms of the deceased had been tied behind their backs with wire. All of the men had been shot through the head. Relatives said that Said-Hussein Giriev had also been strangled with a scarf.<sup>176</sup>

Several other people from Starye Atagi, including Sultan Saidaev, also told Human Rights Watch about this mass grave and confirmed that the four bodies that were found had been severely mutilated.<sup>177</sup>

### **Grave No. 3, Four Bodies, Found on September 11, 2000**

On September 11, 2000, a local villager was collecting fire wood from a nearby strip of forest when he suddenly fell into a pit that contained several dead bodies. That evening, as the news spread through Starye Atagi, Sultan Saidaev heard from the villager who made the discovery that one of the dead was in sneakers and a black coat. He then understood that the grave contained the bodies of his son, Adam Sadaev, his brother Imran Kuntaev, and his nephew Abnan Abdurzakov.<sup>178</sup>

The next morning, Saidaev tried to go to the grave but was stopped on the way and told that mine clearers had to clear the way through the forest. On September 13, 2000, Saidaev did go to the grave. He was accompanied by the head of the Starye Atagi administration, procuracy officials, FSB officials, and a forensic examiner. Saidaev told Human Rights Watch:

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<sup>175</sup> Ibid.

<sup>176</sup> See: Letter dated October 27, 2000 from chairman of the council of Memorial, Oleg Orlov to the Special Presidential Representative for the protection of Human Rights and Freedoms of the Citizens of the Republic of Chechnya, V.A. Kalamonov.

<sup>177</sup> Human Rights Watch interview with Sultan Saidaev, Assinovskaia, November 30, 2000; Human Rights Watch interview with “Ruslan Amirov” (not the witness’s real name), Nazran, November 17, 2000.

<sup>178</sup> Human Rights Watch interview with Sultan Saidaev, Assinovskaia, November 30, 2000.

They buried them right in the middle of a strip of forest. They dug out a fifty centimeter deep hole, put in the three bodies and put some sand over it. . . . We started digging and immediately found my brother's golden ring. We extracted only bones. . . . We could only identify them by their personal belongings and the crowns on their teeth.<sup>179</sup>

Saidaev said that the grave was found a mere 1,500 meters from the place where the three had been detained, on December 20, 1999, close to the monument to A. Sheripov just outside Starye Atagi. A death certificate signed by the forensic examiner for all three men and dated October 4, 2000 stated that they had been shot through the head.<sup>180</sup>

Excavators extracted the body of Edilbek Isaev, who had been detained at the Starye Atagi hospital just a week earlier, from a separate grave. Several people who saw Isaev's body, including his sister, confirmed to Human Rights Watch and Memorial that Isaev's body had been severely mutilated. Local people informed Human Rights Watch that the forensic examination of Isaev's body showed that Isaev had been scalped, two of his ribs had been cut out of his body, and several finger tips had been cut off while he was still alive.<sup>181</sup>

### **Unmarked Grave in Tangi-Chu (Discovered May 10, 2000)**

On May 10, 2000, villagers from Tangi-Chu unearthed the bodies of three men at the local cemetery. There was clear evidence of torture on the bodies as all three had their ears and noses cut off and had nooses around their necks. The bodies were given a proper reburial at the same cemetery.

Several days later, relatives of people who had "disappeared" at the checkpoint near Duba-Yurt on January 13, 2000, came to Tangi-Chu. They were able to identify the personal belongings of Visit Arsanukaev, Vakha Titaev, and Said-Magomed Delmukhanov.<sup>182</sup>

### **A Dumped Body in the Assa River (Discovered April 1, 2000)**

On April 1, 2000, villagers from Arshty, Ingushetia, saw a young man thrown from an army helicopter as it hovered over the nearby Assa river.<sup>183</sup> That same day, the victim's dead body was recovered from the Assa river, later to be identified as that of twenty-four-year-old Rustam Temirsultanov.

Human Rights Watch interviewed the forensic expert who had examined Temirsultanov's body and the procuracy investigator who conducted the initial investigative steps.<sup>184</sup> According to the investigator, Temirsultanov had been alive when he was thrown out of the helicopter. He said Temirsultanov's back was one huge bruise and said that dead bodies do not bruise. According to the investigator, Temirsultanov died of shock caused by the pain and internal bleeding.

The forensic examiner told Human Rights Watch that when examining the body he found Temirsultanov's left eyeball in his throat. Human Rights Watch researchers were shown a photograph of the eye, which showed signs of cutting. According to the forensic examiner, Temirsultanov's captors tore his eyeball out of its socket and put it in his mouth before throwing him out of the helicopter.

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<sup>179</sup> Ibid.

<sup>180</sup> Human Rights Watch has copies of each of these certificates on file.

<sup>181</sup> Human Rights Watch interview with "Ruslan Amirov" (not the witness's real name), Nazran, November 17, 2000.

<sup>182</sup> See: Letter dated October 27, 2000 from chairman of the council of Memorial, Oleg Orlov to the Special Presidential Representative for the protection of Human Rights and Freedoms of the Citizens of the Republic of Chechnya, V.A. Kalamonov.

<sup>183</sup> Eyewitnesses to the incident identified this as an MI-8 helicopter and said it was painted khaki. Several said they had seen the helicopter's number but could not remember it.

<sup>184</sup> Human Rights Watch interviews with Rashid Aushev, Ingush Republican Hospital, Nazran, November 15, 2000 and Ruslan Tsetoev, Republican Procuracy of Ingushetia, Nazran, November 15, 2000.

According to the investigator, Temirsultanov was most likely a civilian. He did not have callouses on his hands or shoulders that are considered characteristic of combatants.

**A Dumped Body at the Urus-Martan Hospital (Discovered March 10, 2000)**

On March 10, 2000, relatives of seventeen-year-old Said Visaev discovered his body in a hospital building in Urus-Martan. Russian troops had detained Visaev on the morning of March 9, 2000 in a field outside the village of Komsomolskoe, where large numbers of civilians who fled Komsomolskoe prior to the Russian assault had been stranded. On March 10, Said Visaev's mother and two aunts traveled to Urus-Martan to ascertain whether he was being held in a detention facility in the abandoned orphanage there. Visaev's aunt, Fatima, described to Human Rights Watch the finding of Visaev's corpse in a hospital building in Urus-Martan, beaten almost beyond recognition. She said his left eye was missing, his face swollen and that a large hole had been smashed in the back of his head.<sup>185</sup>

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<sup>185</sup> Human Rights Watch interview with Fatima Umarova, Nazran, March 16, 2000.

# RECOMMENDATIONS

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

- Direct all Russian Federation forces—including Ministry of Defense troops, OMON, and other Ministry of Interior troops, as well as all staff working at detention centers—immediately to cease carrying out forced disappearances, torture, and summary executions;
- Fully implement the U.N. Declaration on the Protection of All Persons from Enforced Disappearances;
- Hold all detainees only in officially recognized places of detention. Cease the practice of secret detention even if it takes place on the premises of an officially recognized detention facility;
- Inform all detainees immediately of the grounds of arrest and any charges against them. Provide all detainees with immediate and regular access to lawyers, and allow detainees to petition for judicial review of their detention without delay. Recognize procedural rights to all persons detained and/or accused of crimes;
- Inform the families of detained persons of their detention, the reason for and location of the detention. Allow families of detained persons regular contact with detainees;
- Make publicly available regularly updated figures on the number of individuals charged and arrested for security-related crimes in Chechnya, with information on the nature of their alleged crimes and the places of their detention. Maintain accurate registers of the names and places of detention and make such registers readily available to detainees' family, counsel, and other legitimately interested persons;
- Investigate fully allegations of violations of international human rights and humanitarian law, including cases of enforced disappearance; fully prosecute all officials found responsible for violations; and grant compensation to victims; and
- Issue invitations to the U.N. Working Group on Enforced or Involuntary Disappearances, and, in compliance with the requirements of Resolution 2000/58, adopted by the U.N. Commission on Human Rights, other relevant special rapporteurs and working groups of the commission.

## **To the United Nations Commission on Human Rights:**

This report is published as the United Nations Commission on Human Rights convenes its 57th annual meeting in Geneva. At the last session, in April 2000, the Commission adopted a resolution condemning the on-going abuses in Chechnya and calling on the Russian government to cooperate with visits by U.N. human rights monitors and the United Nations High Commissioner for Human Rights and establish a national commission of inquiry to investigate and prosecute those responsible for gross violations. The Russian government rejected last year's resolution and refused to implement almost all of its requirements. One year later, none of the U.N. human rights monitors have visited the region, no national commission of inquiry has been established, and Russian government procurators have taken no meaningful steps to get to the bottom of the worst atrocities committed in Chechnya. Moreover, as documented in this report, serious human rights violations and war crimes continue. Human Rights Watch recommends that the Commission on Human Rights take the following steps during the current session in Geneva:

- Adopt a Resolution on Chechnya, which:
  - Condemns Russia's failure to comply with Resolution 2000/58;

- Provides for an international commission of inquiry to investigate allegations and report publicly on atrocities committed in Chechnya;
  - Provides for access for and cooperation with all U.N. thematic special rapporteurs, representatives and working groups to the North Caucasus with freedom of operation and movement; access for the Working Group on Enforced or Involuntary Disappearances should be a particular priority;
  - Supports the immediate deployment of the OSCE Assistance Group to Chechnya; and
  - Provides for a report to the Commission at its next session.
- In light of the prevalence of the phenomenon of “disappearances” in Chechnya, as well as in other regions of the world, give the highest priority to consideration of the draft international convention on the protection of all persons from forced disappearance. At the present session the Commission should establish an inter-sessional open-ended working group and entrust it with the examination and elaboration of the draft convention.

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Most of all, we wish to express our gratitude to those who agreed to share their stories with us, despite their fears of possible consequences. Many braved genuine danger to travel to Ingushetia to be interviewed by Human Rights Watch researchers. We hope that this report will contribute to ending the abuses faced by them and their loved ones, and bringing those responsible for “disappearances,” summary executions, and other abuses to justice.

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### *Europe and Central Asia Division*

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We investigate and expose human rights violations and hold abusers accountable.

We challenge governments and those holding power to end abusive practices and respect international human rights law.

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