

CAUCASUS FOUNDATION REPORT-4

ENDLESS GENOCIDE AT CAUCASUS
AND
CHECHEN TRAGEDY

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CHAPTER I

ENDLESS EXILE AND GENOCIDE

Despite the endless exile and several genocide cases they were subjected to, in the field of International Law where basic human rights are guaranteed, the rights of the Northern Caucasians have not been a case of pursuit yet.

The 1864 exile and genocide recorded by the Ottomans and the British officials at the time is not just an unlucky event that has remained to be forgotten in the dusty archives of history, but a fault the repercussions of which are still being observed in the present day Caucasus.

The results of the plight of the 1864 looks as if it has been inherited by the grandchildren of the victims, moreover new exiles have been added to the destiny of these people and the sorrows which have never ended have been aggravated.

Ethnic cleansing that was started in the Northern Caucasus by the Russians of the Tsar period following their defeat between 1859–1864 with a big dislocation has turned out to be a case to be defined as genocide in the realm of international law.

The Tsar's Russia in the 19th century, the USSR in the 20th century, and now the Russian Federation have made it the fate of the north Caucasians to be exiled.

As a result of the settlement policy of the Russians in the North Caucasus, over one million Caucasians have been displaced in 1864.

Thousands have died on their cruise to the Ottoman lands, several ships full of exiled people have sank, thousand have got diseases; and many have become slaves and concubines. The land and other properties they left behind were given to the new settlers brought to their land, who were Russians and Cossacks brought their by the Russian authorities.

There are records that about 30% of the people deported from the ports on the Black Sea such as Taman, Tuapse, Anapa, Tsemmez, Sochi, Adler, Sohum, Poti and Batum and destined to reach the Ottoman port cities of Trabzon, Ordu, Samsun, Sinop, Kefken, Varna, Köstence, Istanbul and the Aegean ports died on their way to these destinations.

For example, the Russia Consulate in Trabzon, one of the destination ports records in May 1864 that, 30, 000 people died of starvation or illnesses, people who got ill on board were dropped into the sea right away... and that one man in Trabzon where 3493, 124 people landed, was told to have taken 30 or 40 concubines. There are records that mass graves were found around these Ottoman shore cities. ¹

At those times the Russian Consulate in Trabzon, writes to the Russian general Katrachev who was in charge of the deportation to state that "70,000 thousand people have arrived in Batum to be sent to Turkey, around 7 die per day. On reaching Trabzon, 19,000 out of 24,700 died. There are 63,900 people there and about 180-250 of them die per day. Out of the 110,000 in Samsun about 200 die every day. I heard that out of those 4650 who were sent to Trabzon, Varna and Istanbul about 40-60 die per day."²

To avoid accusations of exile the Russian authorities try to present the case as migration. However, the decree sent to the Western Caucasians in August 1864 by the Tsar's representative in the area Granduke Mitchel why these people have had to face death, it reads: Those who do not leave in a month will be sent and located in several different parts of Russia as war captives."³

The dislocated Caucasian people were later settled in Turkey, Syria, Jordan, Egypt, Israel, Iraq, Lebanon, Libya, Greece, Macedonia and Kosovo in brief in about 40 different regions in the world.

¹ "Papers Respecting the Settlement of Circassian Emigrants in Turkey", London Printed by Harrison and Sons.

² Ibid

³ Berkok, General Ismail, *Caucasus in History* (1958), Istanbul Press, p. 526

Russian, European and Ottoman records mention that between 1,2 million to 2 million people exiled during 1859 and 1879 years. About 500,000 people died during their cruise and after arriving to the Ottoman harbours.⁴

Those exiled were never let to go back to their homeland. Very few of their grand children who went to their home after the collapse of the USSR have had no authorities to turn to or any official will to claim their grandparent's heritage.

The Decree of the Eradication of a Nation

Before the people of the North Caucasus had even recovered from 1846 exile, the remaining Caucasian populations were subjected to mass genocide by the orders of Joseph Stalin in 1943-1944. They had on no basis been accused of collaborating with the Germans during World War II. On 22nd February 1944 the Chechen and Ingush people who were invited to join the celebrations of the 26th anniversary of the Red Army found themselves exiled to Siberia.

Similarly, the Karachais on 2nd November 1944 and the Balkars on 8th March 1944 were sent to Siberia and Kazakhstan. Among the exiled people were the Crimean Tatars and the Meskhetian Turks. Soviet Union has carried out the operations in secrecy and the public only read about these events as a little incident mentioned in "Izvetsia" two years later on 26th June 1946.

People were allowed to take only 20 kilos of luggage with them and all their belongings, properties, land, houses and such were confiscated. The biggest disaster took place on the way to their destinations. 20% died because of weather conditions and starvation. Where they were settled they were not any luckier, because of hard work and life conditions many of them died. The estimated number of the loss of the Chechen and Ingush populations is about 38%.

On 9 January 1957 the High Soviet Union Assembly permitted the exiled Chechens and Ingush people to return to their homeland. The paper Groznenskiy Rabochiy wrote the number of people returning home as 200,000.⁵ However, according to the records of four years before that in the newly founded Chechen-Ingush Autonomous Soviet Republic the population was 488,000, and after the exile according to 1959 records the whole population of the Chechen-Ingush was 311,200.⁶

Haybah Genocide

While all the villages in Chechen-Ingush Autonomous Soviet Republic were subjected to exile, the areas where it was difficult to evacuate people became victims of genocides. Haybah Genocide is an example of such a case. Ex-assistant minister of Justice of Chechen-Ingush Autonomous Soviet Republic has witnessed and stated the following: "The Chechens and the Ingush in other parts of the country were being evacuated and exiled, but it was impossible to carry the people here in this area. People gathered from nearby villages were made to start walking. They were told that the elderly, the ill and the weak ones left in the villages were going to be carried by helicopters later. Some young girls, women and children stayed with them. The number was about 650 - 700. On 27th February 1944 at 9:00, they were brought together in a large cowshed, were locked in and the place was set fire to. When some attempt to escape Gvishini ordered: Fire!! And those who tried to escape were shot to death. The others were killed burning."⁷

At the 20th congress of the Communist Party, Khrushchev confessed that the Karachai, Balkar and Kalmik people were subjected to torture. The Chechen-Ingush Autonomous Soviet Republic was decided to be re-established on 24th November 1956 by the Communist Party Central Committee. The Chechen-Ingush Autonomous Soviet Republic was abolished and its land was divided between Georgia, Dagestan and North Ossetia on 7th March 1944. When the Chechen-Ingush Autonomous Soviet Republic was established again the border areas between

⁴ Kemal Karpat, The Status of the Muslim under European Rule: The Eviction and Settlement of the Cerkas, Journal of the Institute Minority Affairs, Vol.1, No:2.

⁵ Kutlu, Tarik Cemal, Total Exile of Chechens and the Ingush to Siberian Inland, (*in Turkish*) http://www.kafkas.org.tr/TARIH/cecen_inguslarin_butunuyle_sibirya_icerine_surgunu_.html

⁶ RGIA F.571 Narrated by Kabuzan V.M, Naseleniye Severnogo Kavkaza v XIX - XX vekah St. Petersburg 1996. Page 145

⁷ Uciyev (Utsiyev), Abu. "Xhaybax, Xatn' sanna..."Daymoxk gazete, Grozny 30 Avgust 1991; İsmailov ,Abu. "Vayna diclurdac Xhaybaxan qhiemat de", Daymoxk, Grozny 22 fevral 1992. Narrated by Tarik Cemal Kutlu, Another example of the Jenocide: Xhaybax (Massagre -February 1944), (*in Turkish*) http://www.kafkas.org.tr/TARIH/genosidin_bir_baska_ornegi_.html

them and the above mentioned counties were not given back to them but Kargalin, Naur and Shelkov were connected to this new republic.

Crimean and Meskhetian Turks Exile

Another people subjected to exile were the Crimean Tatars. The Exile rampage that started on 18th May 1944 ended in removing 220,000 Crimeans from their land. The NKVD, intelligence service of the Soviets at the time before the KGB, explained that the number of the exiled people were 191,044. 425 of the people packed onto wagons to be sent to Far East in Mid Asia died of starvation, hard conditions and ill treatment. The exile life was longer for the Crimeans than the Chechens. They had to wait until 1980s to be allowed to come back home. When they were back they faced another tragic scene. All their properties, homes, work places even their worship places were given to Russians and Ukrainians, some mosques were converted into stables, cowsheds or warehouses. As all the operations of the Great Soviet Supreme in 1944 were declared "illegal and criminal" in November 1989, some 250,000 Crimean Tatars managed to return home, but those who could not have new obstructions set up in front of them.

The biggest sorrow the Meskhetians people had to live was their inability to return to their motherland. Presently, the grand children of these people live in Krasnodar Kray (Russian Federation), Uzbekistan, Kazakhstan, Turkey, Ukraine, Germany, France and Italy. Those living in Uzbekistan, following the provoked events of Fergana in 1989 noted now in history as "Fergana Events" were again set off. Those who left Uzbekistan were given temporary accommodation in Krasnodar and Ukraine. Their main problem is not having the citizenship of any state. Recently, in Turkey with a new law those living in Turkey were granted Turkish citizenship. The exile ethnicity that was never able to return to their home was the Meskhetians.

While being accepted to the Council of Europe, Georgia had promised to give these people's being returned to their motherland but has not fulfilled that pledge yet.

Karachai-Balkar Exile

On 2nd November 1943 the Karachai Autonomous Region was evacuated by Russian NKVD soldiers with two hours' time. Those who resisted were killed and houses were set fire to. Early in the morning just as it had happened to the Chechens 63,333 people 32,929 of whom were children were put into livestock wagons to be sent to the desert areas of Kazakstan, Uzbekistan and Kyrgyzstan. That is, a nation was sentenced to death. The Karachai and the Balkar people had to face the same fate on 8th March 1944.

Brutality in the middle of Europe

The 1943- 1944 event in Caucasus has a counterpart in Europe which has been ignored. Britain and the USA have big responsibilities in this event which should have been recorded as the Drau Tragedy in history. The Caucasians who left their land with the Germans voluntarily to flee the conditions there or were taken as war captives were decided to be returned to Caucasus. These people were going to be delivered to the hands of Russia when the great disaster took place. Those people were settled in Italy in Paluzza high mountainous areas. A few days before the end of the war, they were drawn towards Austria, Carinthia, Ober Drauburg region, in the valley of the Drau River. At Yalta, Russia, Britain and America had agreed that the area, which was accepted, as the British invasion land would be evacuated and these people would be handed to the Russians. This meant another disaster for the people who had fled the oppression of death shedding Stalin. They begged to be given a permission at least to go to the Ottoman lands and that time a door was opened to do this, however, this demand was totally ignored. The order sent from London On 28th May 1945 said the refugees would be "delivered to the Soviet authorities". They were first disarmed and then tricked to be left in the hands on the Russians. Those who did not want to get on the trucks were run over by British army tanks. Most of the people here were women, children and old people. Some jumped into the river with their children in their arms rather than being given to the Russians. As a result of the efforts of European Society of Islam a monument was erected in the village Irschen in 1960 in the memory of these people. There inscribed in German reads "Here on 28

May 1945, 7000 North Caucasians were handed in to the Russians and made victims of their faith in Islam and the ideal of the freedom of their country".⁸

The Continuing Effects of the Exile

Exile and genocide that was made to be the destiny of the Caucasians recurred in 1994 – 1995 in Chechnya.

The people of the Caucasus who were settled in other countries claim that their rights be defined according to basic human rights criteria and interpreted according to the rules of international law. It grabs attention that the Caucasian Exile, one of the biggest tragedies of the world history remains beyond the definitions and boundaries of basic human rights definitions and applications.

International institutions watching and granting human rights have not been in action in specifying the culprits and claiming justification about the victims' rights in the case of the Caucasians.

The 1999 events and the displacement of 500,000 Chechens reveal once again that the destiny of the Caucasian people is recurring. Unless Russia, who resists being part of the international law systems, arrives on its imperialistic policies in the region, this destiny seems to be impossible to eradicate.

Russia's imperialistic interests are not confined to their vicinity only. The Russian Federation, together with a legacy of 100 years, has displayed imperialistic aims in connection with the other Caucasian Republic that are part of its land area but have never posed any kind of threat to the unity of the Russian Federation even after the collapse of the Soviet Union. On the contrary the oppression exhibited in the area does not allow the people here to be able to forget the agonies of 1864. In the area as if it doubts its sovereignty, Russia is exercising oppression.

As conclusion;

Without having the chance and time to recover from the 1944 exile, the Caucasians have had to face new phases of exile. As a result of the exile and being away from their homeland the Caucasians in the Diaspora are losing their language and culture. Is there any possibility that the definition of "the basic rights and freedoms" of human being can be used as a reference to stop the loss. Unless the rights of the people whose ancestors were dislocated, are covered by this definition, there in no way the present political systems will grant them their rights.

The events that had taken place before the fundamental rights were defined and were guaranteed by international laws still need to be defined in these terms as the descendants of such people are still suffering from the results of these events, and there is need for newly defined international human rights concepts concerning such cases, and a powerful system to put these definitions into action.

⁸ Sources about the Drau Tragedy: Ramazan Musa, The Memories of a Migrant and Aslanbeg Mahmut, The Disaster of the Karachai Turks. Also R. Musa was one of the witnesses of this tragedy at that time.

CHAPTER 2

IT IS A MATTER OF LIFE AND DEATH: CHECHNYA

The historical span to destroy Chechnya

The abolition of the USSR Constitution in year 1991 resulted with The Independence of The Chechen Republic of Ichkeria along with the Baltic States and Georgia, Azerbaijan and Armenia.

Declaration of independence followed the presidential elections in Chechnya under the international observation from 42 states and a democratic government is elected.

Dissolution of USSR brought international recognition to newly independent states but Chechnya was exception to *'de Jure'* recognition out of political considerations. Chechnya has refused the union with The Russian Federation on 31 March 1992 and have stayed out of the referendum to Russian Federal Constitution and Russian Parliamentary Elections on 12 December 1993. The hesitating Tatarstan later had joined The Russian Federation on 13 March 1994 forming State Duma and parliamentary elections.

Chechen President Aslan Maskhadov and Russian general Alexander Lebed signed the 31 August 1996 Khasavyurt Agreement and projected to solve the problems between Chechnya and Russia until 31 December 2001. This Khasavyurt Agreement had avoided to recognize the status of Chechnya. And the Russian military invasion of Chechnya in winter 1999 has violated The Khasavyurt Agreement. Russian official wording says that the question is not the status of Chechnya but it is a terrorism politics of The Russian Federation.

Fact Over The Status

Perception of Chechnya as an internal matter of The Russian Federation leads to diminish the responsibility of those who commits genocidal crimes against humanity in The Chechen Republic of Ichkeria.

The Chechen side of the conflict regards the signed agreements of year 1997 between Boris Yeltsin and Aslan Maskhadov as proof of recognition of Chechnya as an independent state. The text of the Agreement says *'Dogovor'* (Treaty). Whereas, Russian Federation uses *'Dogovoryonnost'* (Compact) or *'Soglashenie'* (Accord) in its federal agreements. This wording has been perceived as the Russian recognition of Chechnya as an independent state.

In practice, "compact and accord" are used in texts of a Federal State. The international Law teacher Prof. Francis Boyle have said that writing the word "Treaty," Russia have recognized the status of Chechnya as an independent state but not an internal matter.⁹

Prof. Boyle indicates that "This Agreement's wording is 'The Chechen Republic of Ichkeria' and 'Agreement on bilateral relations' all indicates that two sovereign states have signed this agreement. The rational is that federal structure's relations are tuned per constitution and would not require international treaty. In nowhere of The Agreement between Russia and Chechnya is any reference to the Russian Federal Constitution. Russia as a part of the international community is required to observe the international law and can sign a treaty with only an independent state.

Second article of The Agreement is a clear proof of independence of Chechnya, which says, "Bilateral relations will be constructed per principles and rules of the international law." And this wording clearly indicates that international law is applicable to only independent states.¹⁰

It also must be remembered that Yeltsin and Maskhadov have signed The Agreement as fully authorized representatives of their respective countries.

⁹ By Francis Boyle, 17 September 1997, Independent Chechnya: Treaty of peace with Russia of 12 May 1997, <http://www.hartford-hwp.com/archives/63/082.html>

¹⁰ Ibid

Francis Boyle remarks that the signing of The Khasavyurt Agreement have opened the way to all other states to recognize Chechnya as an independent state.

Current Russian President Vladimir Putin has admitted himself by saying "In 1996 Russia withdrew all its military and law enforcement forces from the territory of Chechnya. Thus de facto, if not de jure, we granted independence to Chechnya. So nobody can accuse us of suppressing the desire of the Chechen people for independence. Once already we have given them such an opportunity."¹¹

Putin, by these statements not only acknowledges the independence of Chechnya, but he also confirms that the right of independence of the Chechens are forcefully grabbed by the Russian forces.

THE FIRST RUSSO-CHECHEN WAR AND GENOCIDE

The First Russo-Chechen War in 1994-1996 have tolled the lives of 120 thousand of the one million Chechen population. The Association of Concentration Camp Victims of Chechnya have registered 25 thousand tortured Chechens in these camps and another 17 thousand Chechens have lost their lives after being tortured in these Russian concentration camps.¹²

Chechen People had another blow of misfortune by the Second War with Russia by 5 September 1999. Terror perpetrations on 31 August and 9 and 13 September 1999 in Moscow and 4 September 1999 in Buynaksk-Dagestan and 16 September 1999 in Volgadonsk are used as a pretext to invade the sovereign state of Chechnya. Russia was never able to demonstrate the perpetrators of these terror activities. Russian Secret Service FSB is accused as the perpetrator of these terror activities. And Russia still continues to court them behind the closed doors to the press services of the media.¹³

Grozny: The Second Stalingrad

The Russian attacks and bombardment in the First Russo-Chechen War was a historic milestone to indicate the scale of Russian militarism: 4,000 bomb blasts have rocked the earth of Chechnya per hour in January 1994. When compared to Bosnia-Herzegovina the number of blasts per hour was only 800 in Bosnia-Herzegovina.¹⁴

Russian militarism have attacked on the civilian population of Grozny and surroundings on the date 6 January 1995 and have killed non-combatant civilian population. OSCE have reported that the war in Grozny and surroundings is the like of Stalingrad during the Second World War.

SECOND CHECHEN WAR AND RUSSIAN GENOCIDAL ACTIVITIES

Material damage and Russia's undertakings

Russian engagement for reconstruction for its 1996 and 1997 undertakings were never realized and Russian active terror policy have devastated this small republic of 16 thousand square kilometers and have intentionally formed a vacuum of instability to continue its criminal activities.

Russian devastation have continued with the 1999 war and more than 50,000 Chechen houses are destroyed by the Russian bombardment. 270 out of 424 Chechen villages are completely destroyed and unsuitable for habitation. 68 of the villages are partially destroyed. 14 out of the 23 cities are devastated.

¹¹ Putin interviewed by Financial Times London 15 December 2001.

¹² These figures are provided by Vaha Bancayev, Head of The Association Victims of Chechnya Filtration Camps

¹³ "The Russian media magnate Boris Berezovsky accused Russian special services of a series of apartment-block bombings in 1999 to justify a crackdown on Chechnya that led to the election of Vladimir Putin as President.

Mr Berezovsky, speaking at a news conference in London, produced what he said was "real proof" of the claim, and called for the European Union to investigate the September 1999 bombings that left 300 dead.

Berezovsky said that while there was no evidence that Putin himself had given the order for the 1999 terrorist attacks, he was guilty of failing to prevent them or being "passive". Putin was head of the domestic successor of the KGB, the FSB, from 1998 until August 1999, when he became Boris Yeltsin's Prime Minister." Putin opponent urges inquiry into bombings, By Anne Penketh and Patrick Cockburn.

06 March 2002, <http://news.independent.co.uk/world/russia/story.jsp?story=271340>

¹⁴ International Reactions to Massive Human Rights violations: The case of Chechnia, Svante E. Cornell, Europe-Asia Studies Vol.51, No:1, 1999, p. 100

Land Mines

Land mines in Chechnya is not a present threat but is a future threat as well. Russian Internal Ministry Administrator Sergei Aranin has declared on 09 January 2001 that "We planted more than 500 thousand land mines in Chechnya."¹⁵

Toy shaped land mines have killed and handicapped so many children that it's number is dreadful to pronounce. Vaha Bancayev of The Association of Concentration Camp Victims of Chechnya informs that 2,300 children are handicapped by mine blasts in year 2000. There is no definite figure available for years 2001 and 2002.

Dr. Umar Khambiev, Minister of Health in ChRI, says on this issue: "The most brutal and immoral are disguised mines, which have been invented for paralysis of children. In Chechen Republic many cases of application of similar mines have been marked. In our hospital, we nursed one child from Bachi-jurt, who lost a hand, having picked up a mine in the form of a toy, and other teenager from Tsatsan-Yurt has found the same sorts of alarm clock."¹⁶

Excessive Use of Force and Destruction of Civilian Population

Russia has violated The European Conventional Forces Agreement by actively invading The Sovereign State of Chechnya and has moved huge military elements without prior notification.

Carpet bombardment of the elistanji village: On October 9-13, representatives of "Memorial" interrogated Chechens in refugee camps of Ingushetia. In the five stories written down in four different camps, the refugees (including Gunaeva Irana, MAGOMADOV Daud, IMURZAYEV Zayndi) spoke about the bombardment of the Elistanji village on October 7, which resulted in the death of more than 30 villagers.

D. MAGOMADOV was in Elistanji at the funeral of his niece Imani MUSAEVA killed during the bombardment, 18 years old, at the 6th month of pregnancy. According to his words, three streets near the school were ruined in the village.¹⁷

The "Memorial" representative A.D. MIRONOV was in Chechnia on October 9-12. On visiting the mountain village of Elistanji, A.D. Mironov pointed out a zone of throughout destructions (300x800m). According to the local inhabitants, the destructions appeared on October 7 about 12 a.m. as the result of a bombardment from a great height. A characteristic feature of the destructions is the mutual overlapping of zones of destruction by different kinds of ammunition. Thus, the carpet bombardment has taken place.

34 of those killed are buried in the Elistanji cemetery; according to the list made on the base of the inhabitants' evidence, they are mainly women and children. Besides, the bodies of refugees from other villages who had escaped to Elistanji and had been killed there (their number has not been determined) were taken away by the relatives to be buried in the family cemeteries.

At the hospitals of the cities of Shali and Grozny, the "memorial" representative interviewed the wounded from Elistanji (about 20 people). Only one of them was an adult man, others were women and children.¹⁸

Chemical Weapons

International agreements have prohibited the use of chemical weapons and the Russian militarism have used many prohibited weapons in Chechnya. These poisonous weapons have devastated the land and made it uncultivable and intentionally have harmed the forests by massacring the environment. Russian militarism have aimed to annihilate The Chechen Nation by depriving them from cultivation for food. And the remaining land is full of poison and unsuitable for habitation.

Dr. Umar Khambiev, Minister of Health in ChRI, states about the bombs under pressure or airless environment vacuum bombs:

¹⁵ http://www.kafkas.org.tr/ajans/chechen_refugee_question.htm

¹⁶ Consequences of application of special arms by Russian aggressors, Dr. Umar Khambiev, Minister of Health in ChRI, Agency Caucasus, 31.03.2001, (*in Turkish*)
<http://www.kafkas.org.tr/english/ajans/31.03.2001%20Consequences%20of%20application%20.htm>

¹⁷ The non-selective use of force by the federal troops in the course of the armed conflict in Chechnya in September - October 1999, <http://www.memo.ru/eng/memhrc/texts/bom.shtml>

¹⁸ Ibid

"These were widely applied outside of territory of Grozny, mainly underground. Now they are used in mountain areas in South of Chechen Republic. The damage put to organism by these bombs has different features. The victims struck in zone of perimeter of explosion, die within 8-10 hours from strong intoxication. The death comes from decomposition of vital bodies as a result of destructions at cellular level. Cells emit toxins into the blood and thus results in general poisoning of organism. Insufficiency of functions of the vital bodies results in fatal outcome."¹⁹

Khanbiev further informs that, in spite of the prohibition of the Geneva Convention, ball and needle bombs and shells have been used in Chechnya by Russians. It was used as frequent as using a Kalashnikoff rifle.

"They are conceived so that to kill slowly, and result in terrible consequences for the person. The question is bombs and shells which blow up in air, liberating millions smallest needles and metal balls. Traumas are small, but quite distinct. Happens so, that victims of such wounds with needles do not notice the condition within several days. Many victims, operated even at an initial stage of victims, as it is potentially fatal creating dangerous complications, did not survive. Percentage of death rate as a result of paralysis from such kind of weapon in our hospitals has exceeded 30 %. Ball bombs were applied very widely."²⁰

Grad, Smerch, Uragan, Skelet weapons usage were:

"These kinds of weapon in dense populated places result in plenty of victims. There is no such region in Chechen territory, where these weapons were not applied. Recently "Skelet" are more often used. We are talking about shells with a length of more than 2 meters, which are stuck in the ground and fire in 500-600 meters of space, spread huge amount of splinters (in the form small metal squares extraordinary sharp on edges) in all directions within 4-5 minutes. "The pipe" remains on the spot as a skeleton. In its internal surface, there appear set of apertures through which salvo fire is conducted. The victims, who have appeared in zone of perimeter of action, are struck with a set of wounds. Death rate reaches practically 100 %. From 46 victims of the "skeleton", brought to us in hospital, we managed to rescue only one person."²¹

These weapons used against the civilian population namely poison gas bombs have effected the nervous system of human beings and resulted with paralysis.

Umar Khambiev: "At the end of July and in beginning of August, 2000, bombs and shells filled by poison gases, were launched in Chechen Republic on three directions: in area of Starie Atagi, in vicinities of settlement Vedeno and in settlement Tsentoroj, in district of Nozhaj-Yurt, in the South of Republic. I personally examined and treated victims from Vedeno and Tsentoroj. Wide publicity has got only one case found in area Starie Atagi."²²

"July 27, 2000 in hospital Benoj, where I carried out survey at that time, two persons were brought in unconsciousness. The question was about two inhabitants 17 and 28 years old of village Vedeno. According to persons accompanying them, one of them has asked, that he should be taken to hospital, the single medical institution working in those days in district. When he arrived there, where there was his comrade, there have already died 4 persons. According to descriptions of accompanying fellow, the mouths of dead people were filled with mix of saliva and blood, and their faces had cyanotic shade as if they have been strangled.

In half an hour, two more persons started to suffer from headache and to rave. Those who accompanied them, have told us, that victims became unbalanced and lost consciousness on road to hospital. The data of survey of patients: Inhabitant of Vedeno, 17 years old, in unconsciousness. He is very pale, his pupils are expanded, with muscular spasms, expressed tachycardia, increased arterial pressure, and stains from 2 up to 6 centimetres on extremes and on trunk. His breathing accelerated (till 50-60 respiratory movements per minute).

Plentiful salivation. Neither wounds, nor contusions were seen on body. The same concerns patient from Vedeno, 28 years old. Three days after when our wounded still were in unconsciousness, six more people from Tsenteroi in a coma with identical symptoms were brought to hospital.

¹⁹ Consequences of application of special arms by Russian aggressors, Dr. Umar Khambiev, Agency Caucasus, 31.03.2001,

²⁰ Ibid

²¹ Ibid

²² Ibid

According to accompanied person, who have brought them directly from fields where they worked. Three young people, who accompanied them, have told, that they were together with them, but we went to village to have meal. Returning after two hours, they found them in critical condition. All of them suffered from headache, shouted and, according to the description of accompanied one, behaved "as lunatics". They yelled from pains in head, roared, showed with fingers' gestures what tormented them; were possessed by hallucinations, cried, then laughed. And it is curious that symptoms in accuracy are the same, as at victims from Vedeno.

It became obvious - the question was not of an infectious disease, as some physicians could assume but poisoning without any clear poisonous substance. Later, in conversation with the young people, whom I found in the field, I came to the conclusion that poisoning spread when wood thicket located nearby was subjected to bombardment and artillery bombardment in the morning. When I asked them that what could be the reason after poisoning influence on them, they have answered, what they already thought of it, however guessed.

Five more persons were brought to hospital with similar condition. They are inhabitants Tsenteroj, at that time they were nearby to a zone, which had undergone bombardment. The medical personnel did not know that what is necessary to undertake. These 8 persons behaved in an incomprehensible manner. In any 10 or 15 minutes, extreme excitation was replaced by condition of stupor, and at last they lost consciousness. Then we began to apply to all patient therapy of desintoxication.

Characteristic symptoms for all patients: headaches, as if brains are broken off on part, pain in stomach, indisposition in all body, faintness, sensation of heat, extreme pallor, cold sweat, quickly arising and disappearing of stain on skin of extremities and trunk, spasms of obverse muscles, increased secretion of saliva, expanded pupils, tachycardia, accelerated pulse (140-150 impacts per minute), unstable arterial pressure (from 180-160/120-100 mm up to 80-60/40-30 mm), rapidity of breath, changing breathing sounds. The next day died two more victims, who were present near to site of bombardment and firing. Symptoms were the same, but less clearly expressed.

All those, who were brought to hospital, could survive. During treatment, doctors came across with ethical problems. All the victims were at ages of 17 to 30 year. It was much more difficult for their relatives to bring them to hospital, risking their own lives. The relatives refused to offer help because they knew that army divisions are blocking all roads. They said, that they preferred to die than to be captured by invaders, fearing never to discover any more bodies of their relatives. I contacted some of toxicologist through intermediaries in Daghestan and Ingushetia but it could help. Within two weeks we carried out intensive desintoxications, which eventually has resulted in positive results. As soon as there appeared improvement in situation, relatives have taken out them from hospital, not sure in favourable outcome as were afraid of the next sortie on part of militaries.

All were surprised with absence of movement of armoured vehicles of the armies remaining in the former locations. When I understood, that there was an application of bombs and the shells filled with poison gases, the reason of three-week respite arranged by soldiers became clear to me. Some days before, approximately July 25, soldiers have suddenly left places of known events, military posts were removed that has caused hearings about withdrawal of all armies from Chechen Republic. Constant habitual movements of tank divisions are stopped, down to August 20.

Probably they were sent to reliable place. It means that many officers from army divisions of the specific area were informed on application of these kinds of weapon. Knowing that some of us communicated with officers, I have asked, whether admitted though somebody that actually what has taken place in wood. One of them has told me: "On the eve of these events, when I passed through a post(Russian road and transport control), one of my familiar officer warned me that my people should remain at home and let them not come nearer to wood. That I did not pay much attention to his words as these places were exposed to bombardments each day, and people there anyhow were afraid to come nearer."

No doubt that many officers knew that has taken place, and I hope that there will be even one fair officer, who will open the truth and will give a testimony. In settlement Starie Atagi, appearance of poisonings have attributed to any vests, which have been found out in cemetery, water in which people bathed, these are only the words of propagation much tried by Russians. To cover up traces resulted in the most fantastic explanations. At interpretation of the cases given by us, attempts were carried out to accuse of indispositions of bad food in spite of the fact that victims were delivered from different places and in different periods.

I was and I remain firmly convinced: three incidents which have entailed behind so disastrous consequences (in Vedeno, it struck 6 person, 3 persons were lost, in Tsenteroi 18 victims, 2 were lost, in Starie Atagi 15 victims, 6 were lost, that is out of 32 victims only 12 were lost), form parts of one circuit, and that during 3 days of bombs and shells filled with poison gases of nervous - paralytic action, were applied in various districts. I think that international community should not remain indifferent. It is necessary to demand for conducting of an independent expert appraisal on revealing the use of similar types of arms and other kinds of weapon. On their suggestion, we, on our part, are ready to provide patients and testimony."²³

Military force of a super power has now concentrated to this small North Caucasian Republic. Missile bombardments to Grozny on 21 November 1999 have killed 137 civilians. Maternity house and a mosque was the target. 13 mothers and 15 babies are killed at the maternity house and 41 civilians were dead at mosque. 400 civilians were wounded. It was 11 December 1999 when the order was issued to evacuate the city of Grozny. About 40 thousand people were unable to evacuate and thousands of them were dead after the Russian military poured bombs over them. It was 9 January 2000 at the city of Shali when a Russian military tactical missile hit over the elderly Chechens waiting in queue to get their pension: more than 150 Chechens killed. What mentioned here is in coverage of article 2 of Additional Protocol II to the Geneva Conventions, mass violations.²⁴

Filtration Camps And Dead End Judicial System

Human rights violations and heavy violation of international law about war is a routine in Russia invaded Chechnya. Concentration camps in Urus Martan, Chernokozovo, PAP1, PAP5, Doykar-Oyl, Khan-Kala, Naur and Mozdok are the Russian crime centers where the innocent civilians are butchered. There is no way to search for crime evidence and whatever is available is get lost by the Russian military criminals. Judicial system in Chechnya is dead. The Chechen Administration have concentrated all of its efforts to resist against the invasion of Russian militarism and has no chance to trace the human rights violations against its citizens. It is too much optimism to expect any manners from the Russian military invaders of Chechnya. European Council draws attentions to the gap between the committed Russian military crimes and those reach to the attention of judicial system.

Russian Federation Prosecutor General have stated to European Council on 7 September 2001 that they have handled 393 violation cases against the civilian population of Chechnya. 100 of these cases were handled by military prosecutors and the remaining 293 cases were handled by regional prosecutors. 31 of the cases were approved by the military prosecutors and forwarded for trial. Regional prosecutors have only decided on 9 cases and forwarded them for trial. The case of Colonel Budonov was an exceptional show case to term him for 11 years. The objective was to save him with less term as possible. Other cases of homicide and violence have only termed very minimal punishment.²⁵

10 out of 20 regional courts are open for trial in Chechnya. Conditions of war do not bring justice but rather more victimize the already victimized people. Russian military check points at every junction and extraordinary unsafe conditions do not permit the victims to reach the judicial system. Another important point is that if the crime-committer soldier's military service has ended, then the case against him becomes impossible. Say the NGO MEMORIAL sues a federal employee or soldier, the laws gives 6 months time to court. The sued person leaves Chechnya within that period and that automatically drops the case.

OSCE Assistance has arrived at North Chechnya after a lapse of some years on 15 June 2001. This group is guarded by GUIN, special forces of Russian Interior Ministry. Thus their movement in Chechnya is limited and they reached Grozny for once only. They were warned not to go to the South of Chechnya by Russian authorities. The local people cannot reach them and the Chechen population are not convinced with OSCE Group's good intentions and their power of discretion as this group was accompanied by a detachment of federal special forces.

²³ Ibid

²⁴ Mass Violations of Human Rights During the Armed Conflict in the Chechen Republic, O. G. TRUSEVICH

²⁵ Forgotten Terror, Chechnya October 2001, The Norwegian Helsinki Committee, p.8, <http://www.nhc.no/engelsk/reports/country/01chechnya.html>

The Refugee Situation

Half of the population of Chechnya have become refugees. Human rights and international agreements mean nothing to the Russian militarism. From point of human rights law and from humanitarian point, the case of the refugees is very serious.

Moscow based leading Human Rights Organization MEMORIAL, interviewing Chechen refugees in Ingushetia, had disclosed why the people leave their homes and lands. The refugees told that they left their homelands in order to save their lives after heavy bombardments caused so many human lost.

MEMORIAL: "We have collected dozens of stories, but here we shall give only three episodes. Each of them is confirmed by several refugee stories in different camps.

On September 27 in the Staraya Sunja village, a suburb of Grozny, 4 attack planes delivered a missile and bomb blow at a block of flats. Two houses were destroyed, four were badly damaged. In the cellar of a garage, Batukayev street 6, at least 6 people were killed: The TEMIRSULTANOV family - Ramzan, aged 34, his mother Taus, aged 62, his daughter, aged 5 and their acquaintance, Hadjichanova (ALIEVA) Liza, aged 21, a pregnant woman with two children, aged 3 and 1,5. In the neighbouring house UMCHAEV Abdul was killed, aged 48. About 50 people got wounds of different heaviness. This is reported by 5 refugees.

In Grozny in the late September and early October, the federal aviation for several days tried to destroy the TV tower. As the result of numerous hitting 18 people were killed near the "56th area", among the wounded there were at least 10 children aged below seven. This is reported by 6 refugees...

On October 2-3, none of those objects suffered from bombardments. School #7 not far from one of them, was destroyed; the teacher Zakriev Said'Hassan who was in school at that time was killed. On October 6, in several hundreds meter from there, a bomb hit the cellar where people were hiding: at least 6 members of the KERIMOV family were killed: Hassan, aged 46, his wife Mariam, aged 26 and their son Zurab aged 2, Aldan, aged 39, his wife Birlant aged 36, their daughter Rita aged 13. In the cellar also refugees from Vedeno were killed: ALGIREEV Lechi, aged 43 and Dunaev Kazbek aged 37. In the cellars of their houses were also killed DjJANARALIEVA Aset, aged 32 and RASUYEV Abujazid aged 49. GAITAJEVA Mariam, aged 42 was killed by a burst of machine-gun fire in the street, In school #1 the teacher KATAEVA Luisa, aged 26, was killed. BAPAEV Sultan aged 52 and HAMZATOV Akhmed aged 47, keepers of a grain farm, were killed by a bomb stroke at an elevator with grain. This is reported by nine refugees.

According to the refugees, the hospitals are overcrowded with the wounded and cannot work efficiently: for instance, Hospital No.9 in Grozny is left without electricity, the current is provided by a generator. There is no gas, consequently no heating. There is a sharp lack of medicines. The same can be said about any hospital. The hospital in the Zavodskoi district is closed.²⁶

Refugees endured 3 winters. They were hungry and exposed to unsafe conditions. They got sick and were without medicine. Visiting PACE delegation in leadership of Lord Judd and Rudolf Bindig on 15 January 2001 to Znamenskoe refugee camp were to hear Zora Tatayeva that 40 % of the refugees were ill and most of them were tuberculosis.²⁷

On 25 March 2001 Ingushetia Emergencies Ministry stated that Russia have stopped its subsidies and international help organizations will function no more. It meant no warm meal. Bread distribution stopped on 2 April. Power and gas supply are also cut as of 14 April to complete the conditions arranged to continue for two months.

Ingushetia refugee service statistics mentions 308.000 refugees have sheltered to Ingushetia since the beginning of the war and they stay at Bart, Sputnik, Karabulak, Alina, Aki-Yurt and Bela refugee camps. Other refugees have sheltered independently or boarding with their relatives.²⁸

As of 5 October 2000 there were 14 thousand refugees in North Ossetia, Dagestan and in Kabardino-Balkaria. 7.000 in Georgia, 10.000 in Azerbaijan, 10.000 in Kazakhstan, one thousand in Ukraine and 3.000 in Turkey and at Europe. Others are in Poland and in Czech

²⁶ The non-selective use of force in Chechnya in September, MEMORIAL, October 1999,

²⁷ Chechen Refugee Question, Caucasus Foundation Report October 2001, By Fehim Tastekin, http://www.kafkas.org.tr/ajans/chechen_refugee_question.htm

²⁸ Ibid

Republic and in various European countries. Over one thousand refugees are scattered in various cities of Turkey. Refugee camps in Fenerbahce, Umraniye and Beykoz districts of Istanbul shelters a total of 450 refugees.²⁹

After a while, refugees felt the pressure to return to their homeland. Russian Government considered the Chechen refugees as an obstacle to their international message "Russian militarism have successfully completed its anti-terror operation in Chechnya. Everything is normal so the refugees can come back to their homeland." Out of this consideration, Russian Government started to apply pressure on refugees by different methods. Blocking of the food distribution in Ingushetia and health service of international organizations are among the pressure mechanisms of the Russian Government.

Human Rights Watch, Chechen Refugees Pressured to Return: Beginning last week, thousands of people from the towns of Sernovodsk, Assinovskaya, and Achkoi Martan -- in the flatlands of Russian-controlled northern Chechnya - were told to prepare to return, and were removed from government ration lists. Yet many people told Human Rights Watch that they fear bombardment and undisciplined conduct by Russian soldiers in their towns. They also lack the materials to repair homes damaged by war. In some cases, their homes have also been thoroughly looted. "To forcibly repatriate people back to a war zone is a serious violation of their rights," said Holly Cartner, Executive Director of Human Rights Watch's Europe and Central Asia division. "The displaced people in Ingushetia must be allowed to make their own decisions about going home."

Asked why camp administrators were discontinuing the food rations of some displaced persons, Khuchbarov, whose camp currently houses about 9,000 people, told Human Rights Watch, "Why should we continue to feed them? If we continue to feed them, they'll never leave. And they could have left a long time ago. . .because they have nothing to fear."³⁰

One of the important violations of the most essential human rights is the forced deportation of people from their homeland. Lives are under threat and people had to save their lives by becoming refugees. Half of the population of a nation have become refugees but only a marginal number of them has the official refugee status. This means that United Nations High Commission for Refugees can give no help to these people. It also means that these obstacles are intentionally placed in front of these people.

"You will announce that what you are doing is 'anti-terror operation' and make the half of the population refugees and violate the rights of people in every possible manner within the conditions of war," this is what Russia is doing.

Heavy bombardment of Chechen civilian settlements, destruction of houses, schools and hospitals have forced the population to move to more safe places at the neighbouring countries. United Nations Human Rights Committee Reports that "Hospitals, schools and other civilian housing has been destroyed by the Russian militarists. Numerous civilians are killed and others had to leave because of absence of shelter."³¹

Additional Protocol II to the Geneva Conventions, Art 17: (Prohibition of forced movement of civilians), says that Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.³²

According to article 12 of international civil and political rights agreement everybody has a right of freedom to choose where he likes to live in any part of country within its rule and regulations.

Article 13 of international human rights declaration clearly expresses that "all human beings have a right of freedom to settle and travel in a territory of any country"

²⁹ Ibid

³⁰ Human Rights Watch, Chechen Refugees Pressured to Return, Camp Authorities Cut Rations for Some, <http://www.hrw.org/press/1999/dec/chech1217.htm>

³¹ Summary Record of the 1135th Meeting of the Committee, www.unhcr.ch/tbs/doc.nsf

³² Additional Protocol II to the Geneva Conventions, Article 17: (Prohibition of forced movement of civilians):

- 1- The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.
2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

International community and organizations' reach to Chechen refugees is a puzzling sensitivity. UN Refugees High Commission helps to Ingushetia refugees only food and other humanitarian aids. But the real mission of the UN Refugees High Commission is to take the necessary steps for safety and security of the refugees.

Troubles inside of Russia

Russia declares Chechens as their own citizens but at the same time is placing travel restrictions on them to moving areas of exiled Chechens and implementation of their settlement in metropolitan places such as Moscow, St. Petersburg, Stavropol and Krosnadar, puts them in trouble because they are treated as a guilty by Russian authorities.

In 1996 a decision was taken by Mayor of Moscow, which was stating that all of the Russian citizens who do live in Moscow without any residential permit will be sent back to their original place they came from. In May 1997 Mayor have ordered to throw out all of the refugees from Moscow and whoever replaced themselves within the country. This decision caused lots of trouble and in the end Chechens were the ones to lose.

Those refugees who have no residential permit (Propiska) were not able to get benefit of right to work and free medical aids. On the other hand (Propiska) was a barrier before the political and civil rights such as, to vote, to buy real estate and establish a family.

It is highly difficult to describe the level of the troubles and problems, which faced by those people who escaped from war and lost their official papers for their identities during the war.

Putin says that "Any resident of Chechnya or anyone, who says that he is Chechen, has all the rights of any citizen of the Russian Federation."³³ But his words are invalid in consideration of the troubles that face the Chechen People.

Obstacles barring the press

Urus Martan, Chernokozovo, PAP1, PAP5, Doykar-Oyl, Khan-Kala, Naur and Mozdok concentration camps were the centres of Russian military atrocities. Independent media and international observers were unable to reach to these places and facts.

Russian Federation have well studied the 1994-1996 War conditions and have taken all care to keep the press away from the war front as of the beginning of the second Russian invasion of Chechnya in year 1999. Press Centre of the Russian main military base in Khan-Kala completely depends on orders of the Russian military Press Officer. Journalists are unable to move in freedom. They are isolated.

The Norwegian Helsinki Committee - Forgotten Terror: Chechnya October 2001: One of the journalists who has visited Chechnya most frequently and has written most extensively on Chechnya is Anna Politkovskaya of the Moscow paper Novaya Gazeta. The NHC visited her in her Moscow flat on 29 September. At the time she was staying in her home, afraid to leave her flat after Novaya Gazeta's head editor had received threats directed against Politkovskaya. On 20 September the head editor was invited to a meeting with the GRU, the military intelligence service, and informed that Politkovskaya should remain indoors in the interest of her own safety and that the paper could suffer from its connections with her.

According to Politkovskaya, the reasons for what she took to be threats against her person, were related to her work in Chechnya during September 2001. On 17 September a helicopter crashed in Grozny, killing the crew and a number of higher officers that were passengers on the fatal flight. 13 people died in the crash. Politkovskaya was in Grozny at the time and gave NHC the following account of the events:

On 17 September Grozny was blocked and there were checkpoints and posts everywhere. People had to stay where they were, it was almost impossible to move around the town because of the strict control. The soldiers often stop soldiers from other units and check them -- there is a lot of suspicion around. At 11.00 the controls became even more vigilant, there were rumours that something was about to happen. At the time I was in the building of the local administration. Only one of the officials working there had made it to work through all the military posts. There were two generals there. One of them, Postnjakov, told me that they had been in Chechnya for two weeks in order to collect information about human rights abuses committed by the federal forces in Chechnya. He showed me a lot of documents and tapes that contained their findings. The local official asked them to stay on in Grozny, but general Postnjakov declined, saying he had a meeting with Putin tomorrow. Postnjakov headed a

³³ Putin says the war is over, 18.04.2002, Agency Caucasus (In Turkish)

commission consisting of himself, the other general and eight colonels. They left the building and a helicopter picked them up outside. The helicopter took off, but a short time afterwards it crashed in central Grozny. The official version is that it was shot down by a bojevik with a stinger somewhere in central Grozny, but I consider that an impossibility given the strict military control in the town that day. Anyway, the bojeviks are seldom active during the day, usually they attack after dark. Because the whole commission and its material was destroyed, my conclusion is that the helicopter was brought down by federal units that were opposed to work of the commission. I have noted that it was the GRU that contacted my editor.

Anna Politkovskaja left Russia in early October, as there was no signal of a change of opinion from the GRU or the authorities. Whatever really happened with the helicopter in Grozny on 17 September, it is in violation of all the human rights obligations of the Russian Federation that journalists and editors should receive threats from the state for publishing their version of the events. However, what was perhaps most striking about the incident on our return to Moscow 6 October was the seemingly general lack of interest in the dramatic situation and forced departure of one of the most well-known journalists in Russia.³⁴

Sweep Operations

It is widely known that in the military operations, which started in 1999, Russian Federal Forces destroyed many civilian settlements. However, in response to the guerrilla tactics adapted by the Chechens, they in the following months solely targeted civilian population who had not participated in the armed conflict. Russia breached each and every international treaty she had signed.³⁵

Today, the war in Chechnya is not being fought by two equal adversaries. Far from it, it is a war waged by a massive army equipped with heavy weaponry for the obliteration of civilian population. Unable to response effectively to the hit and run tactics of the Chechen fighters, Russians resorted to acts of vengeance against the civilians.

The so called sweeping operations conducted to coerce the Chechen fighters to surrender became the general character of the war Russia was pursuing. It would be fair to say that no village in Chechnya was left untouched by these operations. Some settlements would be encircled for two to fifteen days, houses would be raided and ransacked, and extra-judicial executions would be carried out by the Federal Forces. Arrests were made without any justification and large numbers of people were subjected to torture in filtration camps.

One of the most critical results of these routine arbitrary detentions was the existence of civilians who had been tortured and killed in unknown locations. In Chechnya, it has come to be perceived as *normal* for ordinary people to disappear. The disappearances would take place either during the sweeping operations or at the police checkpoints, which were set up on the roads leading in and out of every city.

Many people, who were detained at these checkpoints or arrested during the sweeping operations, have not been heard from ever since. According to the Chechen sources there are nearly ten thousands people whose fate and whereabouts are unknown.

Human Rights Organisations have obtained and recorded countless evidences as to the nature of these sweeping operations:

³⁴ Forgotten Terror: Chechnya October 2001, The Norwegian Helsinki Committee

³⁵ The names and the dates of ratifying of the Conventions of Human Rights and Humanitarian Law to which Rusia is a party are given below;

i). European Convention of Human Rights - (ratified in 05.05.1998);

ii). European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ratified in 1998);

iii). Four U.N. Geneva Conventions dated 1949 and Two Additional Protocols dated 1977 (ratified in 29.09.1989);

iv). Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment (ratified in 1987);

v). International Covenant on Civil and Political Rights (ratified in 1976);

vi). International Covenant on Economic, Social and Cultural Rights (ratified in 1976);

vii). International Convention on the Elimination of All Forms of Racial Discrimination (ratified in 1969)

Rusian Federation declared on 13.01.1992 that it has taken all the undertakings in the international conventions that Soviet Union ratified

- From 30 December 2001 to 3 January 2002, Tsotsin-Yurt was the scene of a sweep, which lasted six days and resulted in five dead and six disappeared. (Russian Human Rights Organization MEMORIAL, 16 January 2002)
- 3-7 January 2002, sweep in Argun, 2 dead and 2 disappeared. According to military sources, 12 combatants were also killed, but Memorial could not check this information. (MEMORIAL, 23 January 2002)
- On 11 January 2002, sweep operations started in the villages near Shatoy. 6 people, including a pregnant woman, were killed while they were riding in car from Shatoy to Nokhtchi-Keloï. (MEMORIAL, 23 January 2002)
- From 14 to 25 January 2002, sweep in Bachi-Yurt. On the 15, four persons were arrested and two of them were killed, among whom an old man. After the disappearance of three men, two bodies were found outside the village on 29 January. As for the third man, there are still no news of him. (MEMORIAL)
- 17 January, sweep in Goïskoe (region of Ourous-Martan), 2 persons killed. (MEMORIAL)
- 20 January 2002, sweep of the village of Alleroy. The bodies of four young men who had been arrested by the federal forces were found near a car after the Russian soldiers left. They were all dressed in camouflage clothes. All the bodies bore marks of torture: skin torn off, amputated fingers, severed skin, burns (MEMORIAL)
- 8-10 February 2002, sweep in the village of Gikalovskyi. 5 men were arrested, 3 were taken to Goryatchevosk, one was killed. (MEMORIAL)
- 12-13 February 2002, sweep in Tsotsin-Yurt. 2 dead: one man and one woman killed at night in an artillery fire. (MEMORIAL)
- 12-20 February 2002, sweep in Starye-Atagui. The first accounts report 7 dead. A 82 year old man was killed during this operation. Among the bodies found, some were unrecognizable, several were burnt. All the bodies were naked and bore marks of torture. At least five disappeared persons. (Memorial) (MEMORIAL)
- During the operation in Starye-Atagui, people were also killed in Tchiri-Yurt, a neighboring village. On 12 February in early afternoon, soldiers dropped by a helicopter arrested and shot two cab drivers originating from Duba-Yurt, as the scene was witnessed by many people present in the market. (MEMORIAL)
- On 19 February, sweep in Gekhi, 12 disappeared. (Radio Svoboda, 26 February 2002)
- According to the information of the united group of the federal troops in Chechnya, in the first days of March 2002, some thirty sweep operations were carried out in Grozny, Goudermes, Argun and other villages located in the mountainous regions in southern and eastern Chechnya. (Radio Svoboda, 6 March 2002)
- On 1 March 2002, sweep in the region of Grozny (Sovkhoze "60th anniversary of October"), 19 persons arrested. There are no news of two of them. (MEMORIAL, 8 March 2002)
- Early March, sweep in Tsotsin-Yurt, one dead, one disappeared. (Call of the inhabitants of Tsotsin-Yurt, 2 March 2002)
- 2-4 March, sweep in Argun, four young men were arrested and taken away on 2 March. Their bodies were found on 4 March in the courtyard of Argun's military command. (MEMORIAL, 14 March 2002)
- 6-11 March 2002, sweep in Starye-Atagui, 15 men were arrested, and after the federal troops left, 7 burnt bodies were found, several of them could be identified as some of the 15 men previously arrested. This has been the 22nd sweep operation in Starye-Atagui since the beginning of the second Russian campaign in Chechnya. (MEMORIAL, 13 March 2002)
- On 10 March 2002, a "reprisal" operation was carried out by representatives of the federal forces in the village of Znamenskoe, three brothers were taken away. (Chechenpress, 11 March 2002)
- With all above mentioned, several sweep operations were carried out in Argun (Mid-January), Stariye-Atagi (28 January- 3 February), Goïskoe (31 January), Duba-Yurt (17-18 February). Kurçaloy (4 March). Prigorodnoe (14 March), Possiolok (15 March), and Serjen-Yurt (18 March) (MEMORIAL and other Russian sources)

Taking into account only the records of the MEMORIAL, the most significant Russian human rights organization, it shows that 27 sweep operations were carried out just in 11 weeks, which means over two operations a week on the Republic's territory. These records of MEMORIAL are far from being exhaustive in demonstrating the deterrent and punitive operations over civil population in Chechnya.

MEMORIAL- "Mopping Up" Operations in the Village of Tsotsin-Yurt: Around 9 o'clock on February 12, the residents of the village of Tsotsin-Yurt in the Kurchaloevsky Region noticed that the village was being blockaded by armored vehicles. A column of federal forces was moving along the northwestern edge of the village, and next to it a tank moved along the boundary that had been plowed on February 11. Suddenly there was an explosion – two soldiers were killed and three were wounded. (The lieutenant general overseeing the "mopping up" operation informed T. Dikaev, the head of the administration of Tsotsin-Yurt, about this incident.)

The soldiers opened fire with automatic weapons; the shooting lasted for half an hour. Then the "mopping up" operation began. In the course of the special operation, the representatives of the federal forces conducted themselves rudely, engaging in theft and extortion.

On the northwest edge of the town stand three houses belonging to the Davletkuraev family; 16 young children reside in these houses. Around 21.00 the shelling began: several missiles or mines were directed at the outlying home. At that very moment, Zareta, her two-year old son, and Lyuba Davletskuraeva were in the house. All three of them were wounded almost immediately by the artillery fire. Lyuba began to call for help and her brother-in-law Saidali can running toward her from the middle building. Just as he reached Lyuba, there was another explosion and Saidali was killed on the spot. Half his head was blown off. Lyuba suffered a second wound from this same explosion.

Zareta dashed to the middle building, but the soldiers redirected their fire at it and then at the third building. The Davletkuraevs then decided to make their way across to the neighbors' house, which was located on the other side of the street. Having made it over to a safe place, they heard Lyuba's cries – she had managed to crawl to the middle building and was calling for help. Two men formed a stretcher and managed to carry L. Davletkuraeva away from the shooting, but they weren't able to save her. She died before regaining consciousness.³⁶

MEMORIAL, Myths and Truth about Tsotsin-Yurt: On the outskirts of the village on ul. Stepnaya, soldiers detained several men at around 7.45. Idris Zakriev (born 1965) was detained in his own home without any explanation. At that moment his mother, Marzhan Zakrieva, his wife Laila and four children were also at home. According to his mother and wife, they heard how the soldiers, bursting in on him in the courtyard, received an order by walkie-talkie to take away four people from the four outlying buildings. Idris Zakriev tried to show the soldiers his passport. "Put away the document!" said the soldier, after which they led Idris out of the courtyard. Neighbors saw how they tied his hands on the street, rolled his clothes up over his face and pushed him into a BTR on which the number A-611 was written. The soldiers pushed his mother, who was trying to prevent them from taking away her son, into the basement and threatened to toss a grenade in after her. They ordered his wife not to move, pointing their guns at the children.³⁷

Human swallowing machines: Check Points

The Check Points in Chechnya has become a black hole of human swallowing machines. The persons detained in the check points are severely tortured and the relatives could obtain no information about some of those detained.

While the Article 9 of the Universal Declaration of Human Rights and the Article 3 of the European Convention of Human Rights strictly prohibits arbitrary arrest, detention, threat to the security and the deportation, as a matter of fact, every day these rights are repeatedly violated.

The Norwegian Helsinki Committee-Forgotten Terror: Chechnya October 2001: In a Zachtka, which the prosecutor told us is not a legal term, all the roads and outlets from the village are blocked by soldiers and military vehicles. There are checkpoints and military posts everywhere; no one can come or leave. When the soldiers approach the houses in a district,

³⁶ MEMORIAL, 12-13 February 2002, "Mopping Up" Operations in the Village of Tsotsin-Yurt, <http://www.memo.ru/eng/memhrc/texts/tsotsin2.shtml>

³⁷ MEMORIAL, December 30, 2001 – January 3, 2002, Myths and Truth about Tsotsin-Yurt, <http://www.memo.ru/eng/memhrc/texts/mythtruth.shtml>

the streets are sealed off and the soldiers can search the houses without witnesses. The inhabitants of the house are either pushed away or locked up in some room or basement. Then the soldiers start destroying their belongings. Sometimes they loot the houses. They are armed and no one can protest. Often people are detained -- usually men or youths of both sexes. Sometimes they are beaten in front of their relatives. There are slurs and insults against them for being of Chechen nationality. Persons detained are taken to the BTRs [a type of military vehicle] and told to strip. If the soldiers find bruises on their skin, which supposedly indicates that they are bojeviki [Chechen fighters], sacks are put on their heads and handcuffs on their hands and they are taken to the nearest detention center, in our case, the chicken farm or sometimes the mill, which they also use.³⁸

Extra-Judicial killings

Extra-Judicial killings are practiced especially during the sweep operations or in the detainment cases. High numbers of the corpses which have found that left on some places near the settlement areas are clear proofs of the extra-judicial killings. It is an established fact that most of these persons were previously detained during sweep operations.

MEMORIAL-Appeal to the UN Commission for Human Rights , 27.03.2002: Most of the disappeared persons are found in a few days, weeks or even months in investigation isolation cells or in temporary lock-ups. Unfortunately, there are many cases when the people detained by federal disappear without a trace. Sometimes, local villagers discover the bodies of persons previously detained with marks of torture or violent death. The following are several examples from a long list of such incidents:

A year ago, in the ruins of a settlement of dachas (cottages) known as Dachnoye, near the main Russian military base of Khankala, in a suburb of Grozny, a dump was found (no other word is suitable to describe this) of the bodies of victims of extra-judicial executions. According to the official version of the story, more than 50 bodies were found. Most of them bore signs of torture. About half of the bodies were identified by relatives. Memorial knows the names of the absolute majority of the persons identified, including four women. They were all detained not in military combat, but during sweeps and at checkpoints, at different times and different places.³⁹

According to Article 3 of the Universal Declaration of Human Rights, Article 3 of the International Covenant on Civil and Political Rights, Article 3 of European Convention of Human Rights and the Additional Protocols II to the Four Geneva Conventions, these operations of extra-judicial killing, genocide and the detention results in murder are considered as violations of human rights and the war crimes.

Arbitrary Detention, Disappearances, and Ransom Demands:

Human Rights Organisations have reported repeated occurrences of extra judicial executions, arbitrary detentions and disappearances of civilians, and ransom and bribe demands by the members Federal Forces for their release.⁴⁰

Russia is continuing to snub the European Convention for Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment both of which recognise individual's unalienable right to life and against torture and arbitrary detention.

Of those principles upheld by these international treaties, "right to life" cannot be restricted or disregarded even in wartime. Russia has violated, time after time, the every single right that is mentioned in those treaties by its actions in both the second war, which she considers as an operation against terrorism, and the first war, which attracted the World's attention more than the current war.

For instance, the fact that the Russian government is not investigating the extra judicial killings and the disappearances of civilians instigated by the actions of the Federal Forces and that she is not attempting to bring to justice those who are guilty of these crimes is a clear violation of the Annex II of the European Convention of Human Rights.

³⁸ Forgotten Terror: Chechnya October 2001, The Norwegian Helsinki Committee

³⁹ MEMORIAL, 27.03.2002, Appeal to the UN Commission for Human Rights, <http://www.memo.ru/eng/memhrc/texts/app0302.shtml>

⁴⁰ Some of these reports are given at Appendix 1 to this report.

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

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

Zulai Azieva told Human Rights Watch that she offered her sons' passports to the men but that they were not interested in them. She said that her sons were not allowed to dress themselves and were taken away in their underwear. Neighbors from their building and across the street later told the Azievs that they had seen masked men with flash lights combing through the apartment building from the second to the ninth floor and that more had stood outside the building. As of March 2001, the Aziev brothers were still missing.

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

The head of the Lenin district administration, to his credit, provided Azieva with a car to travel to various commanders' offices and sent a doctor to her home to examine her beaten husband. The local administration also helped her check whether her sons were in various detention centers in the area. The Azievs had a less positive experience when they appealed to the offices of Akhmad Kadyrov, the Russian-appointed civilian administrator for Chechnya and Beslan Gantemirov, the Russian-appointed mayor of Grozny. Aziev told Human Rights Watch that both had told him that his sons might be in Khankala but that they-as civilian administrators-have no access to that military base.⁴¹

Human Rights Watch-The "Dirty War" In Chechnya: The "Disappearance" of Nura Lulueva, Markha Gakaeva, and Raisa Gakaeva (Raid on northern market in Grozny, June 3, 2000): An army APC carrying about twenty armed and masked men in camouflage raided Grozny's northern market on Mozdokskaja Street at around 9:00 a.m. on June 3, 2000. The masked men detained Nura Lulueva, a forty-year-old mother of four children, her cousins Markha and Raisa Gakaeva and another seven to nine people, most of them women. The masked men loaded them onto the APC, pulled bags over their heads, and drove away.

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

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

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

On March 4, 2001, Nura Lulueva's brother identified her body and those of their cousins at the Ministry of Emergency Situations in Grozny, where bodies that were recovered from a mass

⁴¹ Human Rights Watch, March 2001, The "Dirty War" In Chechnya: Forced Disappearances, Torture, And Summary Executions, <http://www.hrw.org/reports/2001/chechnya/index.htm>

grave near Khankala military base were brought for identification purposes. The three bodies were buried that same evening in the village of Noiber near Gudermes.⁴²

Amnesty International -RUSSIAN FEDERATION: Failure to protect or punish: The soldiers permitted some of the men, who had been taken to the village outskirts and beaten, to return home on 1 January 2002. Others were reportedly taken away and "disappeared". The villagers named at least seven "disappeared" men: Shaikh-Akhmed Magomadov, aged 25; Alkhazur Movlaevich Saidselimov, aged 23; the Baisultanov brothers Khanpash, aged 33, Akhmed aged 39 and Suleyman aged 27; Salamu Mazaev aged 42; and Khamzat Israilov aged 32. The brother of Khamzat Israilov, Abbas, was reportedly detained by Russian authorities at the temporary police station (known in Russian by the acronym, "VOVD"8) in Kurchaloy on 5 January as he sought to ascertain the whereabouts of his brother.

On 3 January 2002, after Russian forces had lifted the blockade of the village, the village elders reportedly recovered seven bodies, including those of Musa Ismailov and Idris Zakriev; witnesses state that Musa Ismailov and Idris Zakriev were extrajudicially executed. Their bodies reportedly had been disfigured; their ears, noses and genitals had been cut off. Amnesty International is continuing to investigate this incident.

A Russian soldier reportedly told a villager from Tsotsin-Yurt that some bodies had been found near the neighbouring village of Mesker Yurt. On 7 January, villagers found three bodies, badly disfigured by explosives, but were able to identify that of Alkhazur Saidselimov, one of the missing persons, by his clothes.

Although prosecutors reportedly accompanied the soldiers as they conducted the raid, their presence does not appear to have had any mitigating effect on the violations committed by Russian forces. Further, as of this writing, Amnesty International is not aware of any investigation or arrests made in relation to the actions of Russian forces in Tsotsin-Yurt.⁴³

Freedom Bought by a Bribe

"If you want to make money, arrest a Chechen and then ask for ransom from his family." This slogan is the plain expression of the fact that Russian contract-soldiers and police officers serving in Chechnya in extreme conditions, often without being paid, have created a system in which they could make easy money. A striking story:

Human Rights Watch, Field Update on Chechnya: Most former detainees told Human Rights Watch that Russian forces had extorted payment from their relatives in exchange for their release; sums ranged from several thousand roubles to thousands of dollars, and would include demands for weapons and ammunition. According to relatives of former detainees, Russian forces set specific sums and deadlines for paying. Extorted sums were paid either directly to soldiers or police officers holding the detainee, or through middlemen. "Sulumbek P."s brother, for example, told Human Rights Watch that he located Sulumbek P. through Chechen middlemen five days after he was detained on August 23, 2000. The following four weeks, he and other relatives collected money for the \$1,000 ransom and were compelled to purchase ten automatic weapons indirectly from an intermediary and then hand them over to Russian forces.⁴⁴

Torture Cases

No war can justify excessive force conducted by conflicting sides, nor can it produce mitigating circumstances for war crimes such as torture, abuse and arbitrary killings. As it happened between 1994-1996, one of the most important tools of Russian arm in conducting the second Chechen war, which started in 1999 and is still continuing at this very moment, has been torture against civilians in order to daunt and punish the population. Considering the common tendency – even in peaceful times - of regarding every Chechen kid as a potential criminal and Chechen man as a lawbreaker in Russia general, we should not have difficulty in understanding how this racial prejudice could be transformed into violence against Chechen civilians in war times.

Despite Russia's indifference, the international law has strictly outlined the boundaries of conducting war. UN International Covenant on Civil and Political Rights, which was signed in

⁴² Ibid

⁴³ RUSSIAN FEDERATION: Failure to protect or punish: human rights violations and impunity in Chechnya, Memorandum by Amnesty International to the Parliamentary Assembly of the Council of Europe on the conflict in Chechnya, <http://www.web.amnesty.org/ai.nsf/recent/eur460042002>

⁴⁴ Human Rights Watch, Field Update on Chechnya, January 22, 2001, <http://www.hrw.org/backgrounder/eca/chechmemo-0122.htm>

1966 on the grounds of respecting human honour, has defined the actions that can not be vindicated or neglected by the international community and the rights of immunity in time of war.⁴⁵

The agreement asserts that - since it intends to open a door for detecting and controlling human rights violations through measures meant to be taken by international community - whatever the circumstances are, actions such as restriction of freedom, abuse, torture and arbitrary killing cannot be conducted with impunity.

Here is another example recorded by Amnesty International that demonstrates the level of the unrespectfulness towards the basic human rights:

Razet Mutaeva told Amnesty International that the soldiers accused the family of being connected with Osama bin Laden, after they found a communication equipment manual in the house she says the soldiers planted during their search. She told AI: My son's ribs were broken before my eyes. [The soldiers] were all high on drugs and drunk and were laughing at us. My son's blood was splashed all over the courtyard. When I tried to clean my son's blood, they asked me why I was cleaning the dog's blood. I fainted. My son and husband were punched and kicked. My son's and husband's hands were tied ... [they were each] covered with a blanket and taken to an unknown destination.

The soldiers took Ahmed and Magomed to the edge of the village where they were subjected to further ill-treatment and torture. Razet Mutaeva told Amnesty International that the soldiers broke her son's nose, beat him with a hammer and poured petrol over him in an attempt to force him to admit to owning the communications equipment manual. Ahmed and Magomed Mutaev were later released and the family has since left the village. As of this writing, Amnesty International is not aware of any official investigation into this case.⁴⁶

Violence has no particular target in Chechnya. The incidents directly observed by the Amnesty International indicate that Russian troops do not hesitate to punish even Chechens who collaborate with Russian army.

The case of Alaudin Sadykov- The climate of impunity in which violations of the human rights of detainees are committed by Russian forces is clearly demonstrated by the case of 51-year-old Alaudin Sadykov. A school teacher from Grozny, Alaudin Sadykov remained in the city during the conflict to assist in the distribution of humanitarian aid; he worked with the Russian Emergency Services (MChS) to this end.

Alaudin Sadykov told Amnesty International delegates that on 5 March 2000, while helping to distribute water to local residents, brought by MChS personnel, OMON officers in camouflage uniforms arrived asking for directions to Pavel Musorov Street. Alaudin Sadykov offered to travel with them to show them the way. However, Alaudin Sadykov stated that when they arrived and he pointed to the street, the men hit him with their rifle butts and placed a black hood over his head.

The officers then took Alaudin Sadykov to the Oktiabrsky District Temporary Department of Internal Affairs (VOVD) and beat him for about two hours. Alaudin Sadykov told Amnesty International how the policemen forcibly cut off his hair, and forced him to eat it. The

⁴⁵ An exception regarding the rights is laid down by the Article 4 of the International Covenant on Civil and Political Rights as follows;

1 . In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

The articles mentioned in this article 4 paragraph 2 are given below:

- Right to Life (arbitrary killing) (Article 6)
- Forbidding torture and inhuman or degrading treatment (Article 7)
- Forbidding slavery (Article 8/1)
- Forbidding involuntary servitude (Article 8/2)
- Forbidding imprisoning persons merely on the ground of inability to fulfill a contractual obligation (Article 11)
- The rule of legality of the criminal offences and punishments (Article 15)
- Right to be recognized as a person before the law (Article 16)
- Freedom of thought, conscience, and religion (Article 18)

⁴⁶ RUSSIAN FEDERATION: Failure to protect or punish, Amnesty International

policemen then forced red-hot pieces of metal into his hand; the scars said to result from this injury were still visible to an Amnesty International researcher almost two years later. Reportedly, the policemen then pushed Alaudin Sadykov's tongue back into his mouth with a piece of red-hot metal into his mouth and forced it up his nose; another officer wrote "Chichik", a derogatory term for an ethnic Chechen, on his forehead with a knife. One of the men reportedly told Alaudin Sadykov that he wouldn't leave the police station alive. Following a prolonged beating, Alaudin Sadykov was dragged to a cellar where up to six men used him like a "live football", breaking his teeth and ribs and kicked him until he was unconscious.

Later that day, the men took Alaudin Sadykov back to his home, where they conducted a search of the premises. Mr. Sadykov stated that the policemen "found" some plasticine-like material that he believes they planted themselves and which they claimed to be explosives. The policemen proceeded to loot Mr. Sadykov's home, taking carpets, a television, a video-recorder, winter coats and paint. The men took Mr. Sadykov back to the Oktiabrsky VOVD where he was accused of blowing up a house. Up to three men proceeded to beat him with their rifle butts. Mr. Sadykov told Amnesty International "I thought it would be better to die quickly to escape the pain".

Four days later, men in camouflage uniforms beat Sadykov again, and cut off his ear. An Amnesty International researcher photographed the injury. He told Amnesty International:

They beat me again and said, "Lets cut off his head". They took a large knife for slaughtering animals and cut off my left ear completely. Then they said "We'll cut your head off later". While I was lying on the floor, there was blood everywhere and my ear was lying next to me. Then one of the men who was guarding me came in and photographed me lying there. He and the others were from Khanty-Mansisky Region police, OMON.

Mr. Sadykov stated that other detainees were brought to an adjacent cell; two of them were tortured to death. The soldiers cut both ears off one of these men whom Mr. Sadykov identified as Magomed Uvaesovich Dzhabaev, aged 47, from the district of Aldi in Grozny. Mr. Sadykov told Amnesty International that the following morning, persons from an international organization, believed to be from the OSCE visited the station. He stated that:

The following morning there was a lot of screaming and shouting. A commission came that morning and [the officers] took me and another detainee, a Russian, to a different cell and hid us. I was there for about five or six hours. When I came back I saw that the cells were cleaned and the other two men [including Magomed Dzhabaev] didn't survive until morning. They were so badly beaten that they could no longer stand. They were spitting blood. They were just thrown out.

Mr. Sadykov described to Amnesty International in detail instruments used to torture detainees, including ice-picks, hammers, surgical instruments, dental instruments, instruments for removing fingernails, spades, and saws. He also stated that he saw human fingers, hair and jawbones in the cell where he was brought to be tortured.

Mr. Sadykov claimed that the head of the detention facility ordered that he be hidden when the commission came. Mr. Sadykov also believes that prosecutor knew that he had been subjected to torture but acted to conceal this from the commission.

Mr. Sadykov was released from custody on 24 May 2000. At time of writing, Amnesty International is unaware of the prosecution of any individuals for, or indeed any investigation into the torture of Alaudin Sadykov.⁴⁷

No doubt that Chernokozovo internat camp which was notorious for its terror has witnessed a great number of grieves. The Amnesty International reports the stories of two persons who were detained in this camp during 6-13 May 2000 and then becoming refugees in Ingushetia. Gross inhuman sights from the Internat:

"Twenty-year-old "Zelimkhan" was detained on 6 May at his parents' house in Urus-Martan by a group of about 15 Russian federal forces officers, allegedly members of the special detachments (OMON) from the Russian city of Penza. He was taken to the outskirts of Komsomolskoye village, ordered to take his clothes off, handcuffed and forced onto his knees in front of a hole in the ground, three metres deep and five to six metres wide.

"Zelimkhan" was beaten with clubs for about two hours by four OMON officers while the rest of the group were watching and laughing. He was asked to sign a confession stating he was a Chechen fighter and that he took part in the fighting around Komsomolskoye. They threatened

⁴⁷ RUSSIAN FEDERATION: Failure to protect or punish, Amnesty International

to kill him and to send him to Chernokozovo camp where he would be raped by the guards. Later the same day, "Zelimkhan" was taken to the "Internat" camp.

In the "Internat" he was brutally gang-raped by four or five OMON officers. "Zelimkhan" was blindfolded and handcuffed and ordered to lay on a table face down before being raped with wooden clubs and the butt of machine-guns. He was also repeatedly kicked in the area of the genitals while asked to stand naked by a wall. "Zelimkhan" said the officers also squeezed his genitals, repeatedly saying they would make him handicapped and incapable of producing children. The rape and beatings continued for two hours. He was questioned by Vasiliy, the investigator who had ordered the rape, and asked to sign a confession that he was a Chechen fighter, which he refused.

"Zelimkhan" was severely beaten and tortured several times each day during his detention, with the exception of 9 May when no detainees were beaten because the guards were celebrating the national holiday -- the Victory over Fascism Day.

"Zelimkhan" also told Amnesty International about one of his cell mates, Rustam Gandarov from Urus-Martan who was subjected to electric shocks and beaten by the guards for seven hours without a break. Rustam Gandarov was being held in the "Internat" for a third time. The previous time he was reportedly released after his relatives paid \$3,500. He was subsequently detained twice again.

"Zelimkhan" also told Amnesty International that detainees in the "Internat" have their ears pierced with sharp nails. One of his cell mates, 20-year-old Beslan Satabayev, had his ears pierced with nails. He was also handcuffed and suspended from the ceiling while being beaten all over his body. Beslan Satabayev was later transferred to the camp in Chernokozovo.

Children were also tortured and ill-treated in the "Internat". "Zelimkhan" witnessed how 15-year-old Timur, a student at School No. 4 in Urus-Martan, was severely beaten by the guards and a number of his ribs were broken. Timur was apparently detained together with his uncle, who was suspected of being a Chechen fighter. The guards beat Timur repeatedly during his eight days in detention in order to force him to confess that his uncle was a fighter. Eventually Timur was released when the family paid \$700 to the guards.

"Zelimkhan" was released on 13 May for the sum of \$300 after being forced by the "Internat" authorities to sign a document claiming that he had not been subjected to ill-treatment and had been treated humanely. After his release he was immediately hospitalized at the hospital in Urus-Martan in a serious condition. In a statement the doctors treating him concluded that he had sustained numerous bruises and haematomas in the area of his ribs and chest and in the area of his kidneys, and that he needed treatment by a urologist because of an inflammation and infection in the genitals.⁴⁸

Forgotten Terror: Chechnya: The Norwegian Helsinki Committee (NHC) received a number of accounts concerning atrocities committed at a detention facility in a boarding school in Urus Martan. A 59-year-old woman from Argun had visited relatives in Gekhy when an arrest was made:

About a month and a half ago (10 August, I believe) Magomed Astamirov, 19 years old, was taken from his house in Gekhy. He was a big guy, that was all, there was no other reason for arresting him. His mother and grandmother tried to protest. The soldiers took his mother's ring. He was taken from Gekhy to the boarding school in Urus Martan. Four days later they found him wrapped in a blanket, lying next to the hospital. He was alive. They brought him into the hospital. He could hardly speak. He had been tortured with electric shocks. He is in a wheelchair now. He said there were others there, too. They were also beaten and tortured as he was -- his feet were placed in a basin of water, and they put the electricity to his ears, fingers and other parts of his body. The woman did not know for what purpose he was tortured or what, if any, questions had been addressed to him.⁴⁹

MEMORIAL- Myths and Truth about Tsotsin-Yurt: The three brothers who were detained in their home on January 1 - Akhmed Ezir-Pashaevich Baisultanov (born 1962), Khanpasha Ezir-Pashaevich Baisultanov (born 1968), and Suleiman Ezir-Pashaevich Baisultanov (born 1974) - disappeared. The fact of their detention can be confirmed by their father, mother, brother and neighbors. Their further fate is unknown. There is still no trustworthy evidence that they were among those detainees who were brought to the "filtration point." Their relatives turned to the military command of the Kurchaloevsky region and to the bureau of the Special

⁴⁸Amnesty International,08/06/2000, Russian Federation: Continuing torture and rape in Chechnya <http://web.amnesty.org/ai.nsf/print/EUR460362000?OpenDocument>

⁴⁹Forgotten Terror: Chechnya October 2001, The Norwegian Helsinki Committee,

Representative of the President of the Russian Federation for the Protection of Rights and Freedoms of People and Citizens in the Territory of the Chechen Republic. It is necessary to point out that the middle brother, Khanpasha, is schizophrenic (an official diagnosis exists).

Among the detainees taken to the "filtration point" was a young woman, Malika Ustarkhanova, who is the mother of three young children including an infant. Along with her husband, who on the day of the "cleansing operation" was in the neighboring village, she moved to Tsotsin-Yurt from Grozny. When looking at her documents, the soldiers began to beat Malika right in the yard, demanding that she say where the fighters were; they then threw her into a BTR and took her away, saying that they'd let her go once her husband came. They continued to interrogate her at the "filtration point" and beat her, especially hard on the back and fingers. M. Ustarkhanova was freed on December 31. She had multiple traces of beatings.⁵⁰

CHECHNYA: The Politics of Terror, Doctors Without Borders: Some of those arrested are tortured, as witnessed by doctors who have treated them in hospitals. But the victims of this violence are so afraid that most of them don't dare file any complaints, and don't even want to go to a hospital for fear that they will be registered and once again pursued. Medical personnel relate that some patients were arrested inside the hospitals and later found dead. In September the staff of the Stari Atagi hospital explained that one patient had been arrested and taken away by the Russian forces. Several days later, his body was found in a field. A legal doctor testified that he had been beaten to death.

"In the past two months, we've been seeing a lot of people who were previously arrested. They suffer from multiple injuries. Fractures, head injuries. Some of them tell me how they were treated. Several said they had put some kind of metal wires over them and shocked them with electricity. They are so scared that most of them come out not talking. They try not to come to the hospital, because we register them. None of them file any complaints. They don't want to go through that hell again. In our report, we put down that the cause of injuries was abuse by the federals, but they never come to ask what happened - not the prosecutors, not the military." Doctor, Urus Martan District

"I examined the body myself. The scalp had been completely removed like a cap cut all the way around his skull. We never found the scalp. This was clearly done when he was still alive. Three fingers had also been cut off with what looked like a pair of shears. This was done when he was alive. You can tell by the extent of the bleeding from the wounds". Doctor, Grozny⁵¹

Human Rights Watch-Welcome to Hell" Arbitrary Detention, Torture, and Extortion in Chechnya: Reported comments of Russian guards to detainee at Chernokozovo: Welcome to hell. You're lost now. You will die a slow and painful death. We will teach you to respect Russian officers.

Former detainee describing torture at Chernokozovo: They used the iron part of their sticks to beat me on the bottoms of my feet. They put a cloth in my mouth so I couldn't scream, and they handcuffed me. They made me lay down on my stomach with my head under the table. They took off my boots and socks, and beat my soles, especially on the heels. Then they made me stand against the wall with my hands up, lifted my shirt and beat me on the kidneys with the sticks.

Former Chernokozovo inmate: I heard the soldiers say while they were kicking me on the floor, 'Let's fuck him.' Then they said 'we won't dirty ourselves.' ... I was taken from the cell, and by the time I got to the questioning room, I was already only half-conscious. I was taken from this room to another where they said they would fuck me. It was February 7, late at night. I was lying on the floor, two guards held my legs while another kicked me in the testicles. I lost consciousness and would come around, I lost consciousness four times. They hit me around the head, there was blood. They would beat me unconscious and wait until I came round: 'He's woken up,' and they would come in and beat me [again].⁵²

Incidents of Rape

It is well known that during the war between 1994-1996 and the current war, which started in 1999, several Chechen rape victims could not bare the agony of rape assaults, find it extremely difficult to express their ordeal and in some cases prefer to commit suicide rather

⁵⁰ MEMORIAL, December 30, 2001 – January 3, 2002, Myths and Truth about Tsotsin-Yurt,

⁵¹ November 22, 2000, CHECHNYA: The Politics of Terror, Doctors Without Borders / Médecins Sans Frontières (MSF)

http://www.doctorswithoutborders.org/publications/reports/2000/chechnya_11-2000.html

⁵² October 2000, Human Rights Watch, Welcome to Hell" Arbitrary Detention, Torture, and Extortion in Chechnya http://www.hrw.org/reports/2000/russia_chechnya4/

than facing public. However it should also be taken in to the account that most of those rape cases are not reflected in the reports owing to curbing effects of the local traditions. Moreover, it should be noted that the real names of those victims subjected to the rape are concealed except those were killed or committed suicide.

Amnesty International- Russian Federation: Failure to protect or punish: A detainee at the "Internat" facility in Urus Martan described to Amnesty International how he and other detainees heard the rape of a woman in a neighbouring cell. He told Amnesty International that a cellmate saw a woman brought in on 10 October 2000, aged about 30, through the eyehole of his cell door. Magomed stated that: She was brought in to cell 4. We heard everything clearly. They really got to her, they did everything possible; they gang-raped her. You could hear them say "kak ona khorosha"[how good she is] and things like that ... You could hear the screams, words like "please I can't" ... We didn't sleep all night. She was released the following day before dawn.⁵³

The case of "Fatima": According to reports, on 26 June 2001, three Russian soldiers came to a house in the village of Shali. They found a married couple and the wife's sister, "Fatima", who was nine months' pregnant. The soldiers allegedly began beating the man, while keeping his wife in a separate room. When "Fatima" tried to stop the beating, the three soldiers reportedly gang-raped her. During the rape, the "Fatima" began to give birth. "Fatima's" sister was then called into the room to help deliver the baby. Reports state that two of the soldiers wanted to kill the baby, but one of the soldiers, who had received a telegram stating his own wife had given birth early the same day, intervened. According to witnesses, "Fatima" was immediately hospitalized with severe injuries incurred while she was raped. Released from hospital three weeks later and fearing further persecution, the whole family moved to another region of the Russian Federation. The family reportedly filed a complaint with the District Office of the Procurator, but reportedly has not received a written reply or formal confirmation that a criminal investigation had been initiated. They were, however, verbally informed that the three soldiers were disciplined by the military command.⁵⁴

Here is another example recorded by Amnesty International:

On the night of 26 March 2000, Kheda (Elza) Visaevna Kungaeva, aged 18, from the village of Tangi-Chu was kidnapped from her family home by Colonel Yury D. Budanov, the commander of a tank regiment, and his soldiers. Colonel Budanov took Kheda Kungaeva to his tent, reportedly to interrogate her, but instead he strangled her. A Russian army medical expert later concluded that, before she died, Kheda Kungaeva had been raped by several men. The Office of the Procurator General initiated an investigation into this case and on 30 March 2000 Colonel Budanov was arrested. He claimed that during interrogation he attempted to make Kheda Kungaeva confess to being a sniper and that he strangled her in a state of temporary insanity. Colonel Budanov was charged with homicide and abuse of power. He was reportedly placed in custody and in November 2001 underwent a psychiatric examination at the Serbsky Institute in Moscow; the Institute supported his claim that he committed the murder in a state of temporary insanity. At the end of 2001 the trial against Colonel Budanov was ongoing.⁵⁵

AMNESTY INTERNATIONAL- Russian Federation: Women and girls victims of human rights abuses:

"Irina", a 14-year-old girl, originally from Urus-Martan, died in detention at the Chernokozovo detention facility at the beginning of 2000, as a result of being ill-treated and tortured, including being repeatedly raped, by guards. She had been detained at a check-point while travelling on a bus. According to witnesses, the girl was among 60 women held together in cell number 25 in Chernokozovo, who were subjected to beatings by the guards. Another of these women, "Zuliykhan", was seven months pregnant and, although not beaten, was repeatedly threatened with torture. She was subsequently released and gave birth prematurely.

Rape of pregnant women by Russian forces: On 18 October 2001 Russian federal forces came to the home of "Zainap" in the village of Kurcheloy intending to detain her husband. When they did not find him in the house, the soldiers allegedly detained "Zainap", who was eight-months pregnant. She was taken to the Temporary Department of Internal Affairs (VOVD) located along with the military command post in the village of Kurcheloy.

Two women witnesses, who were detained along with "Zainap", stated that she was repeatedly gang-raped and ill-treated by Russian soldiers and, as a result, suffered a

⁵³ RUSSIAN FEDERATION: Failure to protect or punish, Amnesty International

⁵⁴ Ibid

⁵⁵ <http://web.amnesty.org/ai.nsf/Index/EUR460052002?OpenDocument&of=COUNTRIES\RUSSIAN+FEDERATION>

miscarriage. "Zainap" was released in mid-November in exchange for 10 machine-guns, requested by the Russian forces from her relatives. Upon her release from detention, "Zainap" reportedly underwent surgery. In line with the strong cultural taboo against rape victims in Chechen society, "Zainap's" husband refused to take her back; witnesses reportedly quoted him as saying: "After them, I do not need her. She is dirty now..."⁵⁶

Human Rights Watch, Serious Violations of Women's Human Rights in Chechnya: Russian military and police forces have hundreds of checkpoints within Chechnya and between Chechnya and neighboring regions of Russia. Federal servicemen are notorious for using the checkpoints to extort bribes from civilians; Human Rights Watch also found several cases of rape at checkpoints.

"Alisa Riskhanova" (not her real name) reported to Human Rights Watch researchers that at the end of January 2000, while traveling by bus with a female friend out of Chechnya to Ingushetia, she was stopped at the Kavkaz Russian military checkpoint by Russian contract soldiers, or *kontraktniki*.¹¹ Ostensibly because the photograph of Riskhanova in her passport did not resemble her actual appearance, the soldiers detained both women. The bus driver pleaded with the soldiers not to detain the women, but the soldiers told the bus driver that the women would be sent back to the town where they were coming from, and the driver left.

Soldiers took the two women to two separate underground pits near the checkpoint. Four Russian soldiers came to Riskhanova, accused her of being a sniper, gave her a gun and told her to dismantle it, put it back together, and then shoot. Riskhanova reported to Human Rights Watch that she had never held a gun in her hands and did not know how. One of the soldiers hit her, causing her to fall to the floor. Two other soldiers began kicking her. The soldiers, Riskhanova said, told her "you will never have children again." Then the soldiers raped her. After spending three weeks in bed recovering from the abuse, Riskhanova spoke with Human Rights Watch. She believes that Chechens paid the Russian soldiers for her release.⁵⁷

Raids and Looting

Another aspect of Russian operations in Chechnya is the looting of houses and offices in villages and towns.

Chechens' properties and goods are regarded as extra bonus for Russian military and policemen who complain about overdue salaries and allowances. Encouraged by senior officers, Russian military personnel confiscate the valuables - such as gold, silver, furniture, clothing - of civilians by force and use military trucks to load and carry the goods. We can say that there is a market emerged in which Russian military personnel trade.

The fact that the Russian government either delays or fails to pay the salaries of its military personnel serving in Chechnya is the main factor that encourages looting. For instance, in April, 11 policemen from Tula region who had been assigned to serve in Chechnya left their posts in Nocay-Yurt region to return home without informing their senior officers on the grounds that they had not been paid. It is also known that, so far, 170 policemen have resigned for the same reason.

MEMORIAL-Appeal to the UN Commission for Human Rights: Soldiers behave crudely while engaging in these sweeps, they humiliate the villagers and sometimes beat them. Increasingly in recent months, these mop-ups have been accompanied by coarse mistreatment of women (Villagers interviewed are reporting sexual taunts, tearing of dresses, pushing, etc. apparently stopping short of rape. Cultural taboos usually prohibit people from reporting the rape of women. It is significant that increasingly, Memorial is hearing reports of such sexual harassment.). The looting that goes on during the sweeps is well-organized. The soldiers openly carry all the valuables out of peoples' homes and load them up into trucks. Often the soldiers extort money from the owners of the home they are checking, and threaten that they will take away all the young men of that family to a "filtration point" if they don't pay up.⁵⁸

⁵⁶ AMNESTY INTERNATIONAL, (Public Statement) Russian Federation: Women and girls victims of human rights abuses (selected case studies) AI-index: EUR 46/005/2002 25/01/2002

⁵⁷ January 2002, Human Rights Watch, Serious Violations of Women's Human Rights in Chechnya, http://www.hrw.org/background/eca/chechnya_women.htm

⁵⁸ MEMORIAL, 27.03.2002, Appeal to the UN Commission for Human Rights, <http://www.memo.ru/eng/memhrc/texts/app0302.shtml>

Corpse Trade

It has been confirmed by the witnesses that Russian military personnel do not only demand money from the family members of those who have been detained in Chechnya and waiting to be released, they also sell the corpses of those who were killed by the Russian forces for 100-3000 US dollars to their relatives.

Ransom has been turned into a way of earning money by Russian troops. Chechen Minister of Public Health Umar Khanbiyev, as a witness himself, has been providing international community with relevant information about ransom allegations.

"Perhaps the most pitiful picture today in Chechnya is that of relatives rushing to newly reported mass grave sites to search for the remains of the "disappeared." Indeed, the corpses of many of the "disappeared" have subsequently been found in unmarked, makeshift graves and body dumps throughout Chechnya. The discovery of a cluster of graves containing about sixty corpses near the federal military base at Khankala generated intense media attention. While it contained an unprecedented number of corpses, it was not the first such burial site to be found in Chechnya."⁵⁹

THE "DIRTY WAR" IN CHECHNYA: "Human Rights Watch has documented at least eight makeshift graves containing mutilated bodies of individuals that bore unmistakable marks of torture. In another eight cases, the dead bodies were dumped by the side of a road, on hospital grounds or elsewhere. In one case of base corruption, a military serviceman insisted that the parents of two "disappeared" brothers pay him to sketch a map to their makeshift burial site. He apparently promised them, "If they're not yours, I'll give you back your money."⁶⁰

The "disappearance" of Ali Musaev (age twenty-eight), Umar Musaev (age twenty-three): Two brothers, Ali and Umar Musaev, were detained and "disappeared" on the morning of August 8 after a shootout in their courtyard. Alamat Musaev, their father, witnessed the shooting and his sons' detention, told Human Rights Watch that he was returning home that morning when a Chechen man unknown to him at the time ran into his courtyard. Soldiers walking ahead of Musaev suddenly jumped into the courtyard of his home and started shooting. When the shooting ended, the father walked to his home and saw the dead body of the unknown person and his youngest son—alive but with arms tied behind his back—on the ground. The servicemen subsequently put the youngest son in an APC and took him away. The elder son was forced to drive himself, using his own car, to the local commander's office. Shortly after the detention of their sons, the Musaev parents heard from neighbors that Russian national television had shown a news item in which two military commanders, Lieutenant General M.I. Lubenets and Maj. Gen. Yakov Nedobitko, said they had found and killed several Chechen commanders in Gekhi, and that the body of a Chechen man shown in the broadcast resembled their son Umar. Musaev's parents obtained a videotaped copy of the broadcast and recognized the dead body of their younger son, whom they had last seen alive as he was taken away in an APC.

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

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

In September 2000, the Musaev's found their sons' corpses in an unmarked grave. A military officer had compelled them to pay for information on the location of the grave. A November 1

⁵⁹ THE "DIRTY WAR" IN CHECHNYA, Human Rights Watch, March 2001

⁶⁰ Ibid

letter from the military procuracy at Khankala military base states that the Musaev brothers were in fact taken to the Gekhi temporary police station and that "their trace is then lost, as your sons are not listed in the registry of temporary detainees or in the temporary detention center of the Urus-Martan region."⁶¹

The amount of ransom demanded for the release of those who has been arrested or kidnapped by Russian troops depends on the budget of the detainees' family members and it could change between 100 and 3000 US dollars. What is waiting for those whose relatives fail to pay the ransom is torture chambers called 'death holes', and even after they die under torture, detainees' bodies are still sold to their family members.

Russians are well aware that due to their traditions, even in war, a proper funeral for a family member is extremely important to Chechens and they take advantage of this tradition by trading corpses, knowing that no Chechen would let a dead relative be dumped in a mass grave.

If a Chechen dies in custody, first his body is dispensed with and then fake documents are produced to prove that he or she has been released. If he or she is lucky enough to be one of those who manage to survive this circle of violations - which is only ten percent - the place he or she will be sent is Cernokozova Concentration Camp, where the ransom process starts again. If the ransom still cannot be delivered torture involves again and this circle goes on and on until he or she dies.⁶²

The Norwegian Helsinki Committee- Forgotten Terror: Chechnya: Another, less affluent woman, 50 years old from Grozny, told of the "detention" of their 20-year-old son, who was the oldest of her six children.

We came here [to Ingushetia] two years ago. All our documents were destroyed in the first war. We only had a small note of paper saying we were IDPs in Ingushetia with a stamp on it. In March this year my son returned to Grozny to get new ID-papers. He was detained in a "mop-up"-operation in the Leninskaya district on 8 March 2001 because he did not have proper documents. One of the men who were arrested with him, was released soon afterwards and sought me out here. He said that the Russians had told him that I could come and get my son in Grozny. I went to the place where my son was kept and met a soldier who said that he wanted 50 000 roubles for my son. I started crying and said that I had no money. He said, OK, give me 20 000. I repeated that I had nothing and he told me to go to the mosque and collect it there. I cried and said that it was impossible and that he should release my son to me whether he was alive or dead. But the soldier just chased me away. There was an Armenian there, a kontraktnik working for the Russians, I asked him for help. The Armenian answered, beat it, grandma, and then he asked me: what kind of mother would refuse to pay for the release of her son? My son is still in jail accused of all sorts of crimes. I have paid one of the lawyers working with the Kadirov-administration 5 000 roubles to get him free, but nothing happens.⁶³

Mass Graves

Another reality, which constitutes the rings of a planned genocide movement and of which evidents are darkened and it is not allowed to be searched, is the mass graves that come out one by one. Despite all efforts made by Russians, some of these mass graves could be documented by the works of Memorial.

World community has not paid even as much attention as they did in mass graves found out in Bosnia when they were found in Chechnya.

The first mass grave, which showed the executed war crime, is found on 25th February 2001 in Khankala where there is a Russian military base. 200 civil corpses are taken out of here. The legs and arms of the corpses were tied up and they were blindfolded. The second mass grave is found in Roshni-Chu. There was even the dead the dead body of a one-year old baby in the grave of 50 people. Later on 14th April 2001 a grave of three people in a district of Jaharkala, Avtorkhanovsky and another on 1st May 2001 in Dachni, Jaharkala with corpses all internal organs removed and another one of 35 people on 4th May 2001 in Khankala has been found.

⁶¹ Ibid

⁶² It is Genocide, Fehim Taştekin (In Turkish)

http://www.kafkas.org.tr/ajans/Haziran%202001/28_06_2001%20jenosidin%20ta%20kendisi.htm

⁶³ Forgotten Terror: Chechnya October 2001, The Norwegian Helsinki Committee

On 5th May 2001 when an explosion led to the death of two children at the entrance of a building used as headquarters this event revealed another mass grave of 70 people in the basement of that building.

In May, in Obtyabrskiy district of Jaharkala, in the yard of a building which had been used as headquarters another 17 corpses were found.

On 30th August the bodies of 56 people were dug out near the village Aleroy while on 15th October in Avtorkhanovskiy area a new mass grave of 50 people was found.

MEMORIAL: How A-V. Yashkuraev was found?: On 28 February 2002, some youths who were minding cattle not far from the grain elevator on the edge of Argun noticed that some stray dogs were digging in the ground and trying to drag something out. On closer inspection they realised that it was a human leg. They went immediately to the commandant's office and told the women there, who passed the news on to people who were searching for missing relatives. A crowd soon gathered around the commandant's office, demanding that a search of the site be carried out. As there was no visible response from the public prosecutor's office, the crowd stayed there from 1 to 2 March. Only at 4.00pm on 2 March were they invited to identify the bodies. According to the public prosecutor from the inter-regional public prosecutor's office, Rostislav Viktorovich Timshin, it took almost three days for sappers to open a way through to the burial site.

There they found three shallow graves no more than 50 centimetres deep. Two had been exposed, obviously by the dogs. Bones had been picked bare and the skulls were missing. Also, no clothes were found. The corpse in the third grave was well preserved. Zalpa Yashurkaeva identified her husband, Yashurkaev Abdul-Vakhid Sulimovich (born 1940) from surgical scars. He had been taken away by Russian soldiers during the "mopping-up" operation from 11 to 14 March 2001. His head was also missing and the edge of the wound on his neck was ragged. The remains of his trousers were found next to the body, to which were stuck pieces of skull and teeth. According to the public prosecutor R.V. Timshin, all three were killed and buried at the same time.⁶⁴

Statement of Yashurkaeva Zalpa, widow of Yashurkaev Abdul-Vakhid: The corpse was headless and there were knife wounds on the body. The body was preserved as if he had only died a week ago. There were blue weals on his legs and across his ribs as if they had beaten him with clubs. The body was clean, as if they had washed him. On his chest was hair from his beard. The left shoulder had been smashed and you could see the bones.

When he had the operation, he had a skin graft and they took 58 centimetres of skin from his leg. I recognised him by the marks from the operation.

The others: the bones of one had been separated; the bones of the lower half of the other one's body had remained together and the muscles were still there on the legs below the knees. It looked as though the flesh had been cut from the bones. Maybe the dogs had gnawed them. They weren't able to identify anyone else. There were no heads.

The youths saw that the dogs were digging up something and pulling at it. They went up, pulled at it and realised that it was a human leg. They went to the commandant's office and said there were bodies behind the flour factory. That was on Thursday (28 February). But the soldiers wouldn't let us get there. For three days they said there were no bodies. We said we wouldn't leave until they were exhumed. On 2 March at 4.00pm two armoured personnel carriers went out there with Masaev (a policeman), Eldiev Khusein (who is looking for his missing first cousin) and Idrisov Kharon (the deputy commandant). They dug them up and brought them back to the commandant's office. There were no clothes. They brought some trousers along with my husband, but they weren't his. They said they were by his head. They must have pulled them over his head and then blown him up. There were bone fragments from his skull and teeth (in the remains of the trousers). The cloth fell to pieces when you touched it. In the empty hole they found a piece of bandage and a sock. The sock was as good as new. They told us that there are another 24 sites that they are treating with suspicion, but that they are not going to check them until they have finished dealing with four men who were taken away on 2 March from their homes and whose bodies were handed over on 2 March.⁶⁵

⁶⁴ MEMORIAL, 14.03.2002, REPUBLIC OF CHECHNYA, ARGUN "DISAPPEARANCES" OF DETAINEES "DISAPPEARED" FOUND IN UNMARKED GRAVES,

<http://www.memo.ru/eng/memhrc/texts/argun0203.shtml>

⁶⁵ Ibid

There are more than 60 people from the village who have been taken away, who have "disappeared" and have not been found.⁶⁶

Human Rights Watch: BURYING THE EVIDENCE: On February 24, a dumping ground for human remains was discovered in the village of Dachny (also called Zdorovye), located less than a kilometer from the main Russian military base in Chechnya. The corpses of fifty-one people were eventually found in the vicinity; nineteen bodies were identified, at least sixteen of which were the remains of people who were last seen alive in the custody of Russian federal forces. Most were in civilian clothing, some were blindfolded, and many had their hands or feet bound. The mass "dumping site"—the bodies were dumped along streets in the village and in abandoned cottages over an extended period of time—provides striking evidence of the practice of forced disappearances, torture, and extrajudicial execution of civilians by Russian federal forces in Chechnya. Federal and local authorities denied responsibility for the deaths of those found at the site and instead blamed the deaths on Chechen rebel forces and criminal gangs. However, the area where the mass dumping ground was found has been under Russian military control since December 1999, long before the vast majority of the bodies were deposited there. The Russian government's investigation into the circumstances surrounding the deaths of those found at the site has been wholly inadequate. Russian authorities failed to provide adequate time or information for identifying the bodies, so that the victims' relatives often did not know that they could view the bodies or learned about the identification process only through word of mouth. Russian authorities also conducted the investigation in a manner that did not preserve potentially crucial evidence that might have led to the identification of those responsible for the torture and execution-style killings of the more than fifty persons found at the site. The investigation provided further evidence of the Russian government's refusal to take meaningful steps to identify the perpetrators of serious human rights abuses by its forces and hold them accountable.

Dachny was not the first site of unmarked graves to be found in Chechnya, although it is the largest found to date. In March, Human Rights Watch issued a report, "The 'Dirty War' in Chechnya: Forced Disappearances, Torture and Summary Executions," documenting eight mass graves and eight other makeshift burial sites where corpses of the "disappeared" and others had been found.¹ Most of the people whose bodies were found in those graves were last seen in the custody of Russian federal forces, and most bore unmistakable signs of torture. Injuries commonly found on the bodies included broken limbs, flayed body parts, severed fingertips, and knife and gunshot wounds.⁶⁷

Memorial- Bodies discovered near Khankala: The following are some of the tragic cases when the bodies of the former detainees were actually discovered:

On 13th December 2000, on the outskirts of the village of Stariye Atagi, three graves were discovered and excavated. During the excavation, the head of the administration of the village of Stariye Atagi and representatives of the Procuracy were present. In one of the graves, the bodies of three men were found. These men had been arrested by the federal troops on 20th December 1999 at the block station in the same village – the victims were an uncle and two of his nephews: Kuntayev Imran Vakhayevich, Sadayev Adam Sultanovich and Abdurzakov Adnan Aliyevich. In another grave, two male corpses were discovered – it is unclear to whom they belonged but the victims had only recently been killed. There were clear signs of beatings and torture on the bodies. The face of one of them was seriously mutilated. In the third grave, the body of Isaev Edel'bek was found, a young man who had been arrested in the hospital of the village of Stariye Atagi on 7th September 2000 during a cleansing operation. Isaev had been wounded in March in an attack on the village of Khalkela in the Shamoisky district. His father and brother had died as a result of this attack, and Isaev was, with the help of the federal soldiers, evacuated to the hospital of Stariye Atagi to recuperate. On 7th September he was arrested by troops during the cleansing operation. And now his mutilated body has been found, with signs of torture.

On 18th November 2000, at about 23.00 o'clock, two cars stopped in front of the Yanurkaev family home in the village of Goity: a "Ural" heavy goods vehicle and a "UAS" car. There were armed men in camouflage in these vehicles. After quickly recognizing the value of the Yanurkaev property, they broke into the yard, shooting into the air. The head of the family, Shirvan Yanurkaev came out to meet them and they told him they had come from Urus-Martan in search of Abubakar Yanurkaev. Shirvan Yanurkaev answered that Abubakar was his

⁶⁶ Ibid

⁶⁷ May 2001, Human Rights Watch, (RUSSIA/CHECHNYA) BURYING THE EVIDENCE: THE BOTCHED INVESTIGATION INTO A MASS GRAVE IN CHECHNYA, www.hrw.org/reports/2001/chechnya2/

son and was at that time in the house, because he had been ill for five days. The soldiers went into the house, took Abubakar out of bed and told him to get dressed. When they took Abubakar out of the house, his two-year old son Isa seized hold of his feet. His other son, four years old, also began to cry. The mother of the detainee was standing in the doorway. The men in camouflage tore Isa from his fathers feet, dragged the aged woman into the yard and took Abubakar away.

After the federal troops drove away with Abubakar, a group of women went to the commander's office of the village of Goity in search of an explanation.

The members of the Special Police Force (OMON), who were in the office's yard, pointed at the bodies of two of their men, lying on the floor, and told the women that those had wives, too, and that their death demanded revenge. Those two members of the Special Police Force had been killed the day before at a cafe in Goity. Abubakar was taken to Urus-Martan, to the Temporary Department of Internal Affairs, which was located in the premises of a former boarding school.

The relatives of the detainees began to search for a way of freeing him via middlemen. Also via these middlemen, the members of the Temporary Department of Internal Affairs told the relatives that Abubakar would be released the next day. But he was not released the next day, nor the day after. Finally, on the fourth day after his detention Shirvan Yanurkaev was told that his son would be released at 10.00 o'clock the next day. However, the next morning federal troops surrounded Goity to conduct a cleansing operation. For two days the relatives of the detainee asked the soldiers in vain to let them leave the village to go to Urus-Martan. Only in the evening of the second day after this the blockade was ended were they allowed to leave. That same evening, a resident of Goity told the Yanurkaev family that Abubakar's body was laying in the district hospital of Urus-Martan. His relatives went there and found his body in the Central Hospital of Urus-Martan. The hospital staff told them, that federal troops had taken Abubakar's body there and had told one of the nurses that Abubakar had stepped on a mine.⁶⁸

Another important matter that must be investigated is that the internal organs of the corpses taken out of mass graves were missing. Claims of which the organs of humans are sold to the organ mafia and Russian soldiers are in cooperation with them, have come up. But there is not yet an organization to investigate these claims and to bring forth the truth.

Attacks On People Who Defend Human Rights

Impartiality in Medical Aid

Not only Chechen civilians but also the representatives of international organizations that bring aid to the area has become targets of Russian. For instance, Victor Popkov, who defends human rights, was attacked while he were bringing aid to the area on 18th April 2001. He had been waited wounded on the control point for hours. Then he died in the hospital in Moscow.

On 26th May 2001, the aid convoy of Danish Refugee Council was fired. On 30th May 2001, Izrailov, who was an officer of Red Cross, was wounded severely after the opened fire at the Russian control point in Jaharkala.⁶⁹

The aid organizations came to Chechenia consist of medical drugs and basic food units of which the standarts are determined by UN. The pressure on doctors and medical personnel, who medically help civil public, never stops. One of the doctors who is under threat because of the claim of medical aid for Chechen warriors and who could not give his name for security purposes tells to Doctors Without Borders as:

The Politics of Terror, Doctors Without Borders: On several occasions, doctors and surgeons interviewed noted that victims of abuses are too scared to go to the hospital to receive care. The hospitals are not safe havens, and are either occupied or surrounded by the military. Doctors themselves are subjected to arbitrary restrictions by Russian soldiers in their movements and their daily, medical activities. Many have no choice but to treat patients that come to their homes. In doing so, however, they risk being suspected of helping the rebel forces.

⁶⁸ 5/3/2001 Memorial, Bodies discovered near Khankala- irrefutable evidence of war crimes committed by Federal Forces, <http://www.memo.ru/eng/memhrc/texts/presconf.shtml>

⁶⁹ Chechnya Report, June 2001, Caucasus Foundation

"Two doctors from the hospital were arrested and spent time at the command post. In one of the doctor's house, they found an electrocardiograph during a 'zachistka' about a month ago. He has been working for 30 years as a cardiologist. He is over 60 years old. They accused him of treating the fighters. He spent a night in a pit". *Doctor, Urus Martan District* ⁷⁰

To not to reduce aid for people who do not act in war including prisoners of war and to not to prevent help of people for this purpose have been stipulated by International Human Rights conventions and war law. In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds. ⁷¹

In this respect, it should be accepted as Russian's violation of Geneva Conventions beside the other international law principles by stopping Red Cross vehicle to kill personnel or the attacks made to the other aid organizations.

In the 3rd article of Geneva Conventions, it is said that; "The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict."

In the early periods of the war, in December 1999 Vladimir Putin, in his declaration to The Financial Times said that Russia applied the international war law principles strictly. But starting with heavy bombardments for mass destruction in the beginning of the war and continuing operations, sudden attacks, torture, summary execution and arbitrary detentions belied Putin.

The Politics of Terror, Doctors Without Borders: "I worked before the war in the Maternity Hospital N°1 in Grozny - everybody calls it the Central Maternity Hospital. I worked there until the end of October when everything was destroyed. I was supposed to go back to work this month, but it's still difficult to travel. It's still dangerous.

Even though I'm not working now, people still come to my home. Especially at night, if there's a pregnancy with complications, they come and see me because they can't get to the hospital. I do what I can, but sometimes nothing can be done. They need to be in a hospital but they can't get there. People go to the local Russian checkpoint for help to access the hospital, but often they don't do anything. Unless the soldiers radio ahead [to the next checkpoint] or escort you it is suicidal to try to get to the hospital at night. They will open fire at you before you even approach the checkpoint.

Just recently, in early September, there was a woman whom I couldn't save. She arrived at 1 o'clock in the morning. I knew her. She was in her 35th or 36th week, and she had been vomiting and suffering from nausea. By the evening her condition had become much worse. Her family took her to the Russian checkpoint. A doctor there has often been helpful. But this time, when the family asked for help in getting to the hospital, the soldiers refused.

When they came to see me she had dangerously high blood pressure, eclampsia and a partial separation of the placenta. I gave her some medicines to lower the blood pressure but there was nothing else I could do. By early morning she gave birth to twins, but both were born dead. I told her family that she needed to go to the hospital immediately. Her relatives went again to the Russian checkpoint in town, but by then it was too late. She died before they could get there.

This is not the first time people come to see me at night. They're just too scared to try passing the checkpoints. Anything can happen.

⁷⁰ CHECHNYA: The Politics of Terror, Doctors Without Borders / Médecins Sans Frontières (MSF)

⁷¹ Article 9/2 of the Additional Protocol II to the Geneva Conventions and Common Article 3 say that: "In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds."

The definition of the medical personnel is given under the Article 8/c of the Additional Protocol I. Various aid workers come under this definition if they are directly linked to the medical and other humanitarian assistance including the Red Cross and the Red Crescent Organizations and therefore they bears a special protection status on condition not to take part in the conflict and carries out their ordinary mission.

Another rule is "Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom." (Article 10/1 of the Protocol II and Common Article 3). Similarly, respecting and protecting the medical units and transports at all times and not targeting them are also the established rules of the humanitarian law. (Article 11/1 of the Protocol II and Common Article 3).

This isn't a hospital. I have nothing here but a few medicines. Often there is nothing you can do but sit with them until the morning and hope the checkpoints will then re-open. Obstetrician, Urus Martan District

"Births are the most dangerous problem. There is very little pre-natal care now. Our women wait until there is a crisis to go to the hospital. But who is going to risk traveling at night? It's too dangerous. Almost all our births used to occur in hospitals. Now women everywhere are giving birth at home. Doctor, Urus Martan District

"The checkpoints make people's lives impossible. A man here fell off his roof. I was worried that he had broken his spine. I, myself, went to the checkpoint to bring him to the hospital for an X-ray. But they wouldn't let us through. They said the town was closed for a 'zachistka'. They wouldn't take any arguments. We had to treat him without a diagnosis. *Doctor, Urus Martan District*⁷²

⁷² CHECHNYA: The Politics of Terror, Doctors Without Borders / Médecins Sans Frontières (MSF)

CHAPTER 3

CLEAR WAR CRIMES

Even if Chechnya is accepted as a part of Russian Federation as claimed by the Kremlin thesis, the binding edicts of the Geneva Convention to which Russia is also a party can not be ignored.

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Especially the 3rd clause of the Convention explains the principles to be obeyed, in case a non-international armed conflict arises in one of the party countries. If Chechnya is a member of Russia, then the 3rd clause of the Geneva Convention is in use. Furthermore, these edicts of Geneva Convention are binding the sides in international conflicts too.

As Russia claims "Chechnya is her domestic problem" she considers Chechnya as a part of Russia. By doing this, Russia is trying to obtain a mandate from international law for his non-law abiding actions in a land that she has been holding under occupation for 400 years. On the other hand, the articles of the Geneva Convention are very clear. The countries that do not abide with these edicts lose the position of "fighting side" and they may be become liable to persecution for war crimes they have committed. In spite of these provisions, Russia, although she was devoid of any human lawful means, was able to put pressure on many countries during the voting related to Russian aggression in the Chechnya in United Nations Human Rights Commission and European Council Parliaments House and was able to obtain satisfactory results for her aims..⁷⁴

The common article 3 of the Geneva Convention to which Russia is also a party, states what constitutes a minimum of humane treatment. The following acts, committed against the persons mentioned above, are and must remain prohibited at all times and in all places:

- a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- b) Taking of hostages;
- c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;
- d) The passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

Although the war that Russia conducts in Chechnya is full of these violations, the international society is very careful not to spell "war criminals" for Russian authorities.

Shortly, Geneva Conventions to which Russia is also a party mentions not a war among two or more states but an armed strife in the land of one of the member states of Geneva Convention. Even if Chechnya as an independent state is at war with Russia, the articles of the Geneva Conventions are still valid. Similarly, the Chechen side, whatever her legal status is also liable to articles of the Geneva Conventions. Besides, the Chechen side is also a party to this Convention. Indeed, the elected President of the Republic Chechen-Ichkeria, Aslan Maskhadov in his letter to the Sweden Federal Council on May 2001 has stated that the Republic Chechen-

⁷³ The treaties prepared by the Red Cross and known as Geneva Conventions are the most important sources of the humanitarian law. Four conventions had been adopted in 1864, 1906, 1929 and 1949 and then these conventions by some revisions again adopted and opened to the signatures of the states on 12 August 1949. Two additional protocols were also adopted later on 1977. First protocol is relating to the Protection of Victims of International Armed Conflicts and second is relating to the Protection of Victims of Non-International Armed Conflicts. The mission of preparing the conventions and the protocols were given to the Red Cross. And two more conventions were adopted after the huge destruction of the Second World War. Namely they are 'the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity', (26 November 1968) and the 1973 cooperation principles on returning, searching, arresting and punishing those who committed war crimes and the crimes.

⁷⁴ "European Council gave honour to Kremlin as returning vote right in the council to her in April 2000, in spite of tragedy and continuing invasion in Chechnya." Visa for massacre from Europe, 26.01.2001, Agency Caucasus, <http://www.kafkas.org.tr/ajans/26.01.2001%20%20Avrupadan%20soykirima%20vize.html>

Ichkeria is a party to the articles and protocols of the Geneva Convention and the Chechen armed forces will abide by the principles of war laws.⁷⁵

As Chechnya was not able to obtain her "de jure" independence, it has been impossible for her to sign the Geneva Conventions.

Crime of Genocide

Russia is using mass destruction weapons, which were prohibited by international treaties in Chechnya. Russia has made half population of Chechnya refugees. It has been killing and torturing children, women, old people and unarmed men without discrimination between civilians and combatants. All these actions make Russia's war crimes file very thick.

Although Russia has been breaching all the rules in the "Convention on the Prevention and Punishment of the Crime of Genocide", the reason why Russia is not tried at La Hague International Justice Court is political. The present equilibrium of power centers do not permit the trial of any of the Russian leaders

According to Convention on the Prevention and Punishment of the Crime of Genocide, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.

The Difficulties applying at European Court of Human Rights

The violence and oppression politics that were directed by Russia not only against at Chechens but against at all Caucasus was inherited by USSR and similar politics was pursued during that era. Unfortunately, in our new era where the international law has obtained such a respectful position, the Russian atrocities continued during the new federative regime.

The prevailing cultural and religious system in Caucasus and especially in Chechnya is entirely different from Russia's preferences. It is also very important to realize that, in Chechnya these oppressions are directed to a people of different ethnical, religious, historical and cultural identity. Many esteemed international organizations like United Nations Commission on Human Rights, OSCE, Parliamentary Assembly for Council of Europe, Amnesty International, Society for Threatened Peoples, Human Rights Watch, Commission of International Lawyers, International Helsinki Federation, Institute of East European Democracy, Physicians for Human Rights, Physicians for Global Survival, Council of World Churches have described the crimes committed by the Russian armies in their special reports. Although these reports did not prevent Russians from their crimes, at least these crimes against humanity and oppression were recorded.

It may be asked why the Chechens did not take their cases to the European Court of Human Rights? The right of persecuted Chechen people at the European Court is reserved, but the obstacles against the applications of the Chechen people at the Court must be removed.

Firstly, Chechnya, after proclaiming her independence following the break up of the USSR, was not able to have means to galvanize her internal dynamics. While Chechnya was trying to shake off the terrible inheritance of the USSR, she was faced with the war of 1994-1996 against Russia. During this period she was not able to improve her economy, legal and educational systems. After the war, As Chechnya was trying to recover from the losses she sustained she was subjected to a desultory and unlawful Russian blockade. Furthermore it was attempted to make Chechnya a centre of criminals. In order to gain these aims, certain power centres that posed as threats against the stability of Chechen administration were created. Consequently, Russia used this "criminal" argument in international field to justify her aggression against Chechnya and she managed to portray the Chechens as criminals.

⁷⁵ "Chechen Rebels bid for Geneva Conventions status," Associated Press, May 6, 2000; Quoting: Human Rights Watch, October 2000, "Welcome to Hell" Arbitrary Detention, Torture, and Extortion in Chechnya

Chechnya was strangled and her attempts made to contact with the international world was prevented. Chechen individuals attempted to take their cases to the European Court of Human Rights many times. Since they did not have sufficient information how to proceed and they lacked the necessary financial resources, all their attempts failed.

It is obvious that the Chechens need help and enlightenment. They did not have time and means to produce experienced lawyers who can take their cause to international courts. Therefore, The Chechens need the support of individuals and organizations with the experience of international laws as much as financial sources.

The Right to Life and Prohibition of Torture

It should be remembered that, Russia is a party of "European Convention on Human Rights" and "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" which proclaims the right to life, to protection against ethnical and religious persecution and torture, to freedom of thought, conscience and religion

"The right to life" that is guaranteed by these conventions can not be restricted and violated even in war times. In the first war which had attracted more attention from the international community and in the present (second) war labelled as "anti-terror operation", Russia has more than breached all these edicts in the conventions

The 3rd article of the European Convention of Human Rights and 7th article of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment forbids torture in the conflict time too.

As a result of the 1st article of European Convention on Human Rights, in order investigate the application of the clause of prohibiting torture, The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was founded. According to the 8th article of this convention, a state party to the convention shall provide the Committee with the following facilities to carry out its task:

- a. Access to its territory and the right to travel without restriction;
- b. Full information on the places where persons deprived of their liberty are being held;
- c. Unlimited access to any place where persons are deprived of their liberty, including the right to move inside such places without restriction.

The 9th Article of the International Covenant on Civil and Political Rights (ICCPR) and the 7th article of European Convention of Human Rights (ECHR) forbid arbitrary arrest or detention. According to these articles, anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

According to the 14th article of ICCPR and 6th article of ECHR, everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law and everyone must be informed promptly of the nature and cause of the charge against him;

As Russia did not proclaim public emergency she did not either announce that she will not abide by these conventions

Common Article 3 to the four Conventions applies to all armed conflicts of a non-international character and occurring in the territory of one of the High Contracting parties to the Convention. In such a case, persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those who are *hors de combat* for any other reason will in all circumstances be treated humanely without any adverse distinction. Additional 2. Protocol accepted on 7 June 1977 in which all the wounded, sick and shipwrecked must be respected and protected, medical personnel must be respected, protected and helped in the performance of their duties in aiding all the wounded and sick without discrimination

The Convention also mentions that; in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

The human right reports clearly show that The Russians keep shooting and killing people indiscriminately. They continue to torture, to beat, to inflict wounds, to bomb and to raid the houses. Most Russian actions are proved to be directed against civilian population and medical help units.

The reports compiled by Physicians for Human Rights on Aldi and Katır-Yurt have clearly showed that The Russians are systematically and intensely killing the civilian population. It is clearly proved that the Russian Federal soldiers kill not as a result of unavoidable war conditions, but arbitrarily and intentionally. Therefore they clearly commit war crimes. (International Humanitarian Law and Human Rights Law, Endless Brutaliy: War Crimes in Chechnya)

The only one concrete step taken by the international community has been to compile the Russian atrocities in detail and publish them. The weak protests against Russia have no effect. On the other hand, these crime reports will be invaluable sources for the probable trial of Russian authorities responsible for the crimes they committed in Chechnya.

Since it is impossible to expect from the Russian administration any justice related to the crimes committed in Chechnya, it is the responsibility of international mechanisms to establish justice in Chechnya.

Of course here the most important question to be dwelled upon is, whether is it possible to talk about such an international mechanism to respond this call or not.

APPENDIX .1

Some of the reports documenting human rights violations and the war crimes in Chechnya perpetrated by security forces of Russian:

- Abuse and Lawlessness Continue in Chechnya (Human Rights Watch, February 28, 2002) , <http://hrw.org/press/2002/02/russia0228.htm>
- Swept Under: Torture, Forced Disappearances, and extrajudicial Killings During Sweep Operations in Chechnya (Human Rights Watch, February 2002) , <http://www.hrw.org/reports/2002/russchech/>
- Failure to protect or punish: human rights violations and impunity in Chechnya, Amnesty International, (21 January 2002), <http://web.amnesty.org/ai.nsf/Index/EUR460042002?OpenDocument&of=COUNTRIES\RUSSIAN+FEDERATION>
- Civilians Continue to Flee Violence in Chechnya Medecins sans Frontieres Calls Upon UNHCR to Improve Living Conditions of Displaced Chechens in Ingushetia (January 16, 2002), <http://www.doctorswithoutborders.org/pr/2002/01-16-2002.shtml>
- Russian Federation: Serious Violations of Women's Human Rights in Chechnya, http://www.hrw.org/backgrounder/eca/chechnya_women.htm (Human Rights Watch, Ocak 10, 2002)
- Letter to the Parliamentary Assembly of the Council of Europe from French NGOs, <http://www.ideo.org/FrenchNGOs.htm>
- Military tightens restrictions on journalists in Chechnya (Committee to Protect Journalists, July 27, 2001), <http://www.cpj.org/news/2001/Russia30jul01na.html>
- Ethnic Persecution of Chechens in the Russian Federation (USCJ, July 9, 2001), http://www.fsmonitor.com/stories/chechen_report.htm
- New Round of Russian Sweep Operations Triggers Outflow of Civilians (Human Rights Watch, July 6, 2001), <http://www.hrw.org/press/2001/07/chechnya-0707.htm>
- Human Rights Watch Report Russia Buries Evidence of Atrocities (May 15, 2001), <http://www.hrw.org/hrw/reports/2001/chechnya>
- International Committee of the Red Cross (ICRC), Emergency Action of the Red Cross and Red Crescent Movement for the North Caucasus and the South of Russia, (ICRC projects in Chechnya, May 2001, <http://www.icrc.org/icrceng.nsf/Index/E946FD44E6A425ADC1256A5700407AAE?OpenDocument>
- Russia's Mass Grave Investigation "A Charade" (Human Rights Watch, April 2, 2001), <http://www.hrw.org/press/2001/04/chech0402.htm>
- United Nations, Commission on Human Rights Resolution 2001/24: Situation in the Republic of Chechnya of the Russian Federation (April 2001), <http://www.unhchr.ch/huridocda/huridoca.nsf>
- The 'Dirty War' in Chechnya: Forced Disappearances, Torture and Summary Executions (Human Rights Watch, March 21, 2001) , <http://www.hrw.org/hrw/reports/2001/chechnya>
- US Committee on Refugees, Inside Chechnya: Misery, Fear and Abuse, (February 2001), http://www.refugees.org/world/articles/chechnya_rr01_02.cfm
- Physicians for Human Rights Report Endless Brutality: Ongoing Human Rights Violations in Chechnya (January 23, 2001), http://www.phrusa.org/research/chechnya/chech_rep.html
- Human Rights Watch Field Update on Chechnya (January 22, 2001), <http://www.hrw.org/backgrounder/eca/chechmemo-0122.htm>
- Médecins sans Frontières Report The Politics of Terror (November 2000), <http://www.msf.org/projects/europe/russia/chechnya/reports/2000/11/chech-rep/>
- Human Rights Watch Report "Welcome to Hell" Arbitrary Detention, Torture, and Extortion in Chechnya (October 2000), http://www.hrw.org/reports/2000/russia_chechnya4/
- Amnesty International, Russian Federation: What Future for Chechens - Citizens or Subjugated People? , (October 2000), <http://web.amnesty.org/ai.nsf/Index/EUR460442000?OpenDocument&of=COUNTRIES\RUSSIAN+FEDERATION>
- Memorial Letter to the Parliamentary Assembly of the Council of Europe About the Situation in Chechnya, <http://www.ideo.org/memorial.htm>
- Amnesty International, , (June 2000) Russian Federation: Continuing Torture and Rape in Chechnya,

<http://web.amnesty.org/ai.nsf/Index/EUR460362000?OpenDocument&of=COUNTRIES\RUSSIAN+FEDERATION>

- Physicians for Human Rights, "Violations of the Laws of War in Chechnya: Testimony of Doug Ford", April 4, 2000 <http://www.phrusa.org/research/chechnya/chech040400.html>
- Physicians for Human Rights, "Medical Group Releases Final Data on Russian Atrocities in Chechnya", March 2000: http://www.phrusa.org/research/chechnya/chech_fin_survey.html
- Physicians for Human Rights, "Random Survey Conducted by US Medical Group of Displaced Chechens Finds Widespread Killings and Abuses by Russian Forces", 26 February 2000: http://www.phrusa.org/research/chechnya/chechen_displaced.html
- Médecins sans Frontières, Témoignage from Chechen Refugees: The Tracking of Civilians, (December 1999), <http://www.msf.org/projects/europe/russia/reports/1999/12/temoignage/account.htm>
- Also several Other Reports of Human Rights Center "Memorial" on Chechnya tragedy can be reached on this web address: <http://www.memo.ru/eng/memhrc/arch.shtml>

ENDLESS GENOCIDE AT CAUCASUS AND CHECHEN TRAGEDY
REPORT OF THE CAUCASUS FOUNDATION. MAY 2002
by Fehim Tastekin and Mustafa Ozkaya
fehimtastekin@kafkas.org.tr

Web site link to download the report:
http://www.kafkas.org.tr/hakkinda/Endless_Genocide.html