

Written Testimony of **Dokka Itslaev**, Coordinator of Human Rights Center "Memorial" for the Chechen Republic, for the Tom Lantos Human Rights Commission Hearing of April 15, 2011.

Ladies and Gentlemen,

First of all, I would like to express my gratitude for inviting us to speak to you here, an opportunity we appreciate a lot.

Since December 2000, I have been heading the Memorial human rights organization in Urus-Martan in the Chechen Republic, and since December 2009 I have been coordinator for all Memorial offices in Chechnya. I have lived in Chechnya my entire life and have witnessed firsthand what has taken place there.

The events that have taken place in the republic have been given various interpretations. Some call what is happening there a war, others a counterterrorism operation. However they are described, these events have been catastrophic for those living in Chechnya: since autumn of 1999, hundreds of thousands of people have been forced to leave; 15-25,000 have been killed since active military operations began; and at least 3,000 people have disappeared without a trace, most of them after being detained by the Russian security forces. I will not even talk about the overall scale of destruction.

The Northern Caucasus continues to be one of the worst regions in Russia with regard to respect for human rights. Although the situations in the various republics and territories of the Northern Caucasus differ appreciably, certain factors that exert an extremely negative influence on the evolution of the human rights situation affect a substantial portion of the area.

These include:

- A continuing armed opposition. In the Northern Caucasus, there is an armed underground that uses terrorism in its fight against the Russian Government;
- The policy of state terror which Russian security forces follow, in turn, in their campaign against the terrorist underground, as part of which they defiantly violate the law and blatantly trample human rights;
- The impunity with which government personnel have been allowed to commit large-scale crimes in the course of "counterterrorism operations";
- Corruption, which is extremely high even in comparison with the rest of Russia;
- Arbitrary actions of government personnel;
- A high level of unemployment;
- Antagonism between those advocating "traditional" Islam for the Northern Caucasuses and those espousing the fundamentalist "Salafi" Islam, which is relatively new for this region.

In recent years armed opponents of the Russian Federation have created an armed underground using local inhabitants that has become "entrenched" in a number of Northern Caucasus republics. Unfortunately, the situation that human rights advocates had previously feared has indeed arisen: refusal (on the part of the government) to negotiate in any way with those separatists who are more moderate and amenable to compromise has led to radicalization of the armed resistance movement and to its espousal of Islamic fundamentalism. At the present time insurgents are no longer guided by coherent rational goals, but rather by utopian ideas of establishing an Islamic state in the Northern Caucasus or simply by a desire for revenge.

During 2010 the terrorist underground suffered a number of serious blows: many of their leaders were liquidated or arrested. However, despite this, the ranks of the insurgents are increasing and they have not lost their capacity to act in relatively large groups, to offer sustained resistance to

the much more numerous forces of law enforcement and the military, and to attack highly placed security and administrative officials. They are using suicide bombers in these attacks with increasing frequency.

Russian security agencies have been resorting to practices of state terror, as in previous years. This terror is on a smaller scale than in the early 2000s, but nevertheless the system of illegal violence that evolved over the past decade continues to be actively in force. This system includes such integral elements as kidnapping people and incarcerating them in illegal secret prisons, torture, extrajudicial executions of some of those kidnapped, and falsification of evidence for trials for those whom the government desires to punish officially.

The underground militias are undermining this new policy by stepping up their terrorist activity and government security agencies are unwilling to comply with the elementary rule of law. The peaceful population is suffering from the actions of both these forces. While those accused of belonging to the underground are virtually always convicted, members of security forces acting in violation of the law virtually always avoid punishment. The trampling of human rights by security agencies is becoming increasingly flagrant and brazen.

At the same time, blatant violations of the law committed over the course of antiterrorism operations promote increased terrorist activity over the long term. Maintenance of peace and stability in the Northern Caucasus is inextricably bound to respect for human rights in this region.

Kidnapping and illegal detention, the operation of secret prisons, torture, involuntary “disappearances,” and extra-judicial executions turn society against the authorities. Those who are thus alienated include not only victims of these illegal acts and their families, but broader segments of the local population, forming a mobilization base for the extremist fundamentalist underground. The practice of falsifying evidence is not only dangerous because innocent people are found guilty, but also because actual terrorists remain at large and continue their operations, while information that is clearly false becomes part of the legal system and is given the weight of law. All this undermines counterterrorism operations and renders them ineffective.

The illegal methods with which the counterterrorism campaign is being conducted in the Northern Caucasus are inevitably gradually spreading to the remainder of Russia. Evidence of this can be seen in the 2009 increase in cases of kidnapping and the involuntary disappearance of residents of the Northern Caucasus while visiting other regions of Russia.

Since the summer of 2009 the leadership of Russia has shown great concern over the surge of terrorism in the republics of the Northern Caucasus. In his public speeches, the president of the Russian Federation has identified three basic reasons for the ineffectiveness of the campaign conducted by government agencies against terrorism: corruption, clannishness, and the ineffectiveness of government agencies, especially security agencies. There is some hope that the government will finally begin to undertake some actual measures to combat these phenomena. However, the President did not want to or was unable to point to one other highly important factor that hampers the effective combat of terrorism in the Northern Caucasus – systematic outrageous violations of human rights on the part of security forces in the course of this campaign.

On May 19, 2010 Russian President Dmitry Medvedev met in the Kremlin with human rights advocates working on the problems of the Northern Caucasus. The meeting had been organized by the President's Council for the Development of Institutions of Civil Society. RF Vice Premier

Alexander Khloponin, the Plenipotentiary Envoy of the President in the North Caucasus Federal District, participated in the meeting.

In their talks, Memorial representatives outlined their vision of the essential measures needed to improve the situation in the Northern Caucasus.

It must be acknowledged that the requirement of respecting human rights not only does not contradict the goals of ensuring security, but it is a necessary condition for achieving those goals. Adherence to law is an essential foundation for stability, and can only be achieved through systematic work on respect for human rights in the regions of the Northern Caucasus and elimination of the impunity of security forces.

Here are our recommendations:

- Criminal cases involving crimes associated with human rights violations throughout all the years during which counterterrorism operations were conducted in the Northern Caucasus must be investigated and the guilty brought to justice.
- The Public Prosecutor General of the Russian Federation must conduct a comprehensive review of the activities of security forces, the operation of public prosecution agencies and those of the Investigative Committee of the Russian Prosecutor General's Office in the Northern Caucasus. On the basis of the results of this review, these security agencies must be "purged" of individuals implicated in serious violations of civil rights committed in the course of counterterrorism measures.
- Any attempt to obstruct the work of a defense attorney must be stopped immediately, and those guilty held responsible.
- Russia must fully comply with the decisions of the European Court of Human Rights, including making systemic changes at the level of law enforcement and legislative practices, and should not restrict itself to paying monetary compensation to victims. Russia must actively cooperate with international organizations concerned with problems involving respecting human rights in the Northern Caucasus.
- It is essential that the conditions necessary for the unobstructed work of Russian and international human rights organizations in this region be created.
- We urge you, Members of the United States Congress, to help us all achieve this goal through your interactions and bilateral agreements with the Russian Federation.

I thank you for your attention.

Dokka Itslaev