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“Human Rights in the North Caucasus”

Tom Lantos Human Rights Commission

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I am very grateful to the Tom Lantos Human Rights Commission for convening this very important hearing. The Commission sheds light on some of the most difficult human rights issues and gives a voice to activists at risk. We at NED have a long relationship with the Commission and appreciate this opportunity to speak on human rights abuses in the North Caucasus.

The National Endowment for Democracy (NED) is a private, nonprofit foundation dedicated to the growth and strengthening of democratic institutions around the world. We have a particularly strong program in Chechnya and the North Caucasus, where we support 14 local organizations working in every republic in the region. In addition, we support Russia’s premier human rights organizations, Moscow Helsinki Group, *Za Prava Cheloveka*, and Memorial, which bring problems in the North Caucasus to national and international attention. We support efforts of European partners, such as Civil Rights Defenders’ Stockholm Process, which brings together local, national, and international human rights organizations to coordinate advocacy strategies and provide support for activists at risk. Unfortunately, over the last two years we have had to make many special arrangements to mitigate the dangers associated with this work.

The situation became particularly acute in 2009, when eight activists were killed. One such victim was Umar Izrailov, who was killed in Vienna. He had a case pending at the European Court for Human Rights against the Chechen president, Ramzan Kadyrov. Umar’s father, Ali Izrailov, who has shown tremendous courage in continuing to challenge Kadyrov in the courts, is speaking later on this panel. Another victim was Natalya Estemirova, a researcher in the Memorial office in Chechnya, who was killed because of her work on human rights in Chechnya. Following that tragedy, the office of Memorial in Chechnya was closed and all the local staff members were temporarily relocated to ensure their safety. They have been able to resume their work recently, but only in a very limited capacity, about which Dokku Itslaev can speak later in the panel.

These activists promote the observance of human rights, report on abuses, and provide legal assistance. By working in the most dangerous circumstances, despite tremendous government pressure and at great personal risk, they maintain a link between the North Caucasus and the outside world and provide reassurance to others that in the end justice will prevail. This reassurance—that fairness can be obtained through due process of the law—is crucial to stemming the growing tide of extremism in the region.

This hearing poses some very important questions. Are Russia’s policies in the North Caucasus leading to greater radicalization and greater incidence of terrorism? Are widespread human rights abuses by the Russian military and law enforcement, including killings, disappearances,

and torture, contributing to the spread of the conflict and the radicalization of the population? I think that this is clearly the case.

I recently published a book called *The Chechen Struggle: Independence Won and Lost*. It was co-authored with Ilyas Akhmadov, who was the foreign minister under President Aslan Maskhadov from 1999-2005. We tell the story of the Chechen quest for independence and describe the relationships and competitions among different factions within the Chechen resistance. The book traces the fragmentation and radicalization of the resistance, and the spread of the conflict to other parts of the North Caucasus.

This radicalization did not happen overnight and it did not happen in a vacuum. The growth in terrorism was a result of the violence and impunity of the second Chechen war. The moderates, such as Akhmadov and Maskhadov, were making the argument that the Chechens should abide by the Geneva Conventions and other international norms, and eventually international institutions would bring pressure to bear on Russia to stop the war. But, despite reams of documentation of abuses against civilians, this simply did not happen. Russia would not be held accountable. The radicals argue that all the efforts of the moderates, the offers of peace talks and overtures to the West, were futile—they were signs of weakness. They advocate that, instead of trying to play by the rules, the Chechens should use every available means, including terrorism. This lesson is being applied now throughout the North Caucasus.

The Russian counterterrorist policies of the last decade have not worked. The most intense period of terrorism came as a result of the Second Chechen War. It started with the Nord-Ost hostage-taking in November 2002, which was followed by several suicide bombings in 2003 and 2004 and the Beslan school hostage-taking in September 2004. There was a relative lull following Beslan, until the Russian invasion of Georgia in August 2008. Since then, according to every available set of data, (including official figures) the insurgency has been spreading geographically and claiming an increasing number of victims.

Russia has tried many different policies to pacify this region: waging a war, co-opting local elites, engaging in public works projects, manipulating the boundaries of the federal districts, replacing governors, and killing extremists. Neither Putin's approach of total force nor Medvedev's line of administrative adjustments and social spending has achieved the desired results.

It is a mistake to see Chechnya and the North Caucasus as a local front in a global war. Even though the religious radicals have gained the upper hand within the resistance, nationalism remains very strong. Local and national motivations are usually dominant. For instance, the siege of the school in Beslan in North Ossetia, the most awful act of terrorism in the North Caucasus, was related to the Osset-Ingush conflict, the context being a very local and specific conflict over Prigorodnyi Rayon. That conflict was also the context for a bombing of a market in Vladikavkaz in September 2010, which claimed over 200 lives, but made very few headlines. Most acts of terrorism related to the North Caucasus have obvious domestic causes grounded in local abuses and grievances and have no known international links; North Caucasus terrorism seems to be homegrown.

The centerpiece of Russian counterinsurgency policy in Chechnya is the Chechen president, Ramzan Kadyrov, who was appointed to this office by then-President Vladimir Putin in 2007

and reappointed by President Medvedev in 2011. The Russian federal government has vested Kadyrov with a monopoly on political power, contributed substantial budget resources to his reconstruction projects, and given him leeway to operate with a great deal of independence. Kadyrov and his forces, which are, nominally, divisions of federal ministries, operate with total impunity; their tactics have included disappearances, torture, humiliation and intimidation. Kadyrov himself was awarded the Hero of Russia medal, which is the highest honor reserved for acts of particular bravery.

At the same time, Kadyrov has instituted a personality cult, recently making the anniversary of his father's death a day of national mourning. He has also sought to promote in Chechnya a set of religious norms that are alien to the region. As part of his current "modesty campaign," Kadyrov has spoken approvingly of honor killings, is requiring women to cover their hair in public, and advocates seizing cell phones from young women, among other measures that are documented in considerable detail in a recent Human Rights Watch Report. As a result, while Chechnya remains in a legal and formal sense a part of the Russian Federation, it is simultaneously drifting further away from Russian legal and cultural norms.

In addition to extensive reporting by independent observers over the years, there are two very important court cases currently underway that compile a great deal of evidence on Kadyrov's wrongdoings. The first is a case in Vienna, in which three Chechen refugees are standing trial for the killing of Umar Israilov; the second is a case in Moscow, in which Oleg Orlov, the director of Memorial, is on trial for criminal libel for having said that Kadyrov is responsible for the murder of Natalya Estemirova. The cases are ongoing and deserve continued attention.

In Vienna the prosecution contends that Kadyrov and his government maintain a network of agents around the Chechen Cultural Center, who monitor and control the Chechen refugees in the area. One such agent told the Viennese police that he had been instructed by Kadyrov to persuade Umar Israilov to drop his case in the European Court of Human Rights. The prosecution links Kadyrov to the murder suspects and argues that they were instructed to kidnap Israilov and forcibly return him to Chechnya. According to the prosecution, they shot and killed Israilov because they couldn't force him into a waiting car, as had been planned. It's a sad irony that the last time I saw Anna Politkovskaya, at the NED's conference in Stockholm, she spoke passionately about the need to protect claimants and witnesses in ECHR cases. Anna Politkovskaya was an investigative journalist who specialized in Chechnya; incurred the wrath of Kadyrov for her forceful reporting; and was murdered in 2006.

In Moscow, the criminal libel case against Oleg Orlov has been ongoing for over a year. The case is extremely important because it presents, in its most pure form, the question of Kadyrov's impunity. Kadyrov has dropped similar charges that he had filed against Ludmilla Alekseeva and *Novaya Gazeta* journalists, but continues to press the case against Orlov and Memorial. Orlov's defense has entered into the court record numerous instances in which Kadyrov bragged publicly about his participation in other killings and had insulted and belittled Estemirova (his personal animosity for her dates back to an incident in 2004, when Kadyrov took a swing at Politkovskaya and Estemirova stood in his way); Orlov's defense has also cited both the fact that Kadyrov's closest associate, Delimkhanov, characterized human rights activists as doing the "work of the devil" on television in the days prior to her killing and that another Chechen official warned Natalya's Memorial colleagues that she was in danger. Orlov has explained repeatedly

that what he seeks is a full investigation into the possibility of Kadyrov's complicity in this murder.

Indeed, it seems rather odd that Anna Politkovskaya was murdered, and Umar Israilov was murdered, and Natalya Estemirova was murdered—and the only person on trial in Russia is Oleg Orlov.