

# **RUSSIAN FEDERATION**

## **Briefing - Torture, “disappearances” and alleged unfair trials in Russia’s North Caucasus**

Amnesty International releases today new findings that show there is no end to the serious human rights violations in the North Caucasus. What the Russian government describes as its “war on terror” in this region is being used as a pretext for violations that include “disappearances”, torture, arbitrary detention and incommunicado detention in unacknowledged as well as official places of detention. There are ongoing reports of targeted violence against women by members of the security forces in Chechnya, in particular arbitrary detention, rape, and killing. Such violations are overwhelmingly committed with impunity, as very few perpetrators are ever identified and brought to justice. Chechen armed opposition groups are also reported to have violated international humanitarian law over the course of the conflict, including by targeting civilians.

While “disappearances” continue, Amnesty International has received reports about a possible new trend in which people reportedly are being arbitrarily detained and held in incommunicado detention where they are subjected to torture and ill-treatment in order to force them to “confess” to crimes they have reportedly not committed, including “terrorist” crimes. Once individuals have signed a “confession” they are reportedly transferred to another detention facility where they have access to a lawyer of their choice and relatives; but the confession is used as “evidence” in court in order to secure a conviction. Amnesty International learned of such cases in Chechnya, as well as in the neighbouring republics of Ingushetia and North Ossetia.

Relatives of “disappeared” people or people who have been tortured in custody are often reportedly obstructed by the authorities when they try to find out information or gain redress for crimes committed against themselves or their loved ones. The office of the procuracy – the organ responsible for investigating violations of the law – at all levels appears to fail to take effective action to investigate allegations of serious human rights violations. Many relatives pursuing their quest for information of the killed and “disappeared” say that they face intimidation and threats to drop their complaints or stop their search.

Nevertheless there are people determined to see justice done regardless of such obstacles.

When several men from the Chechen village of Novie Atagi were detained and held in incommunicado detention earlier this month, relatives and neighbours organized a picket blocking the village’s main road, demanding to be told where the men were being held. Despite an atmosphere of fear in the village, which has seen a number of raids by security forces accompanied by ill-treatment and arbitrary detention over the past several months, some people were prepared to speak out about what is happening.

The wife of Vakha Matuev, a Chechen who was detained in Ingushetia in March 2005 and has since "disappeared", spoke to Amnesty International. She said she was determined to do all she could: "so that they tell me where he is, what happened to him. Has he been killed, is he alive? ... I have the right as his wife to know what happened to him.... It's meant to be peacetime, that's what they say, peacetime, and yet this year in March a person is taken and he disappears without a trace, when there is not supposed to be a war going on, there has to be a reason for it."

Relatives of five men and one woman who were killed by the Russian military in January 2002 near the village of Dai in Chechnya have not given up on the Russian courts. They continue to hope that the soldiers found responsible for the deaths of these six civilians will not be acquitted again of the crime of murder when a court in Rostov-on-Don reviews the case for the third time in October.<sup>1</sup>

Justice -- and a return to their former lives -- is also elusive for those displaced by the conflict in Chechnya. Amnesty International delegates visited camps in Ingushetia where such displaced people have been living for several years. Conditions in the camps varied but were generally cramped and unsuitable. The conditions at a camp on the site of a former dairy farm were particularly harsh. Families had partitioned off living quarters in a large draughty shed that formerly housed dairy cattle. However, again and again the people living in these conditions told the Amnesty International delegates that they were afraid to take their families back home to Chechnya while the violence and abuses were continuing, and while it remained impossible for them to rebuild their destroyed homes.

A female teacher working in one of the camps said: "If we are Russian citizens, then give us the same rights as everyone else. If we are not Russian citizens, then leave us alone .... Let us feel that we are people... there have been so many so-called 'cleansing' operations, that there's nothing left to cleanse... During the Second World War I was a 'traitor to the motherland',<sup>2</sup> in the first Chechen war I was a 'bandit', and now I'm supposed to be a 'terrorist'. How many more labels will they give me before I die?"

Amnesty International has persistently addressed the Russian authorities with concerns relating to serious human rights violations in the North Caucasus, and has urged the authorities to take concrete action through detailed recommendations. Amnesty International has also repeatedly and expressly condemned abuses committed by Chechen armed opposition groups against the civilian population, such as the hostage-taking at a school in Beslan, North Ossetia in September 2004.

Today, Amnesty International calls upon the Russian authorities in particular to:

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<sup>1</sup> See AI Index: EUR 46/015/2005 and EUR 46/019/2005

<sup>2</sup> In 1944, Stalin deported the Chechen people en masse to Central Asia, considering them collaborators with the Nazi regime.

- Acknowledge the gravity of the human rights situation in the North Caucasus, and put an immediate end to the ongoing grave abuses;
- Conduct effective investigations and prosecutions into cases of human rights violations in the North Caucasus;
- Ensure that law enforcement agencies carry out any detentions in full accordance with Russian and international law;
- Take practical steps to address the issue of missing persons and "disappeared" persons, particularly through introducing effective systems for identification and recording of bodies found and to make this information public;
- Take steps to ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearances.

This information was collected during a research mission to the Russian Federation from 19 to 30 September during which delegates spoke to victims and relatives of people who have been "disappeared" or tortured, human rights activists and journalists. Amnesty International will be seeking the response of the Russian authorities to the organization's concerns.

#### **Selected cases:**

##### **Alleged torture of "Akhmed"**

"Akhmed" (not his real name) was detained in August 2004 in Ingushetia by unidentified members of the security forces. He was allegedly taken to a basement which he believes to be the basement of the Federal Security Services (FSB) building in Ingushetia, where he was tortured, including being hung from handcuffs, beaten with batons and sticks, having water poured over him and being subjected to electric shock treatment, being threatened with rape and with being killed. Threats were also made towards his family members. The alleged torture was to force "Akhmed" to confess to having carried out a "terrorist" crime which allegedly he did not commit. Reportedly, after four days of torture, "Akhmed" agreed to sign all documents he was given, after which his blood-covered clothes were replaced and he was transferred to a district police station. There he was reportedly officially registered as having being detained on that day on suspicion of "terrorism". Only some time after this was he able to inform his relatives where he was, and what had happened to him. A medical examination in September reportedly found that "Akhmed" had sustained multiple injuries. However, in December the office of the district procuracy issued a decision refusing to open a criminal investigation into the alleged torture by FSB officers. "Akhmed" and his lawyer appealed this decision at the local district court, which earlier this month ruled that the decision of the procuracy had been unlawful. According to the lawyer, another man was detained by security forces during the investigation into the case and subjected to physical pressure in an attempt to force him to give evidence against "Akhmed".

### **Alleged arbitrary and incommunicado detention and torture in the village of Novie Atagi, Chechnya**

According to reports, security forces have conducted a number of raids on the village of Novie Atagi, Chechnya, since January 2005 during which they check identity documents and detain men who are then taken to detention facilities where they are tortured and beaten to make them "confess" to crimes they have not committed. There are allegations that security services under the jurisdiction of first deputy Prime Minister of Chechnya, Ramzan Kadyrov, are responsible for the raids.

One such raid took place after a policeman was reportedly killed in the village on 22 August 2005. On 5 September, security forces conducted a document check in the village. Then, over the course of three nights from 12 to 14 September large numbers of armed men wearing camouflage uniform came to the village and detained at least eight men. According to one media report, the men introduced themselves as being law enforcement officers. However, according to relatives, the men did not produce any arrest warrants or any form of identification to indicate which official body they were from.

On 15 September and for several days thereafter, villagers blocked the Kavkaz main road near Novie Atagi demanding to know where those detained had been taken, and for them to be released. During this period, some of the men who had been detained were set free. Allegedly some of them had been severely beaten while in detention, but did not dare to go to a hospital in Chechnya for treatment, travelling instead to neighbouring republics in the North Caucasus.

The picket lasted for several days until it was established that four of the detained men were being held in the police detention facility (known as IVS from its initials in Russian) in Shali district police station. One of the four named as Ruslan Khalaev, aged 21, was detained at 3am on 14 September. The three others detained at some point during this period were Shakruddi or Sharudin Khalaev, aged 27, Magomed Elikhanov, aged 20, and Magomed-Emi Aguev, aged 18. A fifth man, Islam Bakalov, was reportedly subsequently also found to have been detained in the IVS. The five men are said to have been charged in connection with the murder of the policeman.

According to reports, at least one of the men remaining in detention, Ruslan Khalaev, has been tortured including through being beaten with batons, having water poured over him and being tortured with electric shock until he agreed to sign a "confession" of guilt. Witnesses are also said to have seen him being beaten by law enforcement officials who had subsequently accompanied him to the alleged scene of the August murder of the policeman.

### **Reported "disappearance" of Vakha Matuev, Ingushetia**

According to testimony received from Tsisana Duishvili, his wife, Vakha Matuev, born 1950, worked repairing and selling cars in Ingushetia. The couple have a young daughter, born in March 2004. Vakha Matuev had a car accident on 3 December 2004 in Chechnya, and had

spent around six weeks in hospital, having sustained multiple fractures and other injuries. Since then he had been recuperating from the accident at home.

On 24 March 2005 security forces carried out a passport check in the area of the Ingush town of Nazran known as Kamaz centre, where the family lived. At 9am the next morning, 25 March, Vakha Matuev was at home with a friend, when, according to witnesses, a group of armed men came to the family's house in two 'Gazel' minibuses without registration numbers. All were wearing camouflage, and all but two were also wearing masks. One of the men without a mask allegedly introduced himself as "Ivanov", and spoke Russian. The men reportedly conducted a search of the house, and forced Vakha Matuev to get dressed, put him in one of the vehicles and took him away. According to reports, neighbours asked the men why they were taking Vakha Matuev away, as they said he was ill, but were told by the armed men that they were taking him to hospital.

Since then, Tsisana Duishvili has received no information as to the whereabouts of her husband. She has been unable to find him either through personal contacts or by submitting information on the detention to the procuracy. When she tried to search for him by using personal contacts to try to get information from representatives of law enforcement agencies, she allegedly received the message back that "It would be better for you if you got on with your own business". She submitted a request to the Republican procuracy in Ingushetia to open a criminal investigation into Vakha Matuev's detention, but officials there allegedly informed her that the case had been transferred to Chechnya. When she asked why the case had been transferred to Chechnya when her husband had been detained in Ingushetia, a representative of the procuracy allegedly told her that if she wanted an answer to that question, she should submit a new written request for information. However, in the office of the Nazran city procuracy she was reportedly informed that in fact the case had not been transferred to Chechnya or anywhere else but instead was with their office. According to Tsisana Duishvili, the authorities have not opened a criminal investigation, nor have they taken any steps to ensure that she is informed about Vakha Matuev's fate and whereabouts.