



Human Rights in Russia Hearing May 6, 2010

North Caucasus Panel

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Thank you for giving me the opportunity to take part in this hearing on Russia. Human Rights Watch is pleased to submit our main findings and recommendations on the human rights situation in the North Caucasus of the Russian Federation. The Commission's hearing has come at a very important moment, when international scrutiny can play a crucial role in preventing a full blown crisis in this volatile region.

The Islamist insurgency in Chechnya, Ingushetia, and Dagestan appears to be on the rise. In countering it, Russian law enforcement and security agencies continue to commit grave violations of fundamental human rights such as torture, enforced disappearances, and extrajudicial killings. Human Rights Watch has not found any evidence to indicate that the government is taking any steps to prevent these violations from occurring or to hold their perpetrators accountable when they do.

The use of unlawful and violent counter-insurgency methods coupled with rampant impunity for human rights abuses antagonizes the population of these republics and results in widening the gap between the public and the government. Meanwhile, the security situation in the region is also deteriorating. Insurgent attacks are perpetrated with increasing frequency, and in March this year, for the first time since 2004, a major attack was perpetrated in Moscow by two female suicide bombers from Dagestan allegedly on the orders of Dokku Umarov, the commander of the insurgent network in the North Caucasus. The two explosions in the Moscow metro occurred during the morning rush hour on March 29, killing 40 people and wounding dozens. Whilst this heinous crime cannot have any justification, the very fact that terror returned to Moscow raises serious questions about Russia's North Caucasus policy.

Chechnya

In Chechnya, security forces continue to illegally detain and torture individuals, and impunity for abuses is rampant. The failure to implement fully the judgments of the

European Court of Human Rights on abuses in Chechnya contributes to this persistent climate of impunity.

To date, the European Court of Human Rights has issued 137 judgments on Chechen cases holding Russia responsible for violating the right to life, the ban on torture, and its other fundamental obligations under the European Convention on Human Rights. The existing judgments pertain to the abuses perpetrated by federal servicemen in the early years of the second Chechen war. The Russian Government pays out monetary compensations to the victims, as required by the Court, but fails to hold the actual perpetrators accountable even in those cases where their identity is known, and does not take any measures to prevent similar abuses from re-occurring. As a consequence today, law enforcement and security agencies under President Ramzan Kadyrov's de facto control receive the message that they will not be held accountable for human rights violations they commit. New complaints from Chechnya are lodged with the European Court, increasing its already staggering backlog of cases.

Human Rights Watch has documented the Chechen authorities' use of collective punishment practices against people with suspected rebel ties. Families of active or alleged insurgents are singled out, including in particular as targets for punitive "house-burnings." Human Rights Watch is aware of 30 cases between July 2008 and July 2009 in which houses belonging to particular families have been deliberately targeted and burned apparently by Chechen law-enforcement officers. All the families in question have alleged insurgents, usually sons or nephews, among their close relations. Prior to the actual house-burning, they all came under strong pressure from law enforcement and administration officials to compel their relatives to surrender and were threatened with severe repercussion for failure to do so. No one has been held responsible for any of the house burnings. From mid-summer 2009 to date, Human Rights Watch continued to receive reports of punitive house burnings in Chechnya, with the most recent incident occurring in the town of Shali on March 16, 2010. House burnings represent only one of the punitive measures used against relatives of alleged insurgents.

Chechen security services also use abduction-style detentions. For example, as reported by Memorial Human Rights Center (Memorial), on April 12 this year, Khizir Chichkanov (born 1963) was thrown into a car by unknown servicemen in the town of Sernovodsk. Chichkhanov's kidnappers put a bag over his head and drove him

to a forest where prior to releasing him they interrogated him for several hours asking questions about his son, an alleged rebel fighter. They demanded that he make his son surrender and threatened him with severe repercussions if he failed to do so.

The Chechen government has adopted an open policy of collective punishment. In the past three years high-level Chechen officials, including the president, Ramzan Kadyrov, have been systematically making public statements, including on Chechen television, stressing that insurgents' families should expect to be punished unless they convince their relatives to surrender. In doing so, the officials openly undermined Russian law. Such statements, while falling short of direct instructions to law-enforcement to destroy houses of insurgents' families, encourage lawless punitive actions by police and security personnel. In one striking example of such lawlessness and impunity documented by Human Rights Watch, on July 7, 2009, local law enforcement carried out the extrajudicial execution of a man they had accused of giving a sheep to rebels.

In addition, the number of abductions in Chechnya more than doubled in 2009 compared with the previous year. According to Memorial, 90 people were abducted in Chechnya by law enforcement and security agencies; of these 18 have disappeared (in 2008, Memorial reported 42 abductions and 12 disappearances). Those who were released, sometimes for ransom, refer to being tortured in *incommunicado* detention but dare not make formal complaints for well justified fear for repercussions.

During a field mission in Chechnya in February this year, Human Rights Watch documented four cases of enforced disappearances perpetrated by Chechen security agencies in the second half of 2009. In three of these cases there are strong allegations of involvement of high-level Chechen officials. One of the disappeared, Zarema Gaisanova, a local staff member of the Danish Refugee Council, was taken away by law enforcement servicemen during a special operation in Grozny in October 2009, which according to the Chechen Ministry of Internal Affairs' website was led personally by Ramzan Kadyrov.

Ingushetia

In Ingushetia, the human rights and security situation has significantly worsened since the summer of 2007, which saw a rise of insurgent attacks on public officials,

security and law-enforcement personnel, and civilians. The Russian government's response to these attacks, however, has violated Russian and international law. The counterinsurgency practices wide-spread in Ingushetia involve extra-judicial executions, unlawful, abduction-style detentions, and torture and cruel or inhuman treatment.

Yunus-Bek Evkurov, appointed president of Ingushetia in the autumn of 2008, appeared to be open to a discussion about the human rights situation in the republic. He held numerous meetings with local human rights defenders, protestors against human rights abuses, and relatives of the disappeared. He also created a human rights council to advise him on human rights and invited a number of prominent civic activists to join. In an April 2009 meeting with Human Rights Watch, Evkurov stressed his commitment to ensuring that counter-insurgency operations and measures are carried out in line with Russia's law and international human rights obligations.

In June 2009 Evkurov was the victim of an assassination attempt, and other insurgent attacks on police and civilians in summer 2009 have further destabilized the situation. Evkurov returned to office after several months of medical treatment and continues his attempts to end the insurgency while uphold the rule of law and eliminating corruption in the republic. Though his good will earned him significant support of Ingushetia's residents, Evkurov appears to be unable to stop abduction-style detentions and enforced disappearances by security forces. According to Memorial, 19 people were abducted in 2009, 13 of whom have "disappeared". Notably, while the number of abductions in 2009 was similar to what Memorial reported in 2008, the number of those who disappeared grew dramatically (according to Memorial, out of 22 people that were abducted in 2008: three disappeared but one was put in official custody and 18 were later released, most of whom reported that they have been held in incommunicado detention and ill treated).

Systemic human rights abuses antagonize the local population and play into the hands of the insurgents by serving to further destabilize the situation in the republic.

Dagestan

In Dagestan, the number of abductions, extra-judicial executions, and enforced disappearances in connection with counter-insurgency operations has been on the

rise since 2009. Often the targets of these operations are Salafis, individuals who are strictly observant Muslims.

According to the Memorial, 18 people were abducted by law-enforcement and security agencies and six of them have disappeared. Human Rights Watch is aware of five extra-judicial executions in August 2009 of individuals the government presumes to be involved in the insurgency and five abductions in September 2009 alone. Among them was Nariman Mamedyarov, who in September 2008 was held by authorities in *incommunicado* detention, tortured, and later released. He was abducted again in September 2009; his body with gun-shot wounds was found two weeks after his abduction. Local authorities claimed that he was killed during an armed clash between law-enforcement servicemen and the insurgents. However, there has been no thorough investigation into the circumstances of the killing and official reports are not sufficiently substantiated to be convincing.

During the last week of 2009, Human Rights Watch documented the abduction and disappearance of Magomed Rashidov from the village of Gubden, which is known as home to a large community of strict Muslims. Rashidov was dragged from bed at night and thrown into a car by unknown armed personnel. His mother, Umukusum, tried to intervene with the kidnappers and was hit in the face. Rashidov's two sisters and his sister in law were also ill-treated by the servicemen, who stole some of the family's gold and jewelry. Though Magomed's father, Andurashid Rashidov, immediately informed the police authorities of his son's abduction and described the perpetrators' vehicle, the family is not aware of any tangible efforts to stop the car. To date, Magomed Rashidov's fate and whereabouts remain unknown.

The year 2010 saw new insurgency attacks and new abductions in Dagestan. The appointment of the new president, Magomedsalam Magomedov, this past winter so far has not had an impact on the human rights and security situation on the ground. On March 31, two days after the suicide bombing attack in Moscow, another two explosions took the lives of 11 people and had dozens wounded in the Dagestani town of Kizlyar.

Attacks on Civil Society Activists and Outspoken Victims of Abuse

Those who speak up against lawlessness, human rights abuses and impunity in the North Caucasus are subjected to pressure, receive threats, and even fall victim of attacks and killings.

The year 2009 turned out an unprecedentedly tragic year for Russia's civic society as at least six activists and journalists, whose work was focused on the turbulent North Caucasus region, were brutally murdered. High-level Chechen officials have made threatening statements accusing human rights activists of supporting insurgents, which further underscores the danger to those working for justice in Chechnya, where human rights work has become lethal.

In summer 2009 alone, against the background of increasingly lawless and violent counter-insurgency operations in Chechnya, three local activists were abducted and killed. The shocking murder on July 15 of Natalia Estemirova, a leading human rights defender in the republic who documented abuses by Chechen law-enforcement and security agencies on behalf of Memorial, was followed by harassment and intimidation of several of Memorial's staff-members in Chechnya. Four of them had to be evacuated from the region due to evident danger to their physical security and safety of their families. Less than a month after the killing of Estemirova, on August 10, 2009, Zarema Sadulayeva and her husband, Alik Dzhabrailov, who worked for Save the Generation (an NGO that provides assistance to children affected by conflict in Chechnya), were abducted from their Grozny office and discovered murdered the next day. Local law enforcement and security personnel have been implicated in the abduction and murder of Sadulayeva and Dzhabrailov, and their involvement in Estemirova's murder cannot be excluded.

In Ingushetia, though President Yevkurov is open to contacts with civic activists and appears ready to discuss their concerns, political killings still represent a grave problem. On October 25, 2009, Ingush opposition activist and head of the independent news source Ingushetia.org, Maksharip Aushev, was shot and killed in Nalchik, the capital of the North Caucasus republic of Kabardino-Balkaria, when a passing vehicle sprayed his car with more than 60 bullets. The investigation into this crime is on-going. Aushev was an outspoken critic of abuses committed by the government's security forces. Ingushetia.org's former owner Magomed Yevloyev was shot dead in August 2008, shortly after he was detained by police and placed in a police vehicle, and his family is still waiting for justice.

In Dagestan, human rights activists and independent journalists documenting and publicizing cases of extra-judicial executions, enforced disappearances and torture

have been subjected to harassment and intimidation. For example, in August 2009, an arson attack burned the office of the independent organization the Mothers of Dagestan for Human Rights, a group formed in 2007 by mothers of young men believed to have been forcibly “disappeared.” The group gathers information on abusive counterterrorism practices and provides legal support to victims of rights violations. The fire followed the shooting dead of Abdumalik Akhmedilov—a newspaper editor who had criticized law enforcement officials for suppressing political and religious dissent in their campaign against religious extremism—on August 11 in Makhachkala, the capital of Dagestan. Also, in September 2009, several local activists, journalists and lawyers, including two staff-members of Memorial, received leaflets with explicit death threats.

On January 23, 2010 Prime Minister Vladimir Putin urged authorities in the North Caucasus to “do everything to support the normal work and daily activities of rights-defending organizations” in the region. This is an unprecedented and welcome statement, which reflects consolidated pressure by Russia’s international partners in the wake of the killings I have just described. Unfortunately, it has yielded few tangible results.

In February and March 2010, rights activists in Dagestan, particularly the Mothers of Dagestan for Human Rights continued receiving threats. Also, in Chechnya on February 7, 2010, three members of the Joint Mobile Group of Russian Non Governmental Organizations, a coalition effort established after the killing of Natalia Estemirova to fight impunity in Chechnya, were unlawfully detained by police when investigating a human rights violation case in Shali, a town in southern Chechnya. The activists were held in custody overnight and interrogated. The activists reported that the head of Shali police, Magomed Daudov, personally arranged the detention. While they were in custody, Shali police officers searched their car. A video-recording device was removed from the car, severely damaged, and returned to them in the morning with all information deleted from it. The police also seized the activists’ dictaphone and deleted all their files from it. The activists filed a complaint on the unlawful detention and property damage with the prosecutor’s office. To date, the official investigation into their allegations has not brought satisfactory results. Soon after the detention, Magomed Daudov was promoted to the position of vice-premier for law enforcement and security in Chechnya.

Soon after Prime Minister Putin's statement, Ramzan Kadyrov withdrew libel complaints he had previously filed against Memorial, *Novaya Gazeta*, and the Moscow Helsinki Group. However, apparently disregarding Prime Minister Putin's instruction regarding the need to ensure normal working conditions for human rights defenders, President Kadyrov and other high-level Chechen official continued making threatening and inflammatory statements about their critics. A smear campaign launched by government controlled Chechen media against Memorial on the wake of Estemirova's killing is still on-going.

In April 2010, Human Rights Watch's media monitoring found numerous examples of the Chechen leadership's open hostility toward the work of human rights activists who raise international awareness about human rights abuses in Chechnya. In his televised meeting with several key local officials and also in a televised interview in early April, Ramzan Kadirov said, for example, that "people spreading gossip—so-called provocateurs—have a death wish." He also said,

"People like that are our nation's enemies and they will be punished for each false word they have spread about Chechnya. They are worse than terrorists. I consider them even worse than those who have killed my close relatives. Being abroad should make them feel safe. I swear to you by the name of Allah that no matter their location and position each of them will be punished cruelly. I promise that."

Kadyrov also ordered his staff to closely scrutinize the Internet and identify the names and whereabouts of all activists "spreading negative information" about Chechnya and his governance. These remarks were posted on April 3 on the official website of Kadyrov's administration: www.chechnyatoday.com, though they were removed from the website the same day. Human Rights Watch has a downloaded version on file.

Recent allegations by the Austrian government about Kadyrov highlight the danger that these quotes convey. On April 27, 2010, the Austrian prosecutor's office announced that, following a year-long investigation, the country's federal counterterrorism agency concluded that the Chechen president ordered a kidnapping of a 27-year-old Chechen refugee in Austria. The report said that the refugee, Umar Israilov, had been killed as a result of an alleged botched abduction attempt. In the years prior to his murder, he had stated publicly that he had been

tortured by Kadyrov and had named Kadyrov in a case he had brought before the European Court of Human Rights. According to *The New York Times*, in 2008 Israilov said that "an emissary from Mr. Kadyrov had arranged meetings with him and demanded that he drop his legal complaints and return to Chechnya. The man threatened Mr. Israilov's family." In January 2009, Israilov complained to Austrian police authorities that he was being followed by unknown individuals. Several days later, on January 13, he was shot dead (<http://www.hrw.org/en/news/2009/01/14/austria-bring-killers-chechen-exile-justice>) as he left a grocery store in Vienna.

In August 2008, another alleged victim of torture in Chechnya, Mokhmadalakh Masaev, was abducted in Chechnya (<http://www.hrw.org/en/news/2008/08/05/russia-torture-victim-abducted-chechnya>) several weeks after the publication of an interview in which he described his torture and illegal detention in a secret prison allegedly run by Kadyrov in his home village. To date, Masaev's fate and whereabouts remain unknown.

Conclusions and recommendations

President Medvedev's strong rhetoric on the rule of law represents a window of opportunity for the US government to make impact on the human rights situation in the North Caucasus.

The government of the United States should work together with the European Union to develop a common, meaningful policy on human rights in Russia in order to alleviate the growing crisis in the North Caucasus region.

Speaking in one voice with the EU member states, the US should call on the Russian Government to:

- Condemn, unequivocally, attacks on human rights defenders and journalists, and investigate and prosecute those crimes to the fullest extent of the law;
- Inform the international community, including the EU, on the status of the investigations into the murders of Stanislav Markelov, Natalia Estemirova, Zarema Sadulayeva, and Alik Dzhabrailov and into attacks against NGOs in the region;

- Investigate potential official collusion in recent killings, attacks, and threats against activists in the North Caucasus, and promptly and effectively investigate these crimes and hold perpetrators accountable;
- Ensure effective protection of and foster a favorable climate for human rights workers, civic activists, lawyers, and independent reporters fighting abuses and impunity in the Northern Caucasus.
- Closely examine evidence gathered by the Austrian government which indicates the president of Chechnya, Ramzan Kadyrov, ordered the kidnapping of Umar Israilov, scrutinize Kadyrov's governance record, and co-operate with Austrian authorities seeking justice for Israilov's murder.
- Ensure access to the region for UN special mechanisms, including the Working Group on enforced and involuntary disappearances and the Special Rapporteurs on torture, on extrajudicial, summary and arbitrary executions, and on violence against women in full agreement with the requirements for conducting visits that these procedures' terms or reference set forth;
- Ensure meaningful accountability mechanisms to bring perpetrators of serious abuses to justice and ensure transparency regarding investigations and/or prosecutions undertaken, including their outcome;
- In cases of arrest, ensure that all procedural guidelines are fully observed and family members are provided adequate information on the status and whereabouts of their arrested relatives;
- Immediately stop the practice of extra-judicial executions, enforced disappearances, abduction-style detentions, and other abuses perpetrated by security services, military, and law-enforcement agencies.

For more information, please see the following Human Rights Watch reports:

"What Your Children Do Will Touch Upon You"

<http://www.hrw.org/en/reports/2009/07/02/what-your-children-do-will-touch-upon-you>

"Who Will Tell Me What Happened to My Son?"

<http://www.hrw.org/en/reports/2009/09/28/who-will-tell-me-what-happened-my-son-0>

"As If They Fell From the Sky"

<http://www.hrw.org/en/reports/2008/06/24/if-they-fell-sky>

Please also see Human Rights Watch press releases:

Russia: Act on Findings Implicating Chechnya Leader

<http://www.hrw.org/en/news/2010/04/29/russia-act-findings-implicating-chechnya-leader>

Austria: Bring Killers of Chechen Exile to Justice

<http://www.hrw.org/en/news/2009/01/14/austria-bring-killers-chechen-exile-justice>

Russia: Torture Victim Abducted in Chechnya

<http://www.hrw.org/en/news/2008/08/05/russia-torture-victim-abducted-chechnya>

Russia: Leading Chechnya Rights Activist Murdered

<http://www.hrw.org/en/news/2009/07/15/russia-leading-chechnya-rights-activist-murdered>

Russia: Halt Punitive Attacks in Chechnya

<http://www.hrw.org/en/news/2009/07/13/russia-halt-punitive-attacks-chechnya>

Russia: Investigate Dagestan Arson Attack

<http://www.hrw.org/en/news/2009/08/20/russia-investigate-dagestan-arson-attack>

Russia: Ensure Independent Inquiry Into Activists' Killings

<http://www.hrw.org/en/news/2009/08/11/russia-ensure-independent-inquiry-activists-killings>