

HUMAN RIGHTS IN THE NORTH CAUCASUS

HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION HOUSE OF REPRESENTATIVES

ONE HUNDRED AND TWELFTH CONGRESS

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HUMAN RIGHTS IN THE NORTH CAUCASUS

FRIDAY, APRIL 15, 2011

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 10:00 a.m., in Room 2168 Rayburn House Office Building, Hon. James P. McGovern [co-chairman of the Commission] presiding.

Cochairman McGOVERN. Good morning, everyone. I would like to welcome everyone to this very important hearing on the North Caucasus. Please let me take a moment to thank Ari Levin, in particular, and the Human Rights Commission staff for coordinating today's hearing.

Our purpose is to examine the human rights situation in this troubled region with a special look at how counterterrorism operations of the region affect human rights.

Let me be clear. The terrorism threat in Russia emanating from the North Caucasus is real. Radical Islamic groups pose a very serious danger, as tragically illustrated by the January 2011 Moscow Airport suicide bombing, which killed at least 35 civilians.

However, grave human rights abuses are being committed by Russian and Russian-backed security forces, often in the name of counterterrorism. And there is reason to conclude that the abuse of human rights and fundamental freedoms, including extra-judicial killings, torture, arbitrary arrest and detention, contribute to the terrorist problem.

Moreover, these abuses are not only in violation of international law. They are ineffective in the long run in rooting out the scourge of terrorism.

In the words of the President of Ingushetia, "The first lesson that could be drawn from our experience is that the use of force alone gives no positive results. In fact, it gives the opposite effect. Prevention and persuasion are more effective than coercion."

The culture of impunity for officials who commit human rights abuses is also a source of violence and disorder in the North Caucasus, rather than security. Without a Russian commitment to the rule of law, there is legitimate fear that North Caucasians could become increasingly radicalized.

I do want to note that there have been some positive signs that are encouraging. The President of Ingushetia has taken steps to win back the trust of his

people by respecting the rule of law and engaging in dialogue with the political opposition.

According to credible reports, violence in Ingushetia has decreased over these last few years. Even though human rights abuses continue, this development can serve as a model for counterterrorism efforts throughout the region.

As Russia seeks to join the World Trade Organization and to increase trade with the United States, it is incumbent upon the Congress to insist that Russia respect human rights, democracy, and the rule of law, including in how it pursues its counterterrorism strategy.

Let me end by thanking all of our witnesses for being here, some of whom have traveled from the region in order to testify today. I hope this hearing will be useful and encourage the Russian government to comply with the international standards of human rights and international law.

And there may be others joining us here today. I am going to warn people in advance that we are dealing with a number of budgets on the House floor today. And they are expecting votes within the next 40 minutes. So I just put people on notice that this is kind of a crazy day on the House floor.

Our first witness is Martin Scheinin, the UN Special Rapporteur on the Promotion and the Protection of Human Rights and Fundamental Freedoms While Countering Terrorism. He is a recognized scholar and international expert in the fields of constitutional law and human rights. He served in various capacities in three governments in his native Finland. And from 1989 to 1992, he was a member of the Finnish commission that drafted the current bill of rights in the Finnish Constitution.

Since 2005, he has served as the UN Special Rapporteur on the Promotion and the Protection of Human Rights and Fundamental Freedoms While Countering Terrorism. The title alone is indicative of the times we live in and how many countries around the world, including the United States, are grappling with how to respect and protect fundamental freedoms while addressing the threat of global and domestic terrorism.

In his capacity as Special Rapporteur, he has carried out fact-finding missions to Turkey, South Africa, the United States, Israel, the Palestinian territories, Spain, Egypt, Tunisia, and Peru. He has also observed the trials of Salim Hamdan at Guantanamo, Jose Padilla in Miami, and Ahmed Ghailani in New York and visited high-security prisons in South Africa, Spain, Tunisia, and Peru.

We are honored to have you here. And we look forward to your testimony. And you may begin.

[The statement of Mr. McGovern follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND
COCHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

**Statement of Rep. James P. McGovern
Tom Lantos Human Rights Commission Hearing on**

“Human Rights in the North Caucasus”
2168 Rayburn HOB – Friday, April 15, 2011 – 10 AM – 12:00 PM

Good morning. I would like to welcome everyone to this very important hearing on the North Caucasus. Please let me take a moment to thank Ari Levin, in particular, and the Tom Lantos Human Rights Commission staff for coordinating today’s hearing.

Our purpose today is to examine the human rights situation in this troubled region, with a special look at how counterterrorism operations in the region affect human rights. Let me be clear: the terrorism threat in Russia emanating from the North Caucasus is real. Radical Islamic groups pose a very serious danger, as tragically illustrated by the January 2011 Moscow airport suicide bombing, which killed at least 35 civilians.

However, grave human rights abuses are being committed by Russian and Russian-backed security forces, often in the name of counterterrorism. And there is reason to conclude that the abuse of human rights and fundamental freedoms – including extrajudicial killings, torture, arbitrary arrest and detention – contributes to the terrorist problem. Moreover, these abuses are not only in violation of international law; they are ineffective in the long run in rooting out the scourge of terrorism.

In the words of the President of Ingushetia, “The first lesson that can be drawn from our experience is that the use of force alone gives no positive results. In fact, it gives the opposite effect. Prevention and persuasion are more effective than coercion.”

The culture of impunity for officials who commit human rights abuses is also a source of violence and disorder in the North Caucasus, rather than security. Without a Russian commitment to the rule of law, there is a legitimate fear that North Caucasians could become increasingly radicalized.

I do want to note that there have been some positive signs that are encouraging. The President of Ingushetia has taken steps to win back the trust of his people by respecting the rule of law and engaging in dialogue with the political opposition. According to credible reports, violence in Ingushetia has decreased over the last few years. Even though rights abuses continue, this development can serve as a model for counterterrorism efforts throughout the region.

As Russia seeks to join the World Trade Organization and to increase trade with the United States, it is incumbent upon the Congress to insist that Russia respect human rights, democracy, and the rule of law, including in how it pursues its counterterrorism strategy.

Let me end by thanking all of our witnesses for being here, some who have traveled from the region in order to testify today. I hope this hearing will shed light on the human rights situation in the North Caucasus and the extent to which Russia is complying with the international legal framework for human rights. I am interested in learning more about the effects of Russian counterterrorism efforts and how Congress can strengthen U.S. policies on these important human rights issues.

I would now like to turn to my good friend and distinguished colleague from Florida, a fellow member of the House Rules Committee and the Ranking House Member on the Helsinki Commission, a known leader on the North Caucasus human rights issues – Congressman Alcee Hastings –

STATEMENT OF MARTIN SCHEININ, UN SPECIAL RAPPORTEUR ON COUNTERTERRORISM AND HUMAN RIGHTS

Mr. SCHEININ: Thank you very much, Mr. Chairman.

Congressmen, ladies, and gentlemen, thank you for the invitation to this hearing for understanding terrorism and counterterrorism in North Caucasus. It is important to make just very brief remarks to the development of the story.

During the dissolution of the Soviet Union in 1991 and onwards -- also the Chechens declared independence. And the separatist, secessionist aspirations are now a driving force of also Chechen terrorism. The government in Moscow responded by sending its army to Chechnya to restore its power. And this became to be known as the first Chechen war in 1994-1996.

The Chechen fighters or some of them resorted to tactics of terrorism and took in 1995 the Budenovsk hospital as hostage and demanded Kremlin to stop the armed conflict in Chechnya. To be clear, this was an act of terrorism under international standards.

Under President Boris Yeltsin, the Kremlin made concessions. And the Chechen rebels succeeded in their demands of putting an end to the armed conflict.

This was a decisive critical moment for much of subsequent developments. The Chechen fighters/terrorists concluded that hostage-taking involving soft targets is an effective tactics, and Kremlin decided never again to negotiate or to make concessions to terrorists, instead to respond by force, to kill suspected terrorists on the spot, despite of collateral damage in the form of dead civilians.

And from then on, we have seen cycles of this pattern, Chechen terrorists resorting to hostage-taking in schools, hospitals, et cetera, and Kremlin responding by sending military troops, often with a high death toll amongst the hostages as a result.

As an important part of its new tactics not to negotiate and to respond with force, Kremlin in 1999 managed to convince one of the prominent Chechen fighters, Ahmad Kadyrov, to change sides and become pro-Kremlin against a promise of political support. Kadyrov became the first pro-Russian Chechen president. And after he was killed in 2004, his son Ramzan Kadyrov, also a former terrorist fighter, became president in 2007.

With a blessing from Kremlin, the Kadyrov regime got free hands to solve the problem of terrorism in his region with the methods he considers most effective, which amount to elimination of bandits. In human rights terms, this translates into arbitrary killings, abductions, torture, secret detentions, which are common phenomena in the way the Chechen regime by Ramzan Kadyrov rules.

They apply torture and ill-treatment, enforced disappearance, arbitrary arrest, extrajudicial killings, and secret detention in a climate of total impunity. There are serious human rights violations which have not been effectively investigated. To the contrary, the perpetrators are not brought to justice. And often the victims or those who dare to speak on behalf of victims are subject to torture or disappearance themselves.

There are particular features of Chechen terrorism, which, as you said, Mr. Chairman, is real: first, the frequent use of hostage-taking, often involving soft targets; secondly, the early and frequent use of female suicide bombers; -- before many other terrorist organizations resorted to the same tactics -- and, as said, thirdly, emphasis of soft targets, such as schools, hospitals, apartment buildings, train or subway stations, instead of the obsession with airlines, as has dominated, for instance, al-Qaeda tactics. This is not to say the Chechen terrorists would not attack airports or airlines, but that has not been their focus.

The Moscow government has been criticized, rightly, of its handling of the hostage-taking incidents: Budenovsk hospital by forced making of concessions, later on Kizlyar hospital, Dubrovka theater, Beslan school, and other places by applying brutal, insensitive tactics of violence, which have resulted in a high death toll amongst the hostages. It is a cycle of perpetuating violence, resentment that the civilian victims have had no justice, no proper investigations, no proper findings of fault by government forces in conducting those operations.

As a positive remark, I want to mention that Russian President Dmitry Medvedev has in January this year instituted a new investigative committee of the Russian Federation with 20,000 employees, which may be a sign of an effort to combat impunity. Nevertheless, it is too early to judge whether this is just a face-lifting exercise or whether there is something real entered.

I will move to the counterterrorism framework of the Russian Federation. As is well-known, there is no common international definition of terrorism. However, there are common elements in, for instance, the Terrorism Financing Convention; the 2004 resolution, number 1566, by the Security Council; and my reason to report on best practice in counterterrorism.

We can find common elements, how to define terrorism, primarily through violence against so-called innocent bystanders with two alternative intent elements: either to terrorize, create fear amongst the general population or to compel the government to do something or to reframe something; and, thirdly, reference to the framework of existing specific definitions of forms of terrorism; for instance, in the international framework.

This has been achieved so far as well as a general understanding that human rights and effective counterterrorism are not exclusive but mutually supportive and complementary so that better counterterrorism also means better compliance with human rights and vice versa. Compliance with human rights is a way to address also the causes of terrorism and to put an end to the perpetuation of cycles of terrorism.

There are three features where the Russian framework of counterterrorism clearly departs from this framework. Firstly, Russian law defines terrorism as an ideology of violence. The 2006 law on countering terrorism provides a definition, which speaks of terrorism as an ideology of violence intended to influence decision-makers. It's a much lower threshold than deadly or serious violence against civilians in order to compel the government to do something. Hostage-taking would fall under that, but general influencing or an ideology does not.

Secondly, even though the definition of terrorism itself is already broad, Russia expands it by the notion of extremism, which is treated under the same or analogous powers of terrorism but with further political use.

As a third important feature is that although the Russian Federation is a permanent member of the UN Security Council and a supporter of the UN terrorist listing regime, it does not make real use of that regime. There are only three Russian individuals, nationals, Chechens, on the UN terrorist list. And two of them are already dead. By and large, Russia prefers unilateral action, rather than resorting to the international framework.

As to the causes of terrorism, I refer to social scientists, who distinguish between structural facilitating and triggering causes of terrorism. It is important to note that human rights violations figure high amongst the structural causes of terrorism and also as triggers for an individual to move from peaceful means to the unacceptable methods of terrorism.

Russia performs very badly on both counts because its own actions, including through support to the Ramzan Kadyrov regime in Chechnya, adds to the structural and triggering causes through structural human rights violations, creating resentment and exclusion and then also by the individual experience of humiliation and human rights violations, which may trigger people to turn to terrorism.

Where there is a bit of a tension between human rights and counterterrorism is the level of facilitating causes, how to address use of internet, how to address financing of terrorism, how to address search and seizures for the purposes of detecting weapons.

Here professional counterterrorism people admit that compliance with human rights is important also here. We must address the issue as permissible limitations to human rights, rather than unlimited counterterrorism powers, although the threat of terrorism is real and action is required.

When assessing Russia's counterterrorism measures in Chechnya or the broader North Caucasus region, as mentioned, it is important to see that nowadays Russia is using the Ramzan Kadyrov regime, just picking one of the armed resistance factions from the Chechen rebels, and supporting it to rule over the others.

It is important to note that the Kadyrov regime is using largely the same methods as the terrorists, including extrajudicial and arbitrary killings, collective punishments to family members, terrorizing, creating fear to civilian population, and creating a shield of impunity.

Also it is important to note that the Kadyrov regime is not less Islamist than its opponents. Rather, on the contrary, Kadyrov makes use of the authoritarian and misogynist features of his own interpretation of the sharia in order to back up his rule. Hence, in Chechnya, it is not a question between a traditionalist Islamist regime and a secular authoritarian alternative. They are all the same.

According to a report by the Russian Justice Initiative, there have been about 250 cases by the European Court of Human Rights identifying gross human rights violations, disappearances, extrajudicial killings, torture, other forms of mistreatment, indiscriminate killings of civilians during armed conflict, et cetera.

Amongst the cases, there is a concentration in the years 2003 and 2004 as to the timing of the factual events, but it doesn't mean that the crisis is over. The same methods are in place. Those arbitrary killings and disappearances continue, and we

have new reports, including from the ombudsman of the Russian Federation, Vladimir Lukin, that the pattern continues.

As an especially troubling category of cases, I do need to mention the murders of human rights defenders, journalists, and lawyers. Even though there may not be a single mastermind behind the pattern of these crimes, nevertheless, even if they are committed for various reasons by separate perpetrators, it is a sign of a culture of lawlessness and impunity that these crimes continue to be committed with at least the political support by Ramzan Kadyrov and his regime. This causes a chilling effect in relation to all measures to criticize the government and also a highly detrimental effect over the situation in the Russian Federation as a whole because part of these murders had been committed in Moscow or abroad.

In closing, Mr. Chairman, I want to mention that Russia is a part of the Shanghai Cooperation Organization together with China, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. And as observer members, the Shanghai Cooperation Organization has India, Iran, Mongolia, and Pakistan. It is a vast region with roughly one-third of the world population. And it has chosen a separate path of collaborationism, cooperation, as compared to the United Nations framework.

Unfortunately, there are two negative features of this Shanghai Cooperation Organization counterterrorism framework. First, it is not based on a common and precise definition of terrorism but, rather, uncommonly some unilateral definitions by the member states. Hence, each country's terrorism definition counts. And that is broadened by references to extremism and separatism in the framework of three evils, terrorism, separatism, extremism, where China is allowed to define what is separatism and Russia is allowed to define what is extremism and all are covered by the Shanghai Cooperation Organization, aside with terrorism, which itself is defined as an ideology based on the Russian definition.

Secondly, the Shanghai Cooperation Organization establishes unconditional extradition between its member states, meaning departing from the international rule of non-refoulement, protection against the protections that risk, torture, or inhumane treatment of the person.

And, thirdly, the Shanghai regime is largely secret or intransparent so that, for instance, intelligence practices or the terrorist lists within the Shanghai Cooperation Organization are not publicly known. It is known that the list is already far longer than the United Nations list, which comprises at the moment only one living Russian national; whereas, the Shanghai list has 1,100 people. We don't know who they are, but many of them would be from the Russian Federation.

Thank you, Mr. Chairman.
[The prepared statement of Mr. Scheinin follows:]

PREPARED STATEMENT OF MARTIN SCHEININ

*To the Tom Lantos Human Rights Commission of the United States House of Representatives
Testimony by Mr. Martin Scheinin, 15 April 2011*

1. Introduction

Chechnya is a relatively small area with population of some 1,2 million and forming a part of the landmass between the Black and Caspian Seas and on the northern slopes of the Caucasus mountain ridge. The area is known as a traditional trading route

and has oil and mineral resources. The population is predominantly Muslim, and the quest for independence and resistance against Russian domination date far back in history.

During the dissolution of the Soviet Union in 1991 when many Soviet Republics become independent countries, Chechnya followed this stream of independence aspirations. They declared their independence in 1993. The central government in Moscow sent its army to Chechnya to restore its power. This period is known as the first Chechen war 1994-1996. In 1995 the Chechen fighters took the Budenovsk hospital as hostage and demanded Kremlin to stop the armed conflict in Chechnya. To be clear, this was an act of terrorism. Under president Boris Jeltsin, Kremlin made concessions and the Chechen rebels succeeded. This was the most critical moment and determined much of subsequent developments. While the Chechen fighters/terrorists concluded that the taking hostages is an effective tactic, Kremlin decided never again to negotiate with terrorists but, in the opposite, to take a most determined approach, by trying to kill all suspected terrorists on the spot, despite of collateral damage in the form of dead civilians.

The Moscow rulers, with a new Prime Minister and soon President, Vladimir Putin, decided to intervene with military force in Chechnya once again, this time with a new stronger army and new strategy. The Moscow apartment bombings in 1999 were used as a trigger to start the second Chechen war. Many people, including Anna Politkovskaya, were murdered when they claimed that the Moscow apartment bombings were a provocation by Kremlin itself. The 1995 strategy was repeated by Chechen terrorists in 2002 when they took 850 hostages in the Dubrovka theater in Moscow, also known as the 2002 Nord-Ost siege, and demanded the withdrawal of Russian forces from Chechnya and an end to the Second Chechen War. After a two-and-a-half-day siege, Russian Spetsnaz forces pumped an unknown chemical agent into the building's ventilation system, resulting in the loss of some 170 innocent civilian lives.

The same pattern was repeated two years later, in September 2004, during the Beslan school hostage crisis, where mostly Chechen terrorists once again issued demands of an end to the Second Chechen War, through a three-day hostage-taking of over 1.100 people. The siege ended in the deaths of over 380 hostages, as the Russian security forces stormed the building, using tanks, incendiary rockets, and other heavy weapons at the school full of children.

As an important part of its new tactics since 1999, Kremlin managed to convince one of the prominent Chechen fighters, Ahmad Kadyrov, with about 400 fighters, to change sides and become pro-Kremlin, against a promise of support. Kadyrov became the first pro-Russian Chechen president, and after he was killed in 2004, his son Ramzan Kadyrov, also former fighter, became president in 2007, just shortly after he reached the minimum age for being president which is 30 years. Right now in April 2011 he was confirmed by President Dimitri Medvedev to serve his second term as president.

With the blessing from Kremlin, the Chechen President got free hands to “solve” the problem of terrorism in his region, with the methods he considers the most effective, which became to be know as “elimination of bandits”. Arbitrary killings, abductions, torture and secret detention were common. The operations spread beyond Chechnya, into neighboring areas.

Only on 16 April 2009, the counter-terrorism operation in Chechnya was officially ended.

Even today, after the ending the official counter-terrorism regime, there are numerous reports from Chechnya and other republics in North Caucasus indicating an ongoing human rights crisis in the region. This related and still relates to systematic serious human rights violations by members of law enforcement forces, including torture and ill-treatment, enforced disappearance, arbitrary arrest, extrajudicial killings and secret detention. These violations continue to take place in a climate of total impunity for members of law enforcement agencies – the police, security services and the military. Those serious human rights violations have not been effectively investigated, the perpetrators were never brought to justice, and the victims of such acts or those who dare to complain were quite often opposite attacked, tortured or disappeared themselves. When in rare cases prosecutions have been initiated in high-profile cases of brutality against civilians, they have sooner or later been quietly dropped.

North Caucasus remains one of the worst regions within the Russian Federation in regard to the respect for human rights. It is obvious that Kremlin does not have any real strategy how to deal with terrorism. The Chechen leader is not improving the situation in his region but keeping its population living in fear and under threat.

There are certain elements, which are common for the whole region of North Caucasus.

- The existence of an armed underground opposition that uses terrorist tactics. The main targets of terrorist groups in the whole North Caucasus are security forces and government officials, although there are also cases when also innocent civilians were attacked.
- The official forces fight the opposition without any real strategy or policy.
- The official forces, when launching an operation to catch or kill some fighter, announce the regime of counter-terrorism operations for a short period. This gives them the right to search vehicles and houses and to detain any civilians, alleged fighters or those who are allegedly supporting terrorists, including family members.
- Those actions are performed without respect for national and international law and include a broad range of violations of human rights.
- Those actions performed by official forces in the name of counter-terrorism operations are conducted in the climate of a total impunity, high degree of corruption and no respect for the rule of law.¹
- The illegal methods used in the counterterrorism campaign in the North Caucasus are inevitably gradually spreading to the rest of Russia.

¹ In 2010 in Dagestan, three attorneys working on cases involving accusations of terrorist activity were brutally beaten. Sergey Kvasov suffered severe injuries as a result of an attack in the center of Makhachkala by a group of strangers. Two female attorneys were beaten by the police at the police station as they were trying to perform their professional duties. Sapiyat Magomedova was beaten on June 17 in the Khasavyurt police station and Dzhamilya Tafirova suffered the same fate on June 2 at the Makhachkala's Sovetsky police station. To date, none of the police officers involved have faced criminal charges. (Source: Memorial.)

- Both sides, the Russian officials and the Chechen separatists keep systematically accusing the opposing side of committing various war crimes including kidnapping, murder, hostage-taking, looting, rape, and other breaches of the laws of war. International and humanitarian organizations, including the Council of Europe have criticized both sides of the conflict for such breaches. There is little or no difference between the tactics used by separatist and official forces. In Chechnya, the consequence of such killings, torture and disappearances, coupled with a policy of a collective punishment, has been new waves of resistance and a high degree of fear and resentment amongst the population.

“Black widows” are young Muslim women mostly from Chechnya who have lost their husbands and relatives in two wars with Russia. Alexander Cherkasov who has monitored the region over 15 years for the human rights group Memorial writes: *“Vengeance is what drives them. It’s an endless flow linked to ruthless counterterrorism methods: Security forces abduct people, detain them in secret prisons ... 3,000 people in Chechnya in the last 10 years.”*

As documented by Human Rights Watch, both the official Chechen authorities and the separatists, apply as tactics the punitive burning of family houses and destruction of property. At least two dozen families in different districts of Chechnya have had their houses burned during 2008-2009 by local Chechen law enforcement personnel, to “punish” them because their relatives are allegedly insurgents, and to coerce the insurgents to surrender. The perpetrators of ongoing violations are mainly law enforcement and security personnel under the de facto control of the republic’s president, Ramzan Kadyrov.

These burnings were generally perpetrated at night, with law enforcement personnel, often wearing masks, arriving in several cars, breaking into the yard, and forcing the residents out of their house. They would stay for up to an hour watching the fire spread, to make sure the residents or their neighbors did not attempt to put it out before the house was well ablaze. The victims were generally told in clear terms that complaining about the house-burning would lead to further repercussions. The families were threatened by the Chechen law enforcement authorities and forced to sign a statement that the fire had been caused by their own carelessness. As far as is known, not a single criminal case into the allegations of house-burning in Chechnya has been opened by the law enforcement authorities.

The unlawful tactics used by insurgents can in no way justify the use of similar tactics by government forces fighting against the insurgency, particularly the burning of houses and other types of persecution against families of alleged rebel fighters. Terrorism in Russia is partly being fuelled by the brutal methods of the Kremlin-supported rulers in Chechnya. There is systematic ignorance of the law and impunity for crimes, including war crimes, and gross human rights violations. The president of Chechnya personally and with his supporters goes to the forests to kill people found there, without even knowing who is indeed a terrorist and who is not.

Three particular features of Chechen terrorism, which is real, are

- (a) the frequent use of hostage-taking,
- (b) the early and frequent use of female suicide bombers, and
- (c) the choice of ‘soft targets’ such as schools, hospitals, apartment buildings, train or subway stations.

While there are allegations that some of the acts allegedly committed by Chechen terrorists were in fact provocations by elements within official Russian forces, there is no doubt of the terrorist nature of Chechen secessionist violence. Particularly Shamil Basayev (killed in 2006) was the instigator of brutal methods, including spectacular hostage-taking incidents. In general, the Moscow government has been criticized for its handling of the hostage-taking incidents, including those of the Budenovsk hospital (1995), Kizlyar hospital (1996), Dubrovka theater (2002), and Beslan school (2004). President Boris Yeltsin made concessions to the hostage-takers, while during the time of Vladimir Putin the main reaction has been violent response, often with a serious death toll amongst the hostages, with just one goal to eliminate all terrorists regardless of the loss of civilians. Survivors and families of deceased victims have usually in vain sought justice and compensation for these and other terrorist attacks, and the intransparency of governmental action (or inaction) has contributed to a high degree of distrust and resentment among not only the Chechen but also more broadly the general population in Russia.

For instance, in the Beslan school hostage-taking more than 1.100 people (including 777 children) were taken as hostages and the crisis ended in the deaths of over 380 persons. The hostage taking was carried out by group sent by the Chechen Shamil Basayev, who issued demands of an end to the Second Chechen War, inspired by the success of similar tactics applied in the 1995 Budenovsk incident. On the third day without any negotiation, Russian security forces stormed the building, using tanks, incendiary rockets, and other heavy weapons. At least 334 hostages were killed, including 186 children; hundreds more were injured and many were reported missing. Many of the hostage-takers, however, were able to escape. The victims and their relatives are still awaiting a proper investigation and appropriate remedies.

As a new initiative by Russian President Dimitri Medvedev, mention needs to be made of the Investigative Committee of the Russian Federation, operative since January 15, 2011. This is the main federal investigating authority in Russia, formed in place of the Investigative Committee of The Prosecutor of the Russian Federation and subordinate to the President of Russia. Alexander Bastrykin was appointed by Medvedev as Chairman of the Committee that has 20.000 employees. Although it is too early to judge, the creation of the new investigative body may be a sign of a long-awaited effort to combat impunity.

2. The framework of international counter-terrorism obligations

There are currently, depending on exact criteria, 13 to 18 international conventions or protocols on countering terrorism. They range from the 1963 Aircraft Convention to the Nuclear Terrorism Convention of 2005 and from the 1979 Hostages Convention

to the 1999 Terrorism Financing Convention. Work towards a comprehensive convention against terrorism is still underway. One remarkable feature since 9/11 of 2001 is the rapid pace of ratifications for these treaties, so that many of them are now close to universally binding for States.

There is no comprehensive definition of terrorism in these treaties but for instance the 1999 Terrorism Financing Convention comes close to a definition of international terrorism in its Article 2.² This is also in line with the closest we have to a terrorism definition by the UN Security Council, namely a characterization in operative paragraph 3 of Resolution 1566 (2004).³ The Security Council has adopted a number of resolutions concerning combating international terrorism, many of them under Chapter VII and hence legally binding for States. In particular, the post-9/11 framework Resolution 1373 (2001) and the Taliban and Al Qaida terrorist listing regime created under Resolution 1267 (1999) need to be mentioned here.

As UN Special Rapporteur on human rights and counter-terrorism, I have systematically advocated precise and narrow definitions of terrorism. This is partly to secure that the stigma of terrorism is not inappropriately used by oppressive regimes to curtail dissent and hence in violation of human rights, and partly to stand firmly behind the view that proper definitions of terrorism is what the world needs in order effectively to combat real terrorism. In my most recent report to the UN Human Rights Council, I presented a set of 10 selected areas of best practice, i.e. legislative or other models that simultaneously serve an effective fight against terrorism and comply with human rights.⁴

The affirmation of the complementary and mutually supportive role of compliance with human rights and effective counter-terrorism is reflected in human rights clauses in many of the Security Council's counter-terrorism resolutions,⁵ as well as in the 2006 Global Counter-Terrorism Strategy and other documents adopted by the UN General Assembly. It has been one of my most rewarding experiences during my soon six years as Special Rapporteur, to see that real counter-terrorism professionals have been gradually learning this message and making it a reality.

3. The Russian Federation and the international framework

The legal framework of the Russian Federation, in relation to terrorism, differs from the international one at least in two important respects. Firstly, Russian law defines terrorism as an ideology of violence. The 2006 Law on Countering Terrorism provides the following definition: "Terrorism is an ideology of violence and practice of influence on decision making by bodies of the government, institutions of local government, or international organizations, by means of intimidation of the population and (or) other forms of illegal violent actions." In 2009, the UN Human Rights Committee (the treaty body that monitors compliance with the International Covenant on Civil and Political Rights), called upon Russia to adopt a narrower definition of crimes of terrorism limited to offences that can justifiably be equated with terrorism and its serious consequences, and ensure that the procedural guarantees established in the Covenant are fulfilled.⁶

Secondly, although already this terrorism definition is wide and allows for politically motivated use beyond a proper criminal law approach based on the requirement of legality (comprising elements such as non-retroactivity, precision and foreseeability), an additional layer of ambiguity and even arbitrariness is provided by the notion of "extremism" which triggers similar powers than terrorism.⁷

² "1. Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out:

(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or
(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act."

³ "3. Recalls that criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon all States to prevent such acts and, if not prevented, to ensure that such acts are punished by penalties consistent with their grave nature;"

⁴ UN document A/HRC/16/51. One of the selected areas of best practice presents a model definition of terrorism, formulated as follows:

1. The action:

(a) Constituted the intentional taking of hostages; or
(b) Is intended to cause death or serious bodily injury to one or more members of the general population or segments of it; or
(c) Involved lethal or serious physical violence against one or more members of the general population or segments of it; and

2. the action is done or attempted with the intention of:

(a) Provoking a state of terror in the general public or a segment of it; or
(b) Compelling a Government or international organization to do or abstain from doing something; and

3. The action corresponds to:

(a) the definition of a serious offence in national law, enacted for the purpose of complying with international conventions and protocols relating to terrorism or with resolutions of the Security Council relating to terrorism; or
(b) All elements of a serious crime defined by national law.

⁵ See, for instance, resolutions 1456 (2003), 1566 (2004), 1624 (2005) and 1904 (2009).

⁶ Concluding Observations on the Russian Federation, CCPR/C/RUS/CO/6, paragraph 7.

⁷ See *ibid*, paragraph 24.

As a third important feature it should be mentioned that although Russia is a party to the international framework, including as a permanent member of the UN Security Council and a vocal supporter of its 1267 terrorist listing regime, it does not make real use of the international framework but prefers unilateral and regional measures. As of today (April 2011), there are only three citizens of the Russian Federation, including Chechens, on the UN 1267 list of persons associated with Taliban or Al Qaida, and two of them have been killed: Shamil Basayev (killed 2006), Zelimkhan Gandarbiev (killed 2004) and Doku Umarov (subject to active pursuit and even rumours about his capture or death).

Preference for the regional SCO mechanism for terrorist listing (see below) is one explanation for Russia's lack of interest for using the UN listing regime. But it may also be that the sanctions provided, namely the freezing of assets and an international travel ban, are not particularly useful for the more straightforward method of armed action used by Russia in respect of persons identified by it as terrorists.

4. "Causes" of terrorism

Besides affirming the complementary and mutually supportive role of effective counter-terrorism and compliance with human rights, reflected in the double role of human rights as one pillar of the strategy and an ingredient in all other pillars, the 2006 Global Counter-Terrorism Strategy is remarkable in its willingness to discuss "conditions conducive to the spread of terrorism", i.e., something that in general parlance is referred to as "root causes". Here, the strategy rightly lists several types of human rights violations among such 'conditions conducive'.⁸ In my own work as Special Rapporteur, I have been inspired by social scientists, who often distinguish between structural, facilitating and triggering causes of terrorism. As recognized in the Global Strategy, human rights violations figure among "structural causes". Through my country visits and other country-specific work I have also become convinced that individual or family-based human rights violations often figure as "triggering causes" of terrorism. In the context of my mission to Israel and the occupied Palestinian territory I noted that instances such as the death of a brother in the course of lawful governmental counter-terrorism operations, or the humiliation of a wife or sister at a checkpoint through unprofessional conduct by conscripts may trigger an individual to make the morally inexcusable decision to resort to methods of terrorism in the pursuit of a cause that he considers just. The same applies to worse things, such as torture or gang rape in front of family members, as has happened in Chechnya. While no cause whatsoever will justify resorting to terrorism, it is useful to understand that professionalism and compliance with human rights in the course of counter-terrorism measures may reduce the risk that an individual makes that unjustifiable leap. In particular, the application of collective punishment upon family members, for instance through house-burning or intentional humiliation, has grave counterproductive consequences. Where there may be a tension between counter-terrorism and human rights, is the category of facilitating causes. Structural and triggering causes do not result in terrorism unless there are also persons with funds, means of communication, weapons and explosives at their disposal, who wish to recruit people to terrorism. Much of mainstream counter-terrorism work addresses the facilitating causes, inter alia, by cutting channels of terrorism financing, monitoring terrorist recruitment and incitement in the Internet, or stopping and searching persons who carry weapons or explosives. As Special Rapporteur I have emphasized that such measures, when properly targeted and administered, should be seen as permissible limitations to human rights, not as human rights violations.⁹ Professionalism and compliance with the law are imperatives for effective counter-terrorism work.

5. Elements of assessment in relation to Russia's counter-terrorism measures

My assessment of the overall approach by the central authorities in respect of terrorism in the North Caucasus is quite grim. Moscow does not appear to have a strategy that would effectively aim at preventing future waves of terrorism, addressing the various levels of "causes" of terrorism or building a society without terrorism. Rather, it has sided with one group of ruthless gunmen (Ramzan Kadyrov) to fight under the protection of the state against secessionist insurgents. The government-supported forces use largely the same methods as the terrorists, including extrajudicial and even arbitrary killings, collective punishments for family members, terrorizing the civilian population and creating a shield of impunity. And Kadyrov is not less Islamist than some of his opponents: he makes constant use of the authoritarian and misogynist features of his own interpretation of the Sharia, even in clear contradiction with Russian law. Therefore, in Chechnya there is no hard choice between Islamic traditionalism and secular authoritarianism, as in some other countries.

Coupled with problematic policies by the central authorities themselves, including rhetorics and policing measures based on ethnic profiling of "Chechens" or "black widows", Moscow continues to perpetuate resentment and exclusion and hence to maintain a breeding ground for new cycles of terrorism, or, to use UN parlance, "conditions conducive" to recruitment to terrorism.

There is no guarantee that lessons would have been drawn from the dramatic hostage-taking incidents by Chechen terrorists. If such lessons were to be drawn, one could expect a proper investigation and a public report concerning the mistakes by the authorities in dealing with earlier hostage-taking situations. According to a case law database maintained by Russian Justice Initiative,¹⁰ there have been almost 250 cases from the North Caucasus before the European Court of Human Rights, exercising legally binding jurisdiction over Council of Europe member states, including the Russian Federation. Most of these cases have now been closed with a finding of one or more violations of central provisions of the European Convention of Human Rights. Most commonly the violations established are disappearances, but also extrajudicial killings, torture or other forms of ill-

⁸ The Global Strategy is contained in General Assembly Resolution A/RES/60/288, and it mentions among 'conditions conducive' "... lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization, and lack of good governance".

⁹ In the report mentioned in the preceding footnote number 4 this position is formulated as follows: "Through the careful application of human rights law it is possible to respond effectively to the challenges involved in the countering of terrorism while complying with human rights. There is no need in this process for a balancing between human rights and security, as the proper balance can and must be found within human rights law itself. Law is the balance, not a weight to be measured."

¹⁰ <http://www.srji.org/en/legal/cases/>

treatment, indiscriminate killing of civilians during armed conflict occur as patterns within the cases. While the bulk of all these cases relate to human rights violations in Chechnya itself, there are also findings in respect of acts that took place in neighboring areas such as Dagestan, Ingushetia, Kabardino-Balkaria or North Ossetia. The human rights violations so far assessed and decided through a judgment by the European Court occurred during more than 10 years, with a clear concentration in 2003-2004 but continuing also beyond that. Due to the requirement of exhausting domestic remedies and the length of time it may take for a case to reach the European Court, it is too early to judge how strongly the trend of gross human rights violations has declined since the peak years of 2003-2004.

Nevertheless, very recent reports indicate that the problem is far from over. The Ombudsman of the Russian Federation, Mr Vladimir Lukin, recently (March 2011) submitted his annual report on the state of affairs in the sphere of human rights and freedoms to State Duma in which he subjected the methods of struggle against participants of paramilitary groups in North Caucasus to criticism. Lukin states in his report that “the practice of unlawful murders of members of paramilitary groups is in use as before”. Just two days ago, Caucasian Knot reported that more than two thousand cases of kidnappings during 2009-2010 remain unresolved in North Caucasus and that the cumulative number of open cases of disappearances has reached 3247.¹¹ The number of registered reports of disappearance of citizens has increased by 4.3 per cent. It may be that thanks to decisions by the European Court people are now more willing than before to report disappearances.

An especially troubling category of cases which is not restricted geographically to Chechnya or North Caucasus but that unfortunately takes a death toll also in the capital (Moscow) or abroad (London) is the frequency of murders of human rights defenders, journalists and lawyers. There may not be a single mastermind behind the pattern of these crimes but even if they have been committed for various reasons and by totally separate perpetrators, it is a sign of a culture of lawlessness and impunity that such crimes continue to be committed. One of the consequences is a chilling effect in respect of open criticism of the government and its counter-terrorism approach, or of calls to investigate incidents where the involvement of law enforcement agents in the perpetration of violent crimes is alleged.

6. The Shanghai Cooperation Organization

Russia is one of the six member states of the Shanghai Cooperation Organization (SCO), together with China, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan – countries with troubling human rights records. SCO also has a number of observer states, namely India, Iran, Mongolia and Pakistan. SCO has an important role in the counter-terrorism framework for this vast geographic region that includes more than 40 % of the world’s population. The counter-terrorism cooperation within SCO has three important features that distinguish it from the international UN level framework and also explain why Russia has remained fairly reserved towards the UN framework, including what comes to the 1267 procedure of listing terrorists associated with the Taliban and Al Qaida.

Unfortunately, from a human rights perspective all three features of the SCO framework are negative:

- a) It is not based on a common and precise definition of terrorism but on the unilateral, often vague and broad, definitions of SCO member states of the “three evils” of terrorism, extremism and separatism. Already the SCO definition of terrorism includes, for instance aiding any act intended to cause major damage to any material facility with the purpose to “violate public security”. This is further expanded by the definitions of extremism and separatism in Article 1 (1) of the Shanghai Convention. Further Article 2 of the separate SCO Counter-Terrorism Convention follows Russian law by defining terrorism as an ideology of violence.
- b) It is based on the idea of unconditional extradition of wanted persons, dropping the standard requirement of double criminality in international extradition (the requirement that the person’s conduct constitutes a crime both in the extraditing and the requesting state). Hence, China determines, for extradition purposes, what is “separatism”, and Russia determines what is “extremism”. The SCO extradition framework ignores the requirement of *non-refoulement* based on the 1951 Refugee Convention and a number of general human rights treaties prohibiting extradition or any other form of handing over of a person under a real risk of persecution, torture or other forms of inhuman treatment in the receiving country.
- c) It is largely secret and intransparent in nature, excluding effective oversight and even public awareness of SCO’s role in counter-terrorism. This relates to intelligence practices by the SCO’s Regional Anti-Terrorist Structure (RATS) and to a secret list of terrorists, extremists and separatists maintained by it. As the SCO blacklist is secret, individuals lack even the limited safeguards that now are present in the UN 1267 listing procedure. Although the SCO list is secret, it has been publicly announced that by April 2010 it had grown to comprise more than 1.100 individuals, e.g. more than twice the length of the UN list.¹²

As the NGO Human Rights in China has recently released an excellent analysis of the SCO, I will end my testimony by commending and recommending that work.¹³

¹¹ <http://www.eng.kavkaz-uzel.ru/articles/16634/>

¹² RATS, “ПАТС ШОС: сообща против терроризма” {“SCO RATS: United Against Terrorism”}, April 29, 2010, <http://infoshos.ru/ru/?idn=5810>. (Unofficial translation from the original Russian by Human Rights in China.)

¹³ See, <http://www.hrichina.org/public/contents/category?cid=193095>

Cochairman McGOVERN. Thank you very much, Mr. Scheinin. We appreciate you being here. And clearly there is a lot for us to be concerned about.

You touched on this in your testimony briefly about kind of the definition of terrorism. There doesn't seem to be a comprehensive definition of terrorism in international law. And I am not sure there is quite yet a consensus in the international community on the certain core elements of terrorism. And that is a problem. You know, as you talked about, I mean, how do we deal with that?

Mr. Scheinin. Well, there is underway an investigative committee of the United Nations General Assembly a project towards a comprehensive counterterrorism convention, which would define terrorism. I am not a big believer that that will ever succeed. So I would rather take, as I do in my written testimony, the common elements of the Security Council Resolution 1566, the Terrorism Financing Convention, which is one of the newest international conventions.

It is true that they define only particular forms of terrorism, but, for instance, the Financing Convention goes a bit further in the sense that it tries to distill the common elements of terrorism, which usually are deadly or otherwise serious violence against civilians by standards, whatever word you choose, with the intent to compel the government to doing something or the intent of terrorizing the civilian population and then list the specific serious crimes. And this is, of course, the point which is vague.

Cochairman McGOVERN. Right.

Mr. SCHEININ. We don't have an agreed definition of what types of crimes would then count as terrorism crimes. There is the threshold of seriousness. Murder, yes, but what else is included?

Cochairman McGOVERN. Right.

Mr. SCHEININ. That is a bit of an open issue.

Cochairman McGOVERN. I understand that you have not had a chance to conduct a country visit to Russia, but in your experience as Special Rapporteur for Human Rights and Counterterrorism, do you think that overly broad definitions of terrorism that are used for politically motivated purposes actually fuel terrorist activity? I don't know if you have any reports that can establish that link, but that is one of the concerns that we have.

Mr. SCHEININ. Mr. Chairman, I would link it to the notion of conditions conducive to the recruitment of terrorism in common parlance, root causes of terrorism. Overly broad definitions of terrorism result in oppressive authoritative regimes using a secret detention, arbitrary detention, indefinite detention in the name of counterterrorism. And there is a very high temptation of stigmatizing the opponent, whoever it is, as terrorists.

And this may result, then, in new waves of terrorism because people see whatever we do, if we are religious, if we are political, if we are trade union activists, if we are indigenous activists. Nevertheless, the government will call us terrorists. So the damage is already done. So who cares? That is a response I see.

And I think the situation in North Caucasus is a demonstration of this, that the population doesn't see a difference in the tactics used by the terrorist organizations, the separatists, or the President, Ramzan Kadyrov himself, but they see that one party is stigmatized as terrorism. And that means that we lose the moral stigma of terrorism.

Cochairman McGOVERN. Right.

Mr. SCHEININ. It becomes a plain political stigma. Another experience I want to refer to is that I did perform country visits to Tunisia and Egypt, where we saw one part of this pattern: the government using the notion of terrorism to get a convenient excuse for oppressive measures, including administrative attention, without any judicial oversight. And this became a galvanizing feature in society so that it put together groups that had previously nothing to do with each other.

Some of them were maybe terrorists. Most of them were not.

Cochairman McGOVERN. Right.

Mr. SCHEININ. That became a huge force of mobilization simply by an overly broad approach to what the government wants to call terrorism.

Cochairman McGOVERN. The sad thing is this is not a unique problem. Governments all over the world misuse terrorism to justify all kinds of things that have nothing to do with rooting out terrorism. But I appreciate your answer.

May I ask finally, what, if anything, can the United States do to encourage Russia to comply with the international legal framework for counterterrorism and to create a more effective counterterrorism strategy? I mean, one of things we wrestle with all of the time is, how do you influence in a positive way and not just lecture? Any constructive thoughts you have would be very welcome.

Mr. SCHEININ. Well, Mr. Chairman, you yourself referred in your introduction to the World Trade Organization --

Cochairman McGOVERN. Right.

Mr. SCHEININ. -- and the negotiations there. I think trade is always an important factor and just to make it clear that trade is not separate from values, --

Cochairman McGOVERN. Right.

Mr. SCHEININ. -- not separate from the issue of human rights. I think that is a very good and relevant point.

Secondly, I have big hopes about the current US administration making more use of United Nations as a platform for global international cooperation, including in the field of counterterrorism.

The US has been a constructive partner in the Counterterrorism Implementation Task Force at the UN level, which brings together the different human rights bodies, the different counterterrorism committees of the Security Council, and then the actual law enforcement entities at the international level. I think it is important to retain a strength in your active presence there.

The Russian Federation is hugely interested. And they are present, although more of an observer than actually committed to this international framework. I think it would be important, for instance, at the level of terrorist listings by the North Caucasus to challenge a bit the Russian Federation, that they should come with their own names, not to resort only to their Shanghai Cooperation terrorist listing, --

Cochairman McGOVERN. Right.

Mr. SCHEININ. -- but to make more use of UN fora.

Cochairman McGOVERN. Well, thank you very much. And I appreciate it. And, you know, there are other members who were intending to be here today. They are probably on the floor debating our budget, which is kind of an important thing that we need to get done. But I appreciate very much your being here. And some of these other members may have additional questions, which they might submit in writing. And I hope that you would be willing to entertain them in that form. So I thank you very much for being here. Thank you.

Mr. SCHEININ. Mr. Chairman, I will remain available for any written questions there are. Thank you very much.

Cochairman McGOVERN. And we appreciate your service, too. Thank you. Thank you very much.

And now we want to call up a panel: Sacha Koulaeva, who is the head of the Europe and Central Asia Desk, International Federation for Human Rights; Miriam Lansky, Russian and Eurasia Director with the National Endowment for Democracy; Dokka Itslaev if I am pronouncing that correctly, who is the Coordinator for Chechnya, the Human Rights Center Memorial; Ali Israilov, who has suffered gross human rights abuses and the death of his son under the regime of the Chechen President Kadyrov. And I very much appreciate everybody being here.

Again, your written testimonies will appear in the record. Please feel free to summarize. And, again, I am just worried that there might be a vote. So I appreciate you being here.

Sacha, why don't we begin with you? And thank you all for being here. And we will work across the table.

Welcome.

STATEMENT OF SACHA KOULAEVA, HEAD OF EUROPE AND CENTRAL ASIA DESK, INTERNATIONAL FEDERATION FOR HUMAN RIGHTS (FIDH)

Ms. KOULAEVA. Thank you very much, Mr. Chairman.

Thank you for being here to listen to us. The International Federation for Human Rights, FIDH, where I work, is a federation of over 160 human rights NGOs all over the world. In Eastern Europe, Russia has always been among the priorities for its considerable historical and geopolitical weight in the region and in the world.

Since the beginning of the 2000s, FIDH started to close down Chechnya, a small Russian republic suffering from one of the most outrageous conflicts in the last decades. And a number of FIDH fact-finding missions were undertaken in Chechnya and the neighboring republics.

From 2007 through the first half of 2008, it may have seemed that the peace and stability had been achieved in the Chechen Republic, albeit at the price of the serious violations of human rights that had occurred in preceding years. The rate of armed conflict had undergone a stable decrease, and losses in the security forces had decreased. Human rights advocates reported fewer cases of the illegal use of force on the part of government employees.

In January 2009, Kadyrov, President of the Chechen Republic, proclaimed that there had been a complete and final victory over the insurgency and terrorist underground. According to him, there remained only a dozen or so insurgents in hiding. However, starting in late 2008, it became obvious that it was premature to talk of stability having come to the republic.

In the summer of 2009, the greatest losses among law enforcement personnel occurred in Chechnya, increasing by 150 percent compared to the previous year. In 2009 a series of terrorist acts were committed in Chechnya, including those using suicide bombers.

Losses of military and police personnel decreased significantly compared to the previous year. However, at the end of the summer, the insurgents demonstrated their ability to concentrate relatively powerful forces and deliver telling blows to their opponents. A striking demonstration of this was the nighttime attack in August 2010 on Kadyrov's home village, Tsentoroy, which he was visiting at that time. For clear reasons, this village had been considered until very recently to be the safest place in Chechnya.

It is important to underline that whatever happens in Chechnya, even controlled tight by President Kadyrov, it is always reflecting the move given from Kremlin in Moscow. For example, in the turn-up of the constitutional referendum in Chechnya, over the course of two months, we were unable to document a single instance of abduction. This was after Russian President Putin appealed to the people of Chechnya to vote for the constitution so that nobody would come knocking at their door at night. That was his impression. However, after the referendum, the machinery of violence resumed its work and has yet to cease. Disappearances and torture continued in Chechnya, just as before the referendum.

In recent years, a significant number of former Chechen insurgents has been accepted into the ranks of the Chechen Republic's Ministry of Internal Affairs and

granted amnesty by the authorities. A failure to investigate the abduction, murder, and torture of people in Chechnya has become one of the main factors enabling such crimes. The impunity with which members of Russian security agencies have been able to carry them out has become absolute.

Not a single prosecutor has been relieved of his post in any district of Chechnya for failing to investigate instances of abduction or murder. Not a single military commandant or head of a district internal affairs branch under whose jurisdiction unidentified individuals abducted people and then passed unimpeded through government checkpoints has been put on trial. Not a single investigator has even suffered disciplinary actions for failing to carry out the most obvious investigative actions in criminal cases. Every single prosecutor serving a term of duty in the Chechen Republic has been promoted and given new assignments within Russia proper.

Sometimes we hear allegations that the current situation in Chechnya is the fault of the republic's own government. But under Russian law, prosecutors, investigative divisions, and the republic's Ministry of Internal Affairs do not answer to Ramzan Kadyrov. They are federal structures.

Given that human rights organizations, in contradiction of statements by the government, are constantly reporting gross violations of human rights in Chechnya and neighboring republics, the government has taken the simplest path toward resolving this contradiction. It has begun to persecute these human rights activists and organizations.

On July 15, 2009, our close colleague and friend, leading Memorial staff member Natalya Estemirova, was abducted and killed in Grozny. This murder was entirely due to her professional activities. The crime has yet to be solved.

On August 11, 2009, in the Grozny office, the head of the organization Let's Save the Generation, Zarema Sadulayeva and her husband were abducted. Their bodies were found the next day with signs of torture.

In July 2010, Kadyrov officially declared employees of Memorial to be enemies of people. Criminal proceedings initiated at Kadyrov's request against Oleg Orlov are currently underway. Oleg Orlov is Memorial's chairman.

However, it is completely obvious that the armed underground in the North Caucasus and terrorism were spawned not by human rights activists but more likely by the actions of the government itself.

To conclude, I would just like to underline what we call Chechenization, the passing there, the power in the republic to the Chechen entities of the conflict had a notable effect in the campaign against armed resistance during past years. However, it is obvious that today this resource has been exhausted.

The authorities of the Republic are not able to keep Ramzan Kadyrov's promise to totally annihilate the underground and the insurgency. Furthermore, the totalitarian regime, based on force and fear, itself has given rise to new resistance. The Republic government's response to this development was extremely harshly. And it is again gambling on the use of illegal force.

My colleagues will give you a more precise picture of the scale of this impunity. FIDH strongly believes that all political and diplomatic and economic opportunities, all the bilateral relations between the United States and Russia should be used as leverage to put an end to this impunity.

President Kadyrov just ten days ago was appointed for one more four years term of presidency in the republic by President Kadyrov. Therefore, it can be seen as if his way of action satisfied or at least doesn't disturb the Russian government.

We deeply believe that human rights are not only part of a problem of terrorism, but it is also part of a solution. And, therefore, I would like once again to thank you for being here today with us and to listen to our testimonies. Thank you very much.

[The prepared statement of Ms. Koulaeva follows:]

PREPARED STATEMENT SACHA KOULAEVA

Written testimony of Sasha Koulaeva, International Federation for Human Rights (FIDH, www.fidh.org) Head of Eastern Europe and Central Asia Desk, for the Tom Lantos Human Rights Commission of April 15, 2011.

Ladies and Gentlemen,

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From 2007 through the first half of 2008, it may have seemed that peace and stability had been achieved in the Chechen Republic, albeit at the price of the serious violations of human rights that had occurred in preceding years. The rate of armed conflict had undergone a stable decrease and losses in the security forces had decreased. Human rights advocates reported fewer cases of the illegal use of force on the part of government employees. In January 2009, Kadyrov, president of the Chechen Republic, proclaimed that there had been a complete and final victory over the insurgency and terrorist underground. According to him there remained only a dozen or so insurgents in hiding.

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It is important to underline that whatever happens in Chechnya even controlled tight by President Kadyrov, it is always reflecting the move given from Kremlin. For example, in the run-up to the constitutional referendum in Chechnya during the spring of 2003, over the course of two months we were unable to document a single instance of abduction. This was after Russian President Putin appealed to the people of Chechnya to vote for the constitution so that nobody would "come knocking on their door at night." However after the referendum, the machinery of violence resumed its work and has yet to cease: disappearances and torture continued in Chechnya.

In recent years, a significant number of former Chechen insurgents has been accepted into the ranks of the Chechen Republic's Ministry of Internal Affairs and granted amnesty by the authorities. A failure to investigate the abduction, murder, and torture of people in Chechnya has become one of the main factors enabling such crimes. The impunity with which members of Russian security agencies have been able to carry them out has become absolute. By now, in almost 170 cases, the European Court of Human Rights has handed down verdicts stating that the government of the Russian Federation bears responsibility for the murder and disappearance of people in Chechnya. But the Russian government has not followed through on a single one of these verdicts of the European court by launching an investigation.

Not a single prosecutor has been relieved of his post in any district of Chechnya for failing to investigate instances of abduction or murder. Not a single military commandant or head of a district internal affairs branch under whose jurisdiction “unidentified individuals in armored personnel carriers” abducted people and then passed unimpeded through government checkpoints has been put on trial. Not a single investigator has even suffered disciplinary action for failing to carry out the most obvious investigative actions in criminal cases initiated based on murder or abduction. Every single prosecutor serving a term of duty in the Chechen Republic has been promoted and given new assignments within Russia proper.

Sometimes we hear allegations that the current situation in Chechnya is the fault of the republic’s own government. Under Russian law, for example, prosecutors, investigative divisions, and the republic’s Ministry of Internal Affairs do not answer to Ramzan Kadyrov. They are federal structures. And if the federal authorities are displeased with the work of these officials, they can remove them from their posts or take other measures at any time. But this is not happening. Instead, among the first Russian generals to be reappointed to his post in connection with the reorganization of the Russian *militiya* into the what is now being called “police” was Ruslan Alkhanov, Minister of Internal Affairs for the Chechen Republic, who has headed that agency since 2004. It is also noteworthy that the president of Russia reappointed Ramzan Kadyrov to head the Chechen Republic. His inauguration took place on April 5, 2011. The Kremlin must be satisfied with their performance.

Given that human rights organizations, in contradiction of statements by the government, are constantly reporting gross violations of human rights in Chechnya and neighboring republics, the government has taken the simplest path toward resolving this contradiction – it has begun to persecute these human rights activists and organizations. On July 15, 2009, a leading Memorial staff member, Natalya Estemirova, was abducted and killed in Grozny. This murder was entirely due to her professional activities. The crime has yet to be solved. On August 11, 2009, in the Grozny office of the organization Let’s Save the Generation, its head Zarema Sadulayeva and her husband Umar Dzhabrailov, were abducted. Their bodies were found the next day with signs of torture. In July 2010, Kadyrov declared employees of Memorial to be enemies of the people.

Criminal proceedings initiated at Kadyrov’s request against Oleg Orlov, Memorial’s chairman, are currently underway.

However, it is completely obvious that the armed underground in the North Caucasus and terrorism were spawned not by human rights activists, but, more likely, by the actions of the government itself.

A portion of the population of Chechnya believes that the Russian Federation used the war on terror as an excuse to occupy the republic in 1999-2000 and that the occupation should be resisted. This fact, coupled with Chechen “historical memory” of their extermination by tsarist Russia during the Caucasus wars of the eighteenth and nineteenth centuries, followed by the deportation that took place in 1944 and the war of 1994-1996, leading to the deaths of approximately 50-80,000 Chechens, expand the ranks of the dissatisfied.

In the North Caucasus, the Russian authorities have applied the full force of their repressive apparatus to the conflict between two Islamic communities – adherents of traditional and Salafi Islam, taking the side of the “traditionalists.” To some extent, the government has prohibited practicing the religion in the form considered correct by the.

There is a high rate of unemployment and corruption in the North Caucasus, as well as clan favoritism practiced by the government. Meanwhile, everyone knows that there is no way for them to peacefully change or replace this government. A sense of despair is one of the things that drives people to join insurgents.

The “Chechenization” of the conflict had a notable effect in the campaign against armed resistance during past years. However, it is obvious that today this resource has been exhausted.

The authorities of the Republic are not able to keep Ramzan Kadyrov’s promise to totally annihilate the underground and the insurgency. Furthermore, the totalitarian regime, based on force and fear, itself has given rise to new resistance. Young people are again going over to the insurgency in the mountains. The Republic government’s response to this development was extremely harshly and it is again gambling on the use of illegal force. This force is increasingly expanding in scope and becoming open and defiant.

I thank you for your attention,

Sacha Koulaeva

Cochairman McGOVERN. Well, thank you for your excellent testimony. I appreciate it.

Ms. Lansky?

**STATEMENT OF MIRIAM LANSKOY, RUSSIA AND EURASIA
DIRECTOR, NATIONAL ENDOWMENT FOR DEMOCRACY (NED)**

Ms. LANSKOY. Thank you.

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 about human rights abuses in the North Caucasus.

The National Endowment for Democracy 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 local grass roots organizations in every republic in the region as well as Russia's largest human rights organizations. In addition, we support our European partners in various efforts at networking and providing support for activists at risk. Unfortunately, over the last two years, we have had to make many special arrangements to mitigate the growing dangers involved with this work.

The situation became particularly acute in 2009, when 8 activists were killed. One such person was Umar Izrailov, who was killed in Vienna. He had a case pending in the European Court for Human Rights against the Chechen President, Ramzan Kadyrov. Umar's father, Ali Izrailov, who speaks later on this panel, has shown tremendous courage in continuing to challenge Kadyrov in the courts.

Another victim was Natalya Estemirova, a researcher in the Memorial office in Chechnya, who was killed because of her work on human rights. Following that tragedy, the office of Memorial in Chechnya was closed and 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.

By working in the most dangerous circumstances, despite tremendous government pressure and great personal risk, these activists 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 an important question. Are widespread human rights abuses 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. We tell the story of the Chechen quest for independence and trace 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. The most intense period of terrorism came as a result of the second Chechen war. And, according to every available set of data, the insurgency has been spreading geographically and claiming an increasing number of victims since then.

Russia has tried many different policies to pacify the region: waging a war, co-opting local elites, engaging in public works projects, manipulating the boundaries of federal districts, replacing governors, and killing extremists. None of this has worked.

It is a mistake to see Chechnya and the North Caucasus as a local front in a global war. 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.

The centerpiece of Russian counterinsurgency policy in Chechnya is the Chechen president, Ramzan Kadyrov. The Russian federal government has vested Kadyrov with a monopoly on political power. It has contributed substantial budget resources to his government. It has given him leeway to operate with a great deal of independence.

Kadyrov and his forces, who are nominally divisions of federal ministries, operate with total impunity. And their tactics have included disappearances, torture, and so forth. Kadyrov himself was awarded the Hero of Russia medal, which is Russia's highest honor reserved for acts of extraordinary courage.

There are two important cases in the courts now that compile a great deal of evidence about Kadyrov's wrongdoing. The first is the case in Vienna in which three Chechen refugees are standing trial in the killing of Umar Israilov. The second case is 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 in Vienna, who monitor and control Chechen refugees in the area. 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 manage to abduct him.

In Moscow, the criminal libel case against Oleg Orlov has been going on for over a year. The case is extremely important because it represents in the most pure form the degree of Kadyrov's impunity.

Orlov's defense has entered into the court record numerous instances in which Kadyrov bragged publicly about his participation in other killings that he has insulted and belittled Estemirova. His personal animosity for her dates back to an incident in 2004 when Kadyrov took a swing at Anna Politkovskaya and Estemirova stood up and in his way.

Orlov's defense has also cited both the fact that Kadyrov's closest associate, Adam Delimkhanov, characterized human rights activists as doing the work of the devil on state television in the days prior to the killing.

Another Chechen official warned Natalya's Memorial colleagues that she was in serious 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, that Umar Israilov was murdered, and Natalya Estemirova was murdered and the only person on trial in Russia is Oleg Orlov.

I am going to stop my remarks here. I am very grateful to you for having this opportunity.

[The prepared statement of Ms. Lanskoj follows:]

PREPARED STATEMENT OF MIRIAM LANSKOY

Miriam Lanskoj
Director, Russia and Eurasia National Endowment for Democracy
“Human Rights in the North Caucasus”
Tom Lantos Human Rights Commission
April 15, 2011

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.

Cochairman McGOVERN. I am very grateful to you. Thank you very much.
Mr. Itslaev, welcome.

STATEMENT OF DOKKA ITSLAEV, COORDINATOR FOR CHECHNYA, HUMAN RIGHTS CENTER MEMORIAL

[The following testimony was delivered through an interpreter.]

Mr. ITSLAEV. Thank you very much for giving me the opportunity to speak. Ladies and gentlemen, thank you very much for giving me this opportunity to speak with you here today.

Since December of 2000, I have been working in the organization Memorial in the City of Urus-Martan in the Chechen Republic since December of 2009. I have been the coordinator for all of the offices for Memorial in the Chechen Republic. I have been living in the Chechen Republic since my birth, and I have been witness of everything that has happened in Chechnya.

Different people assess what is going on in Chechnya in different ways. Some people call it war. Other people call it anti-terrorism operations. No matter what you call it, the result has been catastrophic for the citizens and the residents of Chechnya.

From the Fall of '99 to -- there have been hundreds of thousands of individuals who are forced to leave the country. Between 15 and 25 thousand individuals were killed during the period of the active military engagement in Chechnya. Since the end of the active military conflict, at least 3,000 people have disappeared without a trace. And the same amount of individuals have been documented as having been killed. The vast majority of these individuals are private citizens. And according to our information, those who are close to them stated that the last that they heard of them, that they had been detained by law enforcement or by security forces in Chechnya. I am not going to even go into the amount of destruction that has been caused.

Now the violence is spreading outside of Chechnya. It has billowed throughout the North Caucasus region. You can see that the region of North Caucasus is now one of the most unsuccessfully governed regions in Russia. And the following factors are the ones that very negatively affect the human rights situation in the region of the North Caucasus.

The continuation of armed conflict, armed insurgency in the midst of which those individuals who are resisting the Russian government, armed resistance against the Russian government, continue to use various means, including terrorist acts.

Actions of Russian security forces, which, in turn, during their fighting against terrorists, the armed resistance, likewise use tactics which amount to state-sponsored terrorism, in terms of which they infringe on human rights and blatantly break the laws; impunity for various crimes committed by government forces in their so-called counterterrorist operations; corruption, the level of which is very high, even compared to other areas, other regions of Russia; complete impunity of bureaucrats; very high level of unemployment; the involvement of authorities in religious activities in North Caucasus and the persecution of various Islamic movements, specifically Salafism.

Over the course of the last several years, the armed resistance to the Russian Federation has created an organized group, a group rooted in the republics of North Caucasus, who have taken up arms and are made up of local citizens.

What has happened is exactly what various human rights organizations have warned. The absolute refusal to negotiate with any of the more moderate groups, any of the more moderate actors in the separatism movement has led to a radicalization of the groups and to a turning to a more fundamentalist Islam.

In the combatting of the armed underground resistance, the Russian security structures, just as in the past, use what amounts to state-sponsored terrorism. It is not to the same level of magnitude in terms of numbers as it was in the beginning of the last decade, the 2000s. However, it is very well-entrenched over the course of the last ten years and includes illegal violence and torture. And it continues to be used very actively.

These measures include these specific elements: the disappearances; kidnapping of individuals, holding them in illegal secret prisons; torture; extrajudicial executions; and kidnapping of individuals; falsification of criminal cases against individuals whom they want to punish unofficially. As a result, not only the individuals and their relatives are the base for individuals to join the underground, but a wider range of individuals who witnessed this also become a basis for individuals who join the underground.

The illegal bases that are being used in the war against terrorism in Chechnya are now slowly spreading to other regions throughout Russia. As evidence of this, you see a growing number of residents of the North Caucasus regions who are being kidnapped and who are disappearing in other areas outside North Caucasus, including Moscow and St. Petersburg.

The circumstances of at least some of these disappearances point directly to involvement in these kidnappings and disappearances by government forces and law enforcement organizations.

The President of the Russian Federation said that the ineffectiveness of the Russian Federation's war against terrorism is the result of three things: corruption, clannishness, and the infringement on human rights.

Our organization in numerous meetings with officials from the Russian Federation, including meeting with the President of Russian Federation Medvedev met in May of 2010, has repeatedly stated that an absolute basic part of the war on combatting terrorism has to be the respect of human rights, specifically in the actions in the North Caucasus.

We feel that the Russian Federation has to undertake the following measures in order to stabilize the situation in the North Caucasus. Criminal cases involving crimes associated with human rights violations throughout the years during which counterterrorist operations were conducted, North 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 the security forces and the operations of public prosecution agencies in order to encourage any individuals implicated in

serious violations of civil rights committed in the course of the counterterrorism operations.

And any obstacles and obstruction to the work of defense attorneys must be removed, anyone who acts as a defendant to the individuals who are accused of being members of the illegal resistance movement.

Russia must fully comply with the decisions of the European Court of Human Rights, including making systemic changes and investigating cases at the level of law enforcement and legislative levels, and should not restrict themselves to paying monetary compensation to the victims. Russia must actively cooperate with international organizations concerned with problems involving respecting human rights in the Northern Caucasus and investigate those cases where they have been found as being guilty in infringing on human rights.

The government must refute the practices of persecuting religious groups in the North Caucasus. They must create an environment necessary for the work of both Russian and international human rights organizations, effective work of those organizations in the region.

We hope very much that the members of Congress in the United States will assist us in striving towards realization of these goals and aims.

Thank you very much for your attention.

[The prepared statement of Mr. Itslaev follows:]

PREPARED STATEMENT OF DOKKA ITSLAEV

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 Caucasus 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

Cochairman McGOVERN. Thank you very much.
Mr Israilov, welcome.

STATEMENT OF ALI ISRAILOV, VICTIM OF HUMAN RIGHTS ABUSE IN CHECHNYA

Mr. ISRAILOV. Thank you very much for giving me this opportunity to talk about Chechnya and taking the time to give me this opportunity.

Representatives of various groups have talked about the situation that has developed in North Caucasus, not only in Chechnya, but has spread to other regions of the North Caucasus. I to finish up this picture would like to present my story, my personal story.

In 2003, representatives of the security forces of Kadyrov who were acting under the control of Kadyrov kidnapped my son. They tortured him for over three months in an effort to force him to work for Kadyrov. This is something that was widely practiced by Kadyrov.

In the end, to avoid being killed, he agreed to work with them. And he was appointed to personal security detail of Kadyrov. He continued working in that capacity until we had the ability to leave the country.

As soon as we had the documents necessary to leave the country, I asked my son to leave the country. Exactly two weeks later, the security forces of Kadyrov came to my work. And a senior individual told me that I had to go with them because Kadyrov wanted to speak with me.

I understood exactly what this conversation was going to be all about, but I had no way of resisting them. There were six carloads of people that came to pick me up. As I got in the car, I saw that my wife was already there. They had stopped by my home and picked up my wife before coming to my work to pick me up.

We were going to Kadyrov's personal home in his hometown. When we stepped out of the car, we saw that there was another young woman who had been brought there. Aside from my wife, they also brought my son's sister-in-law, the sister of his wife.

They took the women away to a different room, and I did not see them for a long time. They knocked me down to the ground, put handcuffs on me, and dragged me to a room which initially looked like a gym. This room had training, had exercise equipment on it. And from the various pieces of exercise equipment were suspended individuals who were tied to it. They looked as if they had been tortured and abused. And several of the people looked to me either as if they had already passed away or were on the verge, were close to death.

Approximately 10 to 12 people started beating me with anything they had on hand and just beating me all over. The only thing they kept asking me is "Where is your son?" They used my cell phone to find his number, called him directly, and figured out that he was in Poland by this point.

After this point, they stopped asking me any questions and just continued beating me. After that, they also used electric shock. This lasted for about two hours. After they got sick of this, they just dragged me like a rag and threw me in the corner.

Late that night, Kadyrov came into the gym with his security detail, his bodyguards. He had walked around to all of these individuals who had been tied to the exercise equipment, and he used them as punching bags. He kicked them, after which he ordered someone to "Bring my favorite device." This was a device that generated electricity. He had his fun. After he got bored, they left.

Four days later, I was taken to a different location, where I was kept in the basement for over 11 months. This was a very long time. Over the course of this time, I saw a lot of the crimes that these -- I can't even call them people -- allowed themselves.

This powerful repressive machine that has been set up in Chechnya works day and night without stopping. It is impossible to accurately calculate the number of victims of this repressive machine.

When I finally had the opportunity, when I finally escaped this torture, I had a choice whether I could take up a gun or whether I would try to use legal methods to try to end these abuses. I had little idea what I would do if I picked up a gun. So I decided to use the other method, meaning the method of using the law to rid this person, to remove this person from power and to bring him before justice, before the court.

In my opinion, it is impossible for an individual who commits these atrocities to act as President. Later, in an attempt to do something about this, I had to leave the country because trying to do something, trying to stop this in some way while I was still in the country would be tantamount to committing suicide.

I took my family and fled to Norway. I was helped to escape, to get there. When I was there, with the help of various human rights organizations, we filed a suit against Kadyrov in the Strasburg court.

When Kadyrov found out about this, he started persecuting and trying to find my son, not in Chechnya but this time in Austria. Everyone knew about this, including the law enforcement, Viennese police, but they did not take the measures necessary. And in the end, he was murdered in Vienna in January of 2009. Now, there is a case being heard in the independent court in Vienna with the individuals who were involved in conducting this, in committing this murder.

Unfortunately, not everyone has been brought to trial, not all of the people implicated and guilty of this or more than half of them, are hiding in Chechnya, including the individual who actually shot my son. Right now he is under the protection of Kadyrov. He was thanked and given the royal treatment and was given the "Very good job" by Kadyrov.

Another individual, who was responsible for organizing this action, this crime, is likewise under the protection of Kadyrov and is freely moving about and traveling to other countries.

The judge has asked the Russian authorities to help bring these individuals to justice or, at the very least, to assist in questioning these suspects, these individuals, including Kadyrov himself. As far as I know, there are two requests for this through the Russian prosecutor's office, but the Russian side is refusing to cooperate and is not amenable to cooperating with the Austrian investigation in any way.

Despite the very serious charges that are being brought against Kadyrov by this court in Vienna. Literally several days ago Medvedev appointed Kadyrov for yet another term as the head of the republic.

Now I wonder how wise my decision was. Maybe it would have been better for my son and I just to take up arms. I have my doubts. And I am not certain whether I did the right thing.

Thank you.

[The prepared statement of Mr. Israilov follows:]

PREPARED STATEMENT OF ALI ISRAILOV

Written Testimony of **Ali Israilov** for the Tom Lantos Human Rights Commission Hearing of April 15, 2011.

Ladies and gentlemen, thank you for having me here today. A lot has been said already about the disastrous situation in Chechnya. I have personally experienced firsthand the horrors of this regime.

One morning while at work, Kadyrov's men came and ordered me to go with them as Kadyrov demanded to see me. I knew I had no choice but to follow them. When I got into their car, I was surprised to see that they already had picked up my wife from our home. I knew why they came for me: two weeks earlier I had sent my oldest son out of the country to escape from being forced to work for Kadyrov as his bodyguard. I was then kept in their custody for approximately one year. For the first four days I was in Kadyrov's home, in his personal prison. While there, I was tortured, including through electric shocks, and beaten up for close to every moment of my stay there. I witnessed Kadyrov torture others. The only thing they wanted me to tell them was where my son was. Once they found his telephone number in my cell phone, they called him and found out he was in Poland. Despite their question being answered, they kept me detained and beat me up incessantly. After four days of this intensive torture session, they transferred me to one of their basements, in the town of Gudermes. I was kept there for another eleven months.

Not only I endured every conceivable form of torture, but I personally witnessed scores of people being taken there like I was. I realized that this was a well-organized machine: people were taken in constantly, tortured, broken, sometimes killed, and thrown out either out or to another location. I understood very quickly why they couldn't keep them all there: there were just too many of us. In this basement, just like in Kadyrov's home, acts of torture were on-going day and night, 24/7.

When I was released I had two choices: take up the arms to get justice that way, as many others do in Chechnya, or to seek a legal path and file a formal criminal complaint. My son and I chose the latter option. We filed complaint after complaint, up to the European Court of Human Rights in Strasburg. At the time, now years ago, I was convinced that this was the right decision. Today, I wonder about it. My son was murdered one afternoon on the street of Vienna in January 2009. The only reason he was shot to death was because he had become a unique and most embarrassing witness. My son had personally seen Kadyrov torture people and had been tortured by Kadyrov's own hands.

Kadyrov and his men are still acting in complete impunity, beyond any reach of the law. My son is gone, I have to live in hiding, our cases before the European Court have gone nowhere in five years. So I wonder: was this the right choice? Is the only thing that came out of this, my son's murder?

What I am committed to today is to bring my son's murderers to trial. There is currently a trial going on in Vienna, and for once before an independent court of law. The judge has subpoenaed Kadyrov and some of his men involved in the murder to testify. To this day, the Russian justice has refused to cooperate and none of the witnesses called have participated to the trial. In addition, the actual killer, who had not been captured and managed to go back to Chechnya, was awarded money and benefits. He lives under his real name, in complete freedom, despite the Viennese court's personal indictment against him. During the trial, some of the Chechen witnesses would go back on their earlier testimony, due to pressure and threats exercised by the Kadyrov regime. The judge warned the witnesses that false testimony is a crime under Austrian law, but the fear of Kadyrov regime is much greater than any other. And I cannot blame those witnesses knowing what they have done to my son and I. Because of the lack of cooperation from Russian and Chechnya authorities, the proceedings have been going on for over a year. We are very far from bringing the true responsible to justice for this crime.

I am here today to formally urge you to take all the necessary and possible measures to help us put an end to this impunity. And bear in mind that Kadyrov's crimes are approved by Moscow. The United States who have various bilateral agreements with Russia should use them as a leverage to bring peace and justice to our exhausted Republic.

Thank you for your attention,

Ali Israilov

Cochairman McGOVERN. Thank you very much for that very powerful testimony. I appreciate it. I appreciate the entire panel.

You heard that there are votes. I have a number of questions that I want to get you on the record answering. So let me ask them. And then if I have to leave, I want this on record.

First of all, you know, what would be helpful to us is to ask you about what can the United States do to better protect human rights defenders in Russia? Obviously it is a huge problem. And people who stand up and speak truth to power find themselves in very precarious situations. And are there concrete things that we can do?

Also, Human Rights Watch recently released a report that describes violence against women in Chechnya, intended to intimidate them. It also highlights the unwritten but compulsory Islamic dress code. I would like if you could speak about the situation of women in the North Caucasus. And have there been frequent incidents of violence against women? How has the Russian government responded to the violence against women?

The Obama administration has more than once affirmed its support for Russia's WTO bid. And Vice President Biden on March 10th, 2011 stated that the White House wants to work with the Congress to repeal the Jackson-Vanik amendment. The question to all of you is, to what extent should human rights in Russia play a role during these discussions? And if you could comment about the situation the journalists face as well, that would be helpful. And to what extent has the human rights situation improved since the official end of the Russian counterterrorism operation in Chechnya on April of 2009?

I am throwing a lot of questions at you, unfortunately, because they are calling votes. And there is going to be a series of votes. But I want this on record. And so staff is going to remain here while I go to vote.

But those are some of the questions that I would appreciate your comments on, but, really, the most important question for us here in the United States Congress is, what can our country do specifically to deal with some of these issues? And, again, how can we best protect our human rights defenders when we are speaking truth to power?

So if you could answer those on the record, I would appreciate it. And I apologize, but there are three votes on the budget that I have to take. But I would like to get this on the record.

Ms. HOFFMAN. And, just for the record, it is Michael McVicker, the Lead Democratic Staffer, and Elizabeth Hoffman, the Republican Staff Director, now presiding.

You guys can proceed with those questions.

Ms. KOULAEVA. I don't know how would you like to proceed. Maybe I will just make some brief comments on some of these questions. And then I will pass the floor on to my colleagues.

So the first question was, how can US better protect the human rights defenders in Russia? I think that two different approaches should be always kept in mind. One is direct protection of people in danger. And there the United States, of course, has a role to play because these people need sometimes a shout or sometimes they need to be taken outside for a while, sometimes forever depending on the gravity of the situation. And then they very often face serious difficulties to get very simply the reason to get out of Russia; of course, the means to get out of Russia. And sometimes only two or three weeks outside the country can change and can make the difference to let things quiet down and then to come back and to continue working. I think this is something that, of course, the United States does already, but it should be reinforced and should be continued because people that carry an incredible weight of fighting for human rights in a desperate situation where they know they can pay their

lives. And it actually happens more and more often. Only in 2009, we have lost nine colleagues, killed in Russia and not only the North Caucasus but also in the middle of Moscow.

This is something which is so absolutely unthinkable for a country which wants to be seen as a reliable partner that I think all the leverage, as I said, should be used to stop it. And, of course, the United States has very strong bilateral relations, which is a good thing, economic.

And also, for example, the common actions within the anti-terrorist fight, fight against terror, there are common trainings, exchange of experience. And Russia is very much interested in continuing this exercise. So it is absolute condition that such things should not happen. Otherwise the first development of this bilateral relations cannot continue.

It sounds like rough, but I think it is absolutely necessary because as long as Russian government and Russia see that all what happens, the murders of human rights defenders, murders of journalists, every time we see SMS or a call from Russia, we are kind of frightened to answer. We don't know which further we will hear.

This continues. And the bilateral relations still continue to be developed. Rationales, they can go ahead. So I think that very clear limits should be put. And all the diplomatic and political pressure should be exercised to stop this situation because, as we all underlined, we see a complete unwillingness of Russia to change things. It is not only the problem there, but there is a complete unwillingness to change things.

I do agree that the violence against women is a very important point. And, of course, the Human Rights Watch report very clearly explains the problem. We always, always underline -- and Natalya Estemirova, who was murdered there, was one of the person who was fighting against that. Indeed, Mr. Kadyrov in country in contradiction to all Russian laws imposed the polygamy, imposed the restrictions, very clear restrictions, of women's rights.

Women now are under pressure for dress code, which is absolutely contrary to Russian laws. They should wear certain things, and they should not wear certain others. They cannot enter any official building if they don't wear a scarf, which is in complete contradiction to Russian law. And violence, open and direct violence, is particularly used against women, including Kadyrov's very close people and himself.

And a life of a woman has even a lower price than life of a man in Chechnya. And that says a lot because men's life doesn't cost much either in Chechnya.

So this is something we really have to work on and the same about, of course, the situation of journalists because after Natalya Estemirova's death and after Anna Politkovskaya's death, it is not just two extraordinary people who have been killed but the waste of what is going on in North Caucasus and Chechnya was silenced. And we can see it now. There is much, much less information in Russian media. It is much less information in the Western media.

And, as I said for human rights defenders, journalists who are -- it is not just violation of human rights to silence it. It is the whole justice process. It is the whole seeking of for justice and for accountability, which is under danger if journalists and human rights defenders are not able to continue to work freely, are not able to act in their professional life, and are just killed, which is a very clear example for the others not to follow.

Thank you very much. And I just want to let more time to my colleagues to respond who came from North Caucasus and Miriam, of course.

Mr. McVICKER. Thank you.

Ms. Lanskoj?

Ms. LANSKOY. I am going to take the questions maybe in reverse order. Since the end of the counterterrorism regime in Chechnya, it has been extended to other republics in the North Caucasus. So there are counterterrorist operations going

on in Ingushetia and Dagestan and Kabardino-Balkaria. The sort of symbol of having ended it in Chechnya is not potent because, in reality, the insurgency is continuing throughout the region.

I don't believe that human rights have improved. If anything, this administration is becoming more complicated as it continues to deteriorate. And address it is becoming more complicated.

On the question of violence against women, it is an excellent report by Human Rights Watch that spells out in a lot of detail different rules being imposed on women and different forms of just degrading women. One of the things that Natalya Estemirova had talked about -- it was in the film that we viewed yesterday, screened yesterday -- was her saying that his brand of despotism begins with degradation of women's status. And that is fundamental to the system that is being created. Among other things, he spoke approvingly of honor killings, saying that if a woman fools around, her husband or her brother are obligated to kill her.

What can be done for -- sorry. Let me just say on the women's issue how can Russia sort of address this or what does this say that an area that is in a legal and formal sense a part of Russia lives in a sort of state of completely different cultural and legal norms? It is some scholars in Russia, like Aleksey Malashenko, have called it the internal abroad, that Chechnya and the North Caucasus are becoming essentially a different countries. It is abroad, but it is in a formal sense inside. So these things can't be or have not been meaningfully addressed by the federal government.

And in terms of protecting, what can be done to protect, human rights defenders and journalists in Russia, I think there are many types of things that can be done. And they range from, you know, practical things, like giving people visas, giving people multi-year visas that they can use if the situation becomes acute. Moral support and solidarity, kind of statements of solidarity, are important to publicly show support and to give people a sense of confidence, international monitoring missions that have not been in recent years possible, but, for instance, parliamentary assembly of the Council of Europe, the OSCE, UN, other international bodies should have much greater access than they have, diplomatic cover, making it clear that human rights issues are within the core, that part of how the bilateral or multilateral relations are shaped and are a component of the general relationship. And I think also results, seeing that there are decisions in the courts that are implemented or that there are -- you know, people need to see that there is some level at which injustices could be redressed. And those might be in international courts or international institutions, but those decisions are also important in creating the right mood or creating a context in which activists can say, "Look, the extremism doesn't work" or "The violence is the wrong way" because there are forms of redress at a higher international level.

So I will stop there. Thank you.

Mr. McVICKER. Thank you. Mr. Itslaev?

Mr. ITSLAEV. Thank you.

[The following testimony was delivered through an interpreter.]

Mr. ITSLAEV. My colleagues have mentioned a whole series of ways in that the United States can help the situation of human rights defenders in the North Caucasus. I would like to join them. I support them in what they said completely. And I would like to add the following.

Right now the Russian Federation finds itself in the same situation as the Soviet Union was when the famous human rights activist Sakharov mentioned that or stated that they need friendly pressure. That is what Russia needs right now: friendly pressure on the part of the United States, on the part of other partners, on the part of the Council of Europe.

This pressure could be the setting up of conditions during talks, during negotiations; for example, during the negotiations about Russia joining the World Trade Organization. It could be one of the requirements or prerequisites for the entry

into the World Trade Organization that Russia must absolutely meet human rights requirements.

Another thing, secondly, something that would be very important is if the United States can pressure Russia and pressure its European allies to pressure Russia to actually fulfill the requirements of the decisions passed down by the Court of Human Rights, the European Council Court on Human Rights.

Thirdly, the United States, embassy of the United States, used to have a practice where representatives of the embassy of the United States used to come, travel to the region and meet with representatives of the NGOs. This stressed the importance of the work of the NGOs in the region and gave them critical support, moral support. And I think that this practice must be continued.

I don't know what your opinion is going to be about this next suggestion, but I think it would be very helpful if there were a list of individuals who were denied or banned from entering the United States and that this list include individuals who are accused of serious human rights violations in the North Caucasus.

And, again, i think that this friendly pressure should continue and that the human rights siltation should be brought up at any time that it can be brought up during any kind of talks, meetings, negotiations with representatives of the Russian Federation.

Thank you.

[The following testimony was delivered through an interpreter.]

Mr. ISRAILOV. I will speak frankly as a private citizen. I would like to ask the question whether there are many members in this organization that Russia is so eager to join which flagrantly break their own laws and which laugh at even the thought of human rights, whether there are a lot of countries currently in the WTO which behave this way. And I would like to think that there aren't.

We only need to look at all of the other organizations, international organizations, that Russia has become a member of. In my opinion, they haven't brought anything positive to any of these organizations. I feel that the other member organizations soon come to regret allowing them to join this, these organizations. And I am afraid that the same will happen if they join the WTO.

Many European organizations, OSHA, the Council of Europe, are now literally groaning because of Russia's membership in these organizations. Upon joining, they have pretty much made these organizations ineffective by stalling and stymieing the activity of these organizations.

I think that any country that joins an organization has to abide by the laws or the regulations of this organization. And I think that there can't be any exceptions for a country such as Russia. We can see these exceptions when it comes to the situation in China. Russia is given incredible latitude and incredible freedom in conducting its so-called war on terror and that they are basically allowed to do anything they want, anything they feel like, simply by naming it counter-terrorism.

Over the course of many years, this war has been going on in Chechnya. There are no crimes that Russia hasn't allowed itself to commit, be it razing whole cities and towns, be it the killing of over 100,000 individuals from the region.

I can't even imagine what would justify these actions. I don't know why this was necessary. I don't think it was necessary to use so much force on such a tiny country. And despite the fact that it is a tiny country, it does have a population. It has the same people live anywhere else. And they deserve the same level of respect as anyone else does.

Mr. McVICKER. Thank you.

Ms. HOFFMAN. We are starting to run short on time. So I think what we are going to do is just ask a couple of more questions and then ask you to briefly kind of go through, as we did in this last round, and just give brief answers. But we do have

to be out of here in about 15 minutes. So we ask that you keep your answers as brief as possible.

Just one question on my end. The US Commission on International Religious Freedom last year recommended that the US impose a visa ban and freeze the assets of Kadyrov. What impact would these actions have on the situation in the North Caucasus and on Kadyrov? And then I think Michael has a couple of questions.

Mr. McVICKER. And I just have one question, actually. I would like to ask the panelists who want to answer how the US government can positively contribute to the improvement of the judicial system in Russia to end impunity against human rights violators, such as Kadyrov.

Ms. KOULAEVA. I would like to start with the second question. I think there are many ways of doing so. Once again, there are piratical steps and political diplomatic steps. Practical steps should be to greater cooperate with law universities, take future lawyers, future judges, future prosecutors to the other countries, where the justice runs better than in Russia, to support their post-graduate status, graduate status, that they see other examples where they see in everyday level in Russia to support the academies and the schools who work on law in difficult conditions and to make as many practical exchanges as possible, also with all the people acting within justice.

And, once again, there is a political message to pass through, which is that the violations of human rights and their complete dependence of justice to political powers is something which is simply not acceptable.

A very clear example of that, which I would really love to attract the attention of the United States and all of the other countries, is Israilov's case in Vienna, which is now going on outside Russia. So we will have a greater possibility.

I was, to be very honest, astonished that there was so few attention to this case on diplomatic levels. And there were very few international observers. There were NGOs observing but didn't have much diplomatic missions in the room. And that should be seen as a unique opportunity because, for once, Kadyrov's crimes are passing in front of the independent court in an independent country.

And, despite this, when Austrian justice has reclaimed cooperation thresholds within this legal case, it was completely refused and denied. And the trial, which should have taken two months maximum, is already running over a year. And there is still no result.

And we are much afraid that only the second level participants would be brought to justice but the actual killer won't be brought to justice. And the indictments very clearly say that there were all the reasons to believe and that there are proofs for that and justification for that because Kadyrov is personally involved in doing this murder.

And Russia completely ignores the decision of independent court and names someone against whom such important charges are being pronounced in one of the Europe courts. They nominate him once again for the presidential mandate. So this is something where the red light should be on. And that is something where the United States and all the other countries, speaking about the justice system, should really say that this is not acceptable and put greater efforts in monitoring this case and promoting the message this case delivers.

So I will maybe leave more time for the others to answer.

Ms. LANSKOY. On the question of the judicial system, I am not sure that I would necessarily begin with that as the priority. I think that in the current environment, one of the main issues is the registration of opposition parties. I think that the judicial system to a large degree reflects the political will of the people running Russia. And the priority should be to liberalize the political system to have a more authentic contest between different parties in the Duma elections that are coming up and then in the presidential elections. I think that would have, then, a

positive impact on the whole system as a whole. I don't think that an approach that focuses on the judiciary can impact the overall situation as well.

On Kadyrov, I think a lot of people that I talked to in the region would see in this even a symbolic kind of message or they would see it at least as a kind of recognition of a real problem and a moral statement that has been missing.

A lot of people tend to characterize Kadyrov as somebody who has brought stability, that this is somehow a better system than what has existed before. And some would characterize the system in a way that and him in a way that is more in keeping with how most of the people that I interact with, be they activists or journalists or just people in the region. It would validate their perception of reality. And that is important. It is important for them to understand that there are similarities in how things are viewed here and how they are on the ground there.

Mr. McVICKER. Thank you.

[The following testimony was delivered through an interpreter.]

Mr. ITSLAEV. I would like to again repeat that the Russian Federation is in dire need of this friendly pressure and that there should be any pressure that can be applied, should be applied, and that any pressure would be a positive step in the right direction.

In terms of the case of Natalya Estemirova, I think it would be very helpful if the United States shows that it is interested in the investigation of the case, that it wants to know what happens with the case, that it wants to know if the case is investigated, and that any interest by the United States in this matter would be a positive thing.

Currently there is no information at all about the investigation, about the course of the investigation. Even if just regular citizens were purely curious about what stage an investigation is on, what has happened during the investigation, there is no information available.

On the whole, I very much support the idea if the Russian Federation again -- I'm sorry -- if the United States again can somehow show the Russian Federation that they are interested in this case and they are interested in the case being investigated and would like to know how this case is being investigated and how the process is proceeding.

Thank you.

Mr. ISRAILOV. I think if anyone is thinking about freezing Kadyrov's assets or in the blocking assets to those assets, I think that that is something that has to be done very quickly because as soon as he hears about this, he is certainly going to try to move those assets to a safer location.

If that is to be done, for example, maybe he would not be able to pay those attorneys who are defending those individuals currently being prosecuted in the court in Vienna. I hear that they are the most expensive attorneys in all of Vienna. I certainly wouldn't be able to pay for their services for going on a third year now.

Thank you.

Ms. HOFFMAN. Thank you all very much for your testimony. And please be assured that all of these responses will be conveyed to the members, including those on the Commission that were unable to be here today. Again, thank you for your testimony. And the hearing is adjourned.

[Whereupon, at 11:52 a.m., the Commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission (TLHRC)
Hearing Notice**

Human Rights in the North Caucasus

**Friday, April 15, 2011
10 a.m. – 12 p.m.
2168 Rayburn HOB**

Please join the Tom Lantos Human Rights Commission for a hearing human rights in the North Caucasus, an area that includes the territories of Chechnya, Dagestan, and Ingushetia, among others. In this volatile region—often considered the border between Europe and Asia—terrorism has intensified in recent years. In January 2011, at least 35 people were killed by North Caucasus-linked extremists in the tragic suicide bombing of the Domodedovo Airport in Moscow.

This hearing will examine the international legal framework for counterterrorism and evaluate Russia's compliance with that framework through its operations in the North Caucasus. The hearing will address whether the Russian government may be exacerbating the terrorist threat by failing to protect human rights, notably the prohibition against torture and the rights to liberty and security of person, and how such actions may contribute to radicalizing insurgent groups. The hearing will also review how Islamic radicalization impinges on freedom of religion, freedom of expression, and women's rights.

To discuss these issues we welcome the following witnesses:

Panel I:

Martin Scheinin, UN Special Rapporteur on Counterterrorism and Human Rights

Panel II:

Sacha Koulaeva, Head of Europe and Central Asia desk, International Federation for Human Rights (FIDH)

Miriam Lansky, Russia and Eurasia Director, National Endowment for Democracy (NED)

Dokka Itslaev, Coordinator for Chechnya, Human Rights Center Memorial

Ali Israilov, victim of human rights abuse in Chechnya

If you have any questions, please contact Ari Levin (Rep. McGovern) or Elizabeth Hoffman (Rep. Wolf) at 202-225-8097.

James P. McGovern
Member of Congress
Co-Chair, TLHRC

Frank R. Wolf
Member of Congress
Co-Chair, TLHRC

**Prepared Statement of the Honorable Alcee L. Hastings, a Representative in Congress from the State
of Florida
Tom Lantos Human Rights Commission
“Human Rights in the North Caucasus”
Friday, April 15, 2011
10:00a.m.**

Chairman Wolf, Chairman McGovern, I want to thank you both for holding this important hearing about the human rights situation in the Northern Caucasus. You both have my sincere appreciation for the leadership you have provided in Congress on the plight of the abused, the downtrodden, and, in general, those whose basic rights and freedoms are violated. And sadly, in many cases, and especially in this volatile region we speak of today lives are not only ruined they are lost.

The Helsinki Commission, which I had the honor and pleasure to chair, has been at the forefront of drawing attention to the human rights situation in Chechnya and elsewhere in the North Caucasus region of Russia, having held numerous hearings and briefings over the years. It is certainly fitting that this hearing is being held today under the good offices of the Tom Lantos Human Rights Commission given his record of deep concern for Russia. He was the conscience of American foreign policy and, more importantly, a good friend.

Now I know we'll hear a lot from our distinguished, and I might add, courageous panel of experts, but at the outset I would like to raise a couple questions I hope to have answered today.

As a black man, one of the issues I have had to contend with my whole life is that of the sin of racism. It is my understanding that in Russia the so-called “Blacks” are not people of African descent, but are ironically the true Caucasians. And I was recently surprised to read in a CSIS report on this region that it is actually safer to be a Caucasian in the violent North Caucasus than on the streets of Moscow. Is the xenophobia really that bad and, if so, what is fueling this hatred?

Also, I would like to hear more, particularly from Dr. Lansky on the extent to which the radical Islam encountered in these republics is driven by true believers as opposed to a reaction to Moscow's heavy hand.

Finally, apart from pure academic interest, why should we care? Please don't take this as a cold-hearted remark, but given the fiscal environment prevailing in this town and the multiple wars we are now fighting it would be useful to articulate a compelling U.S. interest in a place much of our public couldn't find on a map.

I look forward to participating in what promises to be a fascinating discussion about a region, we here in Washington, struggle to understand.

Before closing, I would like to publicly extend my deepest sympathies to you Mr. Israilov for the tragic loss of your son and I hope justice prevails in your case.