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# RUSSIA

## @Armed conflict in the Chechen Republic: Seeds of human rights violations sown in peacetime

### INTRODUCTION

Russian troops entered the Chechen Republic in December 1994, officially to restore order in the territory which had declared itself independent. They met armed resistance. Around 2,000 Russian soldiers and an unknown number of Chechen fighters have since died, and estimates of civilian deaths range from the thousands to the tens of thousands. Over 300,000 people have been displaced. These tragic statistics of conflict have been accompanied by numerous reports of a range of human rights violations.

Within the framework of Amnesty International's mandate, issues the organization has repeatedly approached the Russian authorities about in connection with the conflict include:

- allegations of widespread beatings, torture and other ill-treatment in detention;
- reports that civilians, including women and children, have been deliberately and unlawfully killed;
- continued failure to implement the right to a civilian alternative to compulsory military service for conscientious objectors, recognized in the Russian Constitution;
- parliamentary attempts to widen the scope of the death penalty.

These violations have arisen from the situation of armed conflict, but have their seeds -and counterparts - in unresolved issues in peacetime.

Detainees who report systematic beatings to force an admission of support for Chechen President Dzhokhar Dudayev echo others in prisons and camps who have long spoken of such methods to extract confessions, or of other ill-treatment, in a penitentiary system condemned by the Chairman of the Presidential Human Rights Commission for its regular and gross violations. Three years have passed since the right of conscientious objectors to a civilian alternative to compulsory military service was enshrined in the Constitution, and yet parliament has still not passed the necessary legislation, and young men continue to face imprisonment for seeking to exercise this right. Politicians remain wedded to the idea of the death penalty as a deterrent, in spite of the fact that there is still no positive evidence that it is more effective against crime than other punishments.

Amnesty International has campaigned long and persistently on such issues, and is sadly not surprised to see them reflected in the context of Russia's actions in the course of the current armed conflict in the Chechen Republic. As they predated this conflict, they will also continue

to exist after it is settled unless the Russian authorities take swift and appropriate measures of redress. This report on Amnesty International's concerns arising from the conflict concludes with a section of recommendations. They relate not only to the current conflict, but to the wider situation in the country. Amnesty International urges the government to implement them.

Amnesty International is impartial and non-political. It takes no position on questions of territorial status, and seeks solely to promote and protect basic human rights regardless of policy or ideology. It opposes abuses within its mandate by both governments and opposition forces. The main focus of Amnesty International's campaigning is to free all prisoners of conscience (people detained for their beliefs or because of their ethnic origin, sex, colour or language - who have not used or advocated violence); to ensure fair and prompt trials for political prisoners; to abolish the death penalty, torture and cruel treatment of prisoners; and to end extrajudicial executions and 'disappearances'.

Information for this report has been gathered from a wide variety of sources, including from alleged victims, journalists, other humanitarian and human rights organizations, and local and federal authorities interviewed during the course of two recent visits to Russia by Amnesty International delegates. The first visit, to Moscow, took place in February 1995. The second took place the following month. Delegates, including a medical doctor, visited Moscow and the North Caucasus area, on the border with the Chechen Republic.

A brief background to the Chechen Republic and the current conflict is given in Appendix I, and a map of the area in Appendix II.

## **AMNESTY INTERNATIONAL'S CONCERNS**

### ***ALLEGED TORTURE AND OTHER ILL-TREATMENT IN CUSTODY***

*"Institutions of the Russian penitentiary system remain, as before, places of persistent and massive violations of human rights... Arbitrariness and violence, and the ill-treatment of prisoners are turning places of imprisonment into zones dangerous to life and health. Rudeness, beatings, punishments for insignificant misdemeanours, the unfounded use of special measures, systematic "searches" carried out with the participation of special forces with dogs, are widespread... There is no effective supervision and control over the custody of prisoners and the actions of the administration. Procuracy bodies are not in a position to exercise constant and comprehensive supervision over places of imprisonment. Control on the part of other government structures and social organizations has weakened. As a result many violations of human rights remain uninvestigated, and the guilty are not brought to account."*

*"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"*

Prison conditions in Russia have long been the focus of widespread criticism. In his July 1994 report on human rights observance Sergey Adamovich Kovalyov, Chairman of the Presidential Human Rights Commission, condemned the Russian penitentiary system for allowing regular and gross human rights violations, and said that beatings were widespread. Lack of effective supervision of penal institutions, he reported, meant that many violations were not investigated and that those responsible were not brought to justice. The United Nations (UN) Special Rapporteur on torture, speaking of two Moscow investigation-isolation prisons he visited in July 1994, said: "The senses of smell, touch, taste and sight are repulsively assailed. The conditions are cruel, inhuman and degrading; they are torturous". Russian human rights groups such as The Right to Life and Human Dignity and the Social Centre for the Reform of the Penal System have sought to publicize reports of dreadful conditions and ill-treatment, and Amnesty International has persistently approached the Russian authorities with its concerns over these issues (see for example Amnesty International's *Concerns in Europe*, AI Index: EUR 01/01/95, February 1995).

It is therefore no surprise that such unresolved problems should be reflected in the treatment described by men detained by Russian forces in connection with the conflict in the Chechen Republic. Amnesty International and other human rights groups have collected numerous reports from people who said they were beaten or otherwise ill-treated, mainly in January and February 1995, while detained at "filtration points" or when being transferred between them (some detainees even report that fellow prisoners suffocated to death during transport owing to overcrowding). The men describe being beaten systematically by troops guarding them, and by masked interrogators seeking to force them to confess to fighting against Russian troops. Most such reports have centred on temporary "filtration points" in Grozny (the Chechen capital) and Mozdok, and the established investigation-isolation prisons in Pyatigorsk and Stavropol. Many men report being detained arbitrarily and held without the necessary authority of the procuracy. Many also report being robbed of valuables and money by those detaining them. Officially, the purpose of the filtration points is to establish the identity of those detained, although unofficial sources have alleged that Russian forces have frequently detained any Chechen male, regardless of any evidence of involvement in armed opposition, in order to exchange them for captured Russian soldiers.

Beatings have been reportedly inflicted regardless of nationality - not only on ethnic Chechens but also on Ingush, a closely related Caucasian people, and Russians. As an example of such reports the following testimony from **Chingizkhan Uveysovich Amirkhanov**, an

Ingush who lived and worked in Grozny before the conflict, was given to representatives of the human rights group "Memorial" and the Presidential Human Rights Commission:

*"On 9 January the OMON [special police units of the Interior Ministry] arrived at our entrance of the housing block. They were all drunk, and enraged. They asked if I had any weapons. I said I had a pistol, and handed it over. They said 'You are an opposition fighter. Our whole brigade was wiped out from your block'. I don't know, it's possible that this was so, but not from our entrance as the door downstairs was locked. Some Russian women told them that I was not a fighter and had not left the house during battles in the city. Maybe things would have sorted themselves out then if I had not become indignant when they started to take my watch and ring. The gold ring had been a gift.*

*"They took me outside to the courtyard and fastened me with handcuffs to a tree. 'We'll finish off everyone here', they said, and readied their automatic rifles. At that moment an armoured vehicle arrived and an officer got out...He released me, said 'Hands up!' and then shoved me so hard that I fell over...They put the handcuffs on again and took me in the armoured vehicle to the dairy. There the officers were drunk as well. They obviously thought I was a Dudayev supporter, and they also started to beat me.*

*"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.*

*An order from a superior officer or a public authority may not be invoked as a justification of torture."*

Article 2, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

*"At last I and other prisoners were loaded into a truck, ordered to lie on our sides and an OMON officer sat on each of us. It took around seven hours to get to Mozdok. You only had to stir, and they beat you with truncheons. We arrived in the middle of the night, in the region of Mozdok, and I saw around thirty people standing there...They started to beat us, but not for long. We were taken to railway carriages used to transport prisoners, stripped naked and searched. They told us 'Today we are going to shoot you'. They were all masked, and without identification.*

*"We were moved to small rooms. With me were two other Ingush, two Chechens and three Russians. They took us out one by one for interrogation. There they were also masked. They undressed me and tied me hand and foot. One sat in front of me and asked: 'Are you a fighter?'. I replied that I was not, he hit me on the knee with a truncheon and asked again: 'Are you a fighter?' And then he calmly said: 'With each blow five millimetres of tissue is stripped off. Thus the bone will be reached. Think about*

*how your legs will rot.' I asked what I had to do. 'Confess that you are a prisoner of war, and you'll get 15 years, confess that you are a criminal and we'll shoot you'. And they continued to beat me. They beat me all night. Competently. As soon as they saw that I was losing consciousness they poured water on me. You don't want to, but you come round."*

*"Persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith...To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:*

*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."*

Common Article 3, Geneva Conventions, 12 August 1949

Chingizkhan Amirkhanov was released on 16 January, with six others. Before release all had to sign a document saying that they had no complaints against those who had detained them. When the above testimony was taken, on 19 January 1995, the whole of the right side of Chingizkhan Amirkhanov's face was said to have been bruised and he was suffering from several fractured ribs and a broken nose. Marks on his wrist, said to be from the handcuffs, were still visible when Amnesty International delegates interviewed him on 13 March.

Among others interviewed by the Presidential Human Rights Commission was **Azamat Paragulgov**, also an ethnic Ingush who had been living in Grozny when the fighting broke out. He had been detained on 1 January in Grozny with a friend, (surname Khamidov), by soldiers who accused them of being "spotters" directing Chechen fire onto Russian troops. Azamat Paragulgov tells a similar story of beatings in Grozny and Mozdok, and of how at least three men being transferred in a convoy with him died in overcrowded transport:

*"First we were held in the courtyard [of Khamidov's house]. The soldiers dragged a container of alcohol there. They beat us, then shoved us into a cellar. At night we heard them shouting: 'Come out one by one, we are going to shoot you'. Khamidov crawled out, and was hit around the head by a piece of iron. He fell back. I stirred - there was a burst of firing and a bullet hit my blanket. They were very drunk...Then they dragged me out, stuffed a rag in my mouth and began to beat me with their automatic weapons.*

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*"But they didn't shoot me. From their conversation I understood that those who had taken us had communicated with their headquarters - at the cannery where we were later taken - and they had ordered that we be shot, twice the order was given to shoot us...but the order was not carried out.*

*"We were then taken to the cannery... where they started to beat us, some with their rifle butts, others kicked us... We were taken to a room full of officers... [one] shouted: 'What prisoners, what interrogation? Last night I gave the order to shoot them, why have you brought them?'... They took Khamidov round the corner where there was some sort of small room and began to beat him. Then he was hit so hard he was flung out together with the glass door. Khamidov couldn't even cry out any more, only groan. Then they brought him in and put him up against the wall - he could no longer stand by himself... Five to six men had beaten him.*

*"We were then taken to an armoured vehicle, with sacks on our heads and handcuffed... You only had to begin to stir, and they thrashed you... The captives, or whatever we were called there, were taken in two armoured vehicles - numbers 'K-111' and 'K-112' I remember, and in other vehicles of the Ural type. In these people were packed in piles, one on top of the other. Then, when one of the Ural's lost a wheel in an ambush, all were crammed into one car. People at the bottom of the car started to suffocate. And at Mozdok, in my presence, three or four bodies were thrown out of the vehicle..."*

Some of those detained passed through both the temporary "filtration points" in Grozny and Mozdok, and on to investigation-isolation prisons in Pyatigorsk and Stavropol where the ill-treatment is said to have continued. One such detainee was **Magomed Maksharipovich Meyriyev**, born in May 1976 and an ethnic Ingush living in Sleptsovskaya (formerly Ordzhonikidzevskaya) in the Ingush Republic, which borders the Chechen Republic. As he related to Amnesty International delegates, and in written testimony to the Procuracy of the Ingush Republic, he had travelled to Grozny on 13 December 1994 to check on relatives living there and had then been trapped in the city by the fighting:

*"On 3 January soldiers and officers came into the bomb shelter [in Grozny] where we were hiding. They let the women and children go, but detained the seven men there. I was taken first to the republican hospital, and from there on 9 January to the cannery where masked men started to beat me and demanded that I confess to being hired by Dudayev. I was punched, kicked and beaten with rifle butts, especially on the upper part of my body, on the head and torso. This was on the first day, then I was beaten not so severely, but systematically. This continued until 13 January when I and others were taken to Grozny airport... and on 14 January we were taken by helicopter to Mozdok where they put us in a railway carriage. There were four of us in there... we got a cupful of water three times a day, and dry biscuits once a day.*

*"At Mozdok we were taken out for interrogation, made to undress and again punched, kicked and beaten with rifle butts and truncheons. They named various Dudayev units and asked if I served with them. They made you squat and then would suddenly kick you so you'd fall over and the breath would be knocked out of you.*

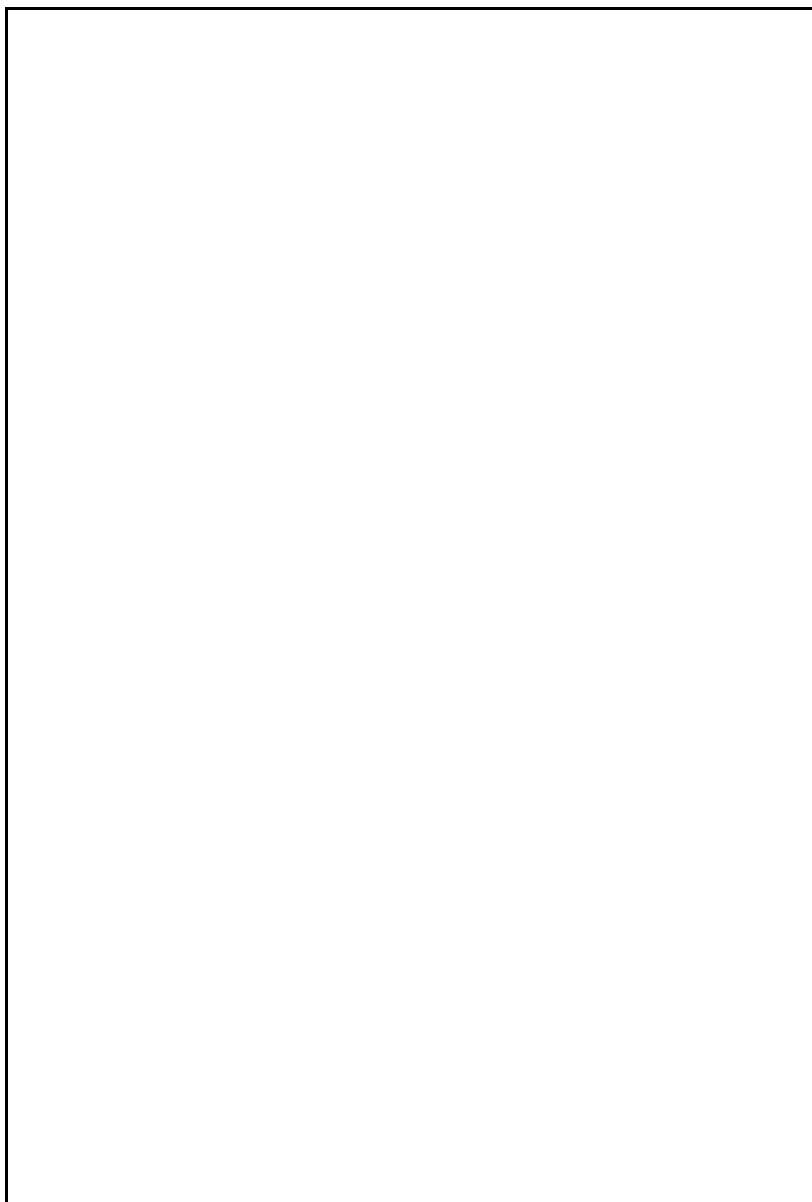
*"We were held in Mozdok until 16 January, then taken to Pyatigorsk and on the way the guards beat us at will, on the slightest pretext. When our carriage started moving the guards ordered me into the corridor. I obeyed, then two of them seized me and started beating me with truncheons and threw me towards the alsatian guard dog. The dog handler encouraged the dog to bite, and the guards carried on beating me. I was wearing a padded jacket so my body was not bitten, but my leg and right buttock were.*

*"At Pyatigorsk when we were taken out of the carriage everyone was forced to run a gauntlet of truncheons, we were beaten again when taken into the prison and also when we were taken to separate cells. Everyday I was questioned, and everyday I was beaten.*

*"On 19 January I and others were taken to Stavropol. The beatings continued in the same pattern. When we disembarked at Stavropol we had to pass through a unit of soldiers with truncheons, who hit you anywhere and with whatever came to hand. For the first week we were beaten when we went out for exercise, and beaten when taken back in. On the first day when I was taken out for exercise I was bitten by a dog that was set on me.*

*"At around the end of January the beatings stopped and I was even taken to see a doctor and given tablets...On 9 February I was taken back to Mozdok...and on 15 February taken to Mozdok station and released. There were 15 of us - nine Russians, five Chechens and me, an Ingush. We had all been beaten, regardless of nationality."*

When interviewed by the Amnesty International delegation Magomed Meyriyev still had visible wounds on his face and left leg. There were around a dozen small scars on his right cheek which he said had been caused when he was hit repeatedly with the end of a rifle barrel on which the sight was mounted. There were also three scars between the knee and the ankle of his left leg, which he said had been caused when he was attacked



*Magomed Meyriyev, detained from 3 January to 15 February 1995, showing facial scars to Amnesty International delegates*

*"I was beaten by men in masks who tried to force me to confess I fought for Dudayev...I was punched, kicked and hit rifle butts, especially on the upper part of my body, on my head and trunk...You can still see the scars on my right cheek from the rifle blows, and on my leg from when the guard set his alsatian dog on me."*

Magomed Meyriyev, detained from 3 January to 15 February 1995, speaking to AI delegates in March 1995

by a dog. The medical doctor in the delegation examined the injuries and concluded that they were consistent with Magomed Meyriyev's reports of beatings and other ill-treatment.

The Amnesty International delegates also interviewed doctors in three hospitals in the Ingush Republic (in Nazran, Sleptsovskaya and Malgobek), who reported treating patients who claimed their injuries were a result of ill-treatment while detained by Russian forces.

The delegates, interviewing in March, did not speak directly to anyone reporting similar ill-treatment after February. However the Minister of Justice of the Ingush Republic told the organization's representatives that in Nazran he had met by chance an acquaintance named Keligov, a man aged around 22, who apparently had been detained in Grozny where he had relatives and released at the beginning of March after around two weeks in Mozdok. Mr Keligov is said to have been beaten while at Mozdok, and the Minister reported that cuts and bruises were still visible on his face.

A further round of large scale detentions and subsequent ill-treatment was reported after Russian troops took the village of Samashki (see below) on 8 April. Over one hundred Chechen men were said to have been transported to filtration camps in Assinovskaya in the Chechen Republic, where conditions were said to be particularly bad, and to Mozdok. Over a dozen men interviewed subsequently by a representative of the Quaker Peace and Service organization all had bruising on their face and bodies which they said had resulted from beatings in Assinovskaya. One also bore a wound said to have been sustained when he was attacked by a dog in custody.

### **Official reactions to reports of torture and ill-treatment**

Despite widespread and well-documented reports from a broad spectrum of independent observers, and a legal obligation to conduct prompt and impartial investigations of complaints of torture and ill-treatment, Amnesty International is unaware of any federal investigations other than those by the Human Rights Committee, which have not led to effective remedial action (the Procuracy of the Ingush Republic informed Amnesty International's delegates during the visit in March that they had gathered statements from former detainees about their treatment, and

forwarded them to the Russian Regional Procuracy for the North Caucasus and to the Military Procuracy. However, to their knowledge no criminal proceedings had yet been instituted).

Russia is legally bound under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) to investigate all reports and complaints of torture and ill-treatment, to bring to justice those responsible for such treatment, to compensate and rehabilitate as fully as possible those who have been tortured and to take measures to prevent torture and ill-treatment from occurring. The UN Human Rights Committee, the body of experts which monitors implementation of the International Covenant on Civil and Political Rights (ICCPR) (to which Russia is a party by virtue of its status as a successor state to the USSR), has made clear in an authoritative statement that Article 7 of that treaty imposes similar obligations (General Comment 20, UN Document HR1/GEN/1, paragraphs 8, 13 and 14). As of the date of this report, Russia has taken few steps to implement those obligations.

As soon as reports of beatings and other ill-treatment in custody emerged Amnesty International urged the Russian authorities to conduct comprehensive and impartial investigations into the allegations, to make the results public and to bring those responsible to justice. Amnesty International was especially concerned in the light of the difficulties reported by the International Committee of the Red Cross (ICRC) in gaining full and appropriate access to detainees. Amnesty International's delegates raised these concerns again in person on 17 March in Moscow at a meeting with the First Deputy Minister of Internal Affairs and other officials from this ministry.

These officials denied that anyone detained in connection with the conflict in the Chechen Republic had been ill-treated at filtration points in Mozdok or elsewhere, or that anyone had died from such ill-treatment. They reported that although 13 people had died in custody since the beginning of the year, eight of these men had been killed on 4 January when a convoy transporting detainees from Grozny to Mozdok was fired on by supporters of President Dudayev, a further four had been killed in similar circumstances while being transferred on 3 February, and one detainee named as Kasayev had died of heart problems in Pyatigorsk prison (date not given).

The officials also reported that at that time only 29 people were being held at filtration points (14 in Mozdok and 15 in Grozny), in order for their identity to be checked. They said that a total of 366 people had passed through the filtration point at Mozdok, of whom 231 had been released and 74 had been handed over in prisoner exchanges with the Chechens. Two hundred and twenty-two people had passed through the filtration point at Grozny since January. Two relatives of Chechen President Dudayev had been detained but later released, the officials reported. Criminal cases had been instituted against individuals for participating in armed conflict, including a Lithuanian citizen they named as Sosnovskas who at that time was being held at the Serbsky Institute of Forensic Psychiatry in Moscow.

## **ALLEGED DELIBERATE AND ARBITRARY KILLING OF CIVILIANS**

At the beginning of the conflict Amnesty International urged all parties to respect humanitarian law, including by ensuring that civilians are not the subject of deliberate attacks. Estimates of civilian deaths range from the thousands to tens of thousands. Russian troops, who have been accused by the International Committee of the Red Cross (ICRC) of using disproportionate and indiscriminate force against civilians, are also said in some cases to have deliberately targeted and killed civilians and prisoners.

In some cases troops are said to have been involved in extrajudicial executions.

*"There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable sources suggest unnatural death in the above circumstances."*  
UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 9

Amnesty International opposes both the judicial death penalty (see below) and extrajudicial executions - deliberate and unlawful killings carried out by order of a government or with its acquiescence acting outside the judicial or legal system.

During the course of the conflict the organization has expressed its urgent concern about a number of incidents in which Russian servicemen are reported to have deliberately targeted civilians, resulting in deaths and injuries.

In one such report early in the conflict up to 10 people, including four women, are said to have been shot dead by Russian troops on 17 December 1994 while trying to flee fighting in the Chechen Republic. The incident occurred in the border area between the Chechen and Ingush Republics, near the village of Nesterovskaya.

According to testimony gathered by the Procuracy of the Ingush Republic, an impromptu convoy of some 10 vehicles carrying refugees had been formed that day in the Chechen Republic following a Russian warning to the civilian population about an impending bombardment of the capital, Grozny. The vehicles headed towards the Ingush Republic, and as the main route was busy with military traffic they used a country road leading through Assinovskaya to the village of Nesterovskaya.

*"The soldiers were laughing. I was crawling along on all fours. How I got out of there alive I don't know. Why did they try to kill us?"*

Tamara Beshtoyeva, on civilian deaths at Nesterovskaya, 17 December 1994

At around 5pm, when it was some three kilometres from Nesterovskaya the convoy, together with other refugees making their way on foot, came under fire from Russian troops.

Up to 10 people are said to have been killed, and at least another three men seriously wounded. Information on the incident was received at around 8pm that day by the local Ingush Department of Internal Affairs. However, when officials from there and the procuracy arrived at the scene at 8.30pm, together with two ambulances, they were reportedly fired on by Russian troops and it was not until 8am the following day that they were able to conduct an on-site investigation.

One survivor, **Tamara Beshtoyeva**, spoke later to journalists and described how Russian soldiers had methodically shot at the passengers as they tried to escape their cars, pinning them down in a ditch by the side of the road and shooting at anyone who tried to come to their rescue. She says that initially she called to the soldiers for help, but that they laughed and swore at her, calling her a "dirty bitch", before opening fire again. Another, **Aksakal Bisultanovich Tangiyev**, who had picked up two Chechen women refugees as he was returning home from his uncle's house in Assinovskaya on 17 December, reports that his car was hit by a shell and all three occupants thrown out. One of the women was killed instantly, and he and the other woman were wounded.

The exact number of those killed remains unclear. Tamara Beshtoyeva and others report seeing Russian troops removing a number of those killed or wounded. Ingush officials who managed to reach the scene on 18 December recovered from a ditch and irrigation canals the body of one man named as M. Kartoyev, and three seriously wounded men who were subsequently hospitalized.

The circumstances under which the Russian troops opened fire are also not clear. Satsita Abubakarova who was at the scene told reporters that the convoy of vehicles was passing through a Russian army checkpoint near Nesterovskaya. The first seven cars were let through, she reports, but soldiers stopped the eighth, shot dead the driver, and opened fire on those trying to escape from the last three vehicles in the convoy. Russian officials have suggested that their troops were fired on, or that the convoy was caught in crossfire, although a number of survivors have insisted that they were unarmed and that there were no combatants in the area other than the army. The first deputy director of the Russian Federal Counterintelligence Service, Anatoly Safonov, confirmed several days later that Russian servicemen had opened fire, and said that an investigation had been initiated.

The Ingush authorities have also reported a number of other incidents in which they allege Russian troops have deliberately opened fire on civilian targets on their territory, causing deaths. One such incident, from information provided to Amnesty International delegates, is said to have occurred in early January 1995, and resulted in the death of a 15-year-old boy.

According to the Ingush report the incident occurred on 7 January and involved Russian servicemen of military unit 01860 who were travelling in two armoured vehicles, one bearing the number 150. They were accompanying a column of other vehicles travelling on the main Rostov to Baku highway through the Nazran district towards the Chechen Republic. At around 3.30pm and some 600-700m from the Ekazhevsky roundabout the soldiers, who were said to have been drunk, opened fire with automatic weapons on a vehicle (license number 43 37 ChIA) travelling in front of them. The driver, Adam Mukharbekovich Alkhastov, escaped injury but his

passenger, **Shamsudin Idrisovich Arselgov** (born 1979) was hit and died after being taken to Nazran Central Hospital. The report also details another shooting incident on the same road later that day, at around 4pm, when soldiers from the armoured vehicle carrying the number 150 fired on a vehicle near the village of Yandyrka. The driver, Amirkhan Magomedovich Akhilgov, was unharmed but his car was damaged.

Another incident in which refugees died trying to escape the fighting is said to have taken place on 7 March 1995, outside the village of Achkhoy-Martan, south-west of Grozny. Seven people, including five women and a three-month-old baby girl, were reportedly shot dead by Russian troops who opened fire on a convoy of two vehicles, a car and a bus, containing people seeking to leave the conflict zone.

A survivor of this incident, **Lidiya Morozovna Puchayeva**, was interviewed by Amnesty International delegates on 13 March in Malgobek hospital in the Ingush Republic, where she and her young son were being treated. A Chechen born in 1958, she had lost two of her four children and a nephew in the shooting.

*"They killed my 16-year-old daughter and three-month-old baby. How am I going to live now? They could see there were women and children there."*

Lidiya Puchayeva, speaking to AI delegates in Malgobek hospital, 12 March 1995

According to Lidiya Puchayeva the vehicles in the convoy contained mostly women and children who were trying to escape from Achkhoy-Martan, which was being shelled by Russian forces. She was in the car, with the bus travelling behind. Local people had told them the road ahead seemed safe, but shortly after leaving Achkhoy-Martan the convoy came under fire.

Lidiya Puchayeva reports that the firing came from Russian troops who were only 25-30 metres away from the vehicles, and who appeared deliberately to target the convoy. The driver of the car, Lidiya Puchayeva's 22-year-old nephew, was killed instantly. So was her three-month-old baby daughter, who had been placed in the back seat of the car. Her 16-year-old daughter (the oldest of her four children) was badly wounded and died later. Four women in the bus behind are also said to have died. Lidiya Puchayeva recounted how she and other survivors left the vehicles and continued to come under fire as they ran for cover, even though she believed the troops could see clearly that there were women and children among the group. She continued:

*"My son and I were covered in blood. My relatives came and we were taken to Urus-Martan to the hospital. There were no medicines there, they didn't know where to put me, they didn't have any bandages and they searched for the fragments in my chest with their fingers. There was no gas, light or water. They did the operation somehow and*

*I lay there two days. Then we travelled in a convoy to Malgobek through military posts. Some people were good and took pity on us. Others we had to beg to let us through, we had to wait for hours, although I couldn't stand and I told them my son was injured too."*

Her difficulties in passing through some military checkpoints, even though clearly injured, were echoed by others interviewed by Amnesty International delegates. Dzhabrail Timoziyev, for example, speaking in Nazran hospital where he was receiving treatment for bullet wounds, said that he had passed through two checkpoints without problems but had to beg for around one-and-a-half hours to be let through one outside Sleptsovskaya on the Chechen border. Aged 66, he had been wounded in crossfire in Grozny - his home for over 20 years - on 3 February 1995. He approached Russian soldiers at that time, he recounted, but they refused to help him or direct him towards medical aid and eventually he was taken by supporters of President Dudayev to a hospital in Stary Atagi.

At the time of writing further reports of deliberate attacks on civilians were being received from the town of Samashki, some 35 kilometres to the west of Grozny, which fell to Russian troops on 8 April. The ICRC has accused Russia of using "disproportionate" force to capture the town, and described the operation as "an

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*"It was an indiscriminate attack against civilians and a flagrant violation of humanitarian law"*

inst civilians and a flagrant violation of humanitarian law". ICRC representatives have estimated that at least 250 people, mainly civilians, were killed in the attack. Amnesty International is concerned at reports that some of these civilians were deliberately and arbitrarily killed by Russian forces. Survivors allege that, among other things, Russian troops burned down houses and threw grenades into basements where residents had been taking cover, without checking first who was inside.

According to the Russian human rights group Memorial, on 6 April Chechen elders from Samashki met representatives of the Russian forces, who ordered them to surrender 264 firearms before 7am the following day or face further bombardment and an attack on the town. The elders protested that there were no such quantities of arms in the town, most of the fighters having left, but managed to collect around 16 guns and obtain a two-hour extension to the deadline. However, the bombardment is said to have begun later that same evening, around 11pm on 6 April, and to have continued the following day before Russian troops entered the town on 8 April.

Journalists and most humanitarian aid workers were denied access to Samashki for several days, making independent corroboration of events difficult, but they have reported many harrowing accounts from residents of incidents involving civilians. **Bekist Abdullayeva**, for

example, described how her three daughters died after Russian troops threw a grenade into the basement where the family was hiding:

*"When the bombardment began we hid in the cellar and when it stopped the soldiers came hunting us. Tanks and armoured vehicles closed our streets and then started shooting and shooting and shooting, destroying and then burning each house on the street as they went along. When they came to our house, we screamed at them that there were no more men with us in the cellar but they threw their lemons [hand grenades] in anyway."*

**Elsa Akhmedov** related how her mother and brother had died:

*"The Russians came in at about 4am on 9 April. We could hear them laughing and swearing outside, then they started shooting at the gate. There were five people hiding here. They thought that a concrete structure like this would be safe.*

*"First they dragged my mother out. They made her put up her arms and then they shot her in the chest. Then they splashed petrol onto my brother Abbi and set him on fire."*

Journalists reported seeing six fresh graves dug behind the rubble of the house, which Elsa Akhmedova said had been burned down by the soldiers as they left.

**Raisa Khuseynova**, speaking in the nearby town of Semnovodsk, said that soldiers had thrown her seven-year-old son Albi under a moving armoured vehicle, crushing him to death:

*"They forced me to pick his body up. I couldn't even bury him, he's lying outside my home now. Then they [the Russians] put a canister of petrol into the house...They tried to force me to light a match and burn it down. I couldn't do it, and finally they started shooting into the house and everything went up in flames."*

Russian military officials have denied large-scale civilian casualties, saying that they undertook the operation, in which 130 supporters of President Dudayev were killed and 124 taken prisoner, after an ultimatum to surrender was ignored (ICRC officials reported on 12 April that they had been able to visit 85 Chechens captured during the fighting around Samashki, and who were at that point held at Mozdok). According to a member of a parliamentary commission set up to investigate events in the Chechen Republic Russia's acting Prosecutor-General has instituted an investigation under his personal supervision into civilian deaths at Samashki.

There have also been reports that Russian soldiers have summarily executed Chechen men they have detained. Several residents of a house at number 38 Petropavlovskaya Street in Grozny, for example, recounted to journalists how they saw Russian special forces troops enter their courtyard on 25 January and shoot two brothers who they thought had been fighting against them. "They just took them out and shot them", said Dagmara Ankayeva.

As of the date of this report, Amnesty International is unaware of any published results from investigations that have been announced into some of these incidents.

## **THE JUDICIAL DEATH PENALTY**

In times of peace or conflict governments frequently resort to the judicial death penalty in the mistaken belief that the use or threat of this punishment will have a positive impact on crime.

Indeed, countless men and women throughout the world have been executed on the assumption that their deaths will deter others from crime, especially the crime of murder. Yet study after study in diverse countries has failed to find convincing evidence that the death penalty has any unique capacity to deter others from committing particular crimes.

*"the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment".*

UN General Assembly, Resolution 32/61 of 8 December 1977

### Human rights and the death penalty

Amnesty International opposes the death penalty in all cases throughout the world, and without reservation, on the grounds that it is a violation of the universally guaranteed right to life. No matter what reason a government gives for killing prisoners and what method of execution is used, the death penalty cannot be divorced from the issue of human rights. Article 3 of the Universal Declaration of Human Rights proclaims that *"Everyone has the right to life"*. Article 5 categorically states that *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"*. Amnesty International believes that the death penalty violates these rights.

Although the number of death sentences passed in Russia is high (125 reported in the period January to June 1994), the number of executions officially recorded is low (only three in the above-mentioned period), and Russia has taken a number of welcome steps in recent years to reduce the scope and application of the death penalty. However, there are frequent calls from both the public and parliamentarians to reverse this trend, and during the course of the conflict in the Chechen Republic the State Duma, Russia's lower house of parliament, has been endeavouring to pass amendments to the country's criminal code which could have an impact on those arrested in connection with these events.

On 20 January 1995 the State Duma voted to introduce a new offence punishing "the organization of, or participation in, illegal armed formations". Under its wording at that time the new Article 77-2 carried a sentence of up to eight years' imprisonment for such action, and a

possible death sentence if this was accompanied by "mass violence, the death of people or other serious damage". Those fighting Russian troops in the Chechen Republic are frequently referred to by government sources as "illegal armed formations".

Russia's upper house of parliament, the Federation Council, rejected the amendments but on 10 March they came a step closer to being enacted when the State Duma exercised its authority to overrule this body by a two-thirds majority vote, and passed the amendments to President Yeltsin to be signed into law. However, on 21 March the President also rejected the amendments, on the grounds that they were unconstitutional. Article 20 of the Russian Constitution stipulates that the death penalty may only be applied for "especially severe crimes against life", whereas the proposed new offence would carry a possible death sentence not only for actions involving loss of life but also those accompanied by the undefined phrase "serious damage". In returning the amendments to parliament for further discussion President Yeltsin suggested either dropping the death penalty as a possible punishment, or reworking the article to ensure that the death penalty may only be applied for premeditated actions which result in the loss of human life.

Expansion of the scope of the death penalty would be inconsistent with Russia's obligations under the ICCPR. The UN Human Rights Committee, the body of experts which monitors implementation of that treaty, has stated in General Comment 6 that states parties are obliged to limit the use of the death penalty and has recommended that they "consider reviewing their criminal laws in this light". The Committee explained that Article 6 "also refers generally to abolition in terms which strongly suggest (paragraphs 2 (2) and (6)) that abolition is desirable". It concluded that "all measures of abolition [of the death penalty] should be considered as progress in the enjoyment of the right to life".

The UN General Assembly has stated that "the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment". Acting consistently with this objective, the UN Security Council in its Resolutions 825 of 25 May 1993 and 955 of 8 November 1994 establishing the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda excluded the death penalty as an appropriate punishment for the gravest possible crimes: crimes against humanity, including genocide, and violations of the laws of armed conflict. The UN Special Rapporteur on extrajudicial, summary and arbitrary executions has repeatedly emphasized that "the scope of the death penalty must never be extended" and has invited states that have done so to reconsider.

## **CONSCIENTIOUS OBJECTION TO MILITARY SERVICE**

The conflict in the Chechen Republic has brought into relief another issue from peacetime, namely the continued absence in Russia of a civilian alternative to military service for

conscience objectors. Military service is currently compulsory for men aged between 18 and 27.

Conscientious objection to military service is recognized by the UN Commission on Human Rights (Resolution 1989/59, and reaffirmed in Resolution 1993/84 of 10 March 1993) as a legitimate exercise of the right to freedom of thought, conscience and religion, a right guaranteed under Article 18 of the ICCPR. This right is also recognized in the Russian Constitution, where it has been enshrined since April 1992. And yet three years on parliament has still not introduced the necessary enabling legislation, or amended the Criminal Code to reflect this constitutional provision, and young men continue to risk imprisonment for refusing military service on conscientious grounds.

One young man known to have been imprisoned last year for seeking to exercise this right on religious grounds was **Lev Sobolyev**, a Jehovah's Witness who was given a one-year sentence for "evading regular call-up to active military service" (Article 80 of the Russian Criminal Code). He had been found medically fit for service in 1992, but had refused to appear at the conscription point and was subsequently given an 18-month sentence, suspended for one year, under Article 80. The sentence was lifted on 13 May 1994 under the terms of an amnesty, but Lev Sobolyev was prosecuted again after he was sent further call-up papers and once more refused them. He was sentenced by Vologda City Court, possibly in November 1994, and sent to serve his sentence in an ordinary-regime corrective labour colony. Amnesty International regards him as a prisoner of conscience who, if still imprisoned, should be released immediately and unconditionally.

*"the right of everyone to have conscientious objections to military service [is recognized] as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in Article 18 of the Universal Declaration of Human Rights"*

United Nations Commission on Human Rights, 45th Session, 1989

*"A citizen of the Russian Federation whose convictions or faith preclude the performance of military service...has the right to substitute it for an alternative civilian service."*

In the context of the conflict in the Chechen Republic the issue of conscientious objection has focused not only on the refusal of call-up papers, but on the desertion of a number of serving conscripts to avoid involvement, or further participation in, the fighting. Resolution 1993/84 of the UN Commission on Human Rights recommends that states ensure that "all relevant persons affected by military service" should have information available to them about the right to conscientious objection and how to apply for an alternative service. In line with this Amnesty International believes that the right to exercise a conscientious objection to military service

applies not only at the point of call-up, but extends also to cover those who develop such objections while actually performing military service. Amnesty International believes they too should be granted the right to register their conscientious objection, and the right to transfer from military to an alternative civilian service. The organization would regard anyone imprisoned for seeking to exercise their right to object to military service on grounds of conscience as a prisoner of conscience, who should be released immediately and unconditionally.

In the absence at present of any such alternative service, or any procedure for serving soldiers to register an objection, many young men whose conscientiously-held beliefs preclude their participation in the conflict over the Chechen Republic have apparently felt that the only way they can remove themselves from this moral dilemma is by deserting from the armed forces. One of the most recent examples is that of two Russian marines who deserted their unit in March 1995 and sought asylum in the neighbouring Baltic state of Lithuania, reportedly on the grounds that they were not willing to participate in military operations against the Chechen people.

**Aleksandr Vasilkov** and **Ruslan Kurdyukov**, are both aged 18 and sailors in the Baltic fleet. They left their unit in the Kaliningrad Region of Russia on 19 March 1995 and were detained on 25 March in Lithuania, in the suburbs of the capital, Vilnius, at Paneriai railway station. They requested asylum and were reportedly granted temporary permission to stay while the Lithuanian authorities examined their situation. However the Russian authorities pressed for them to be handed over without delay, and on 4 April the two men were delivered to representatives of the Russian embassy in Vilnius. From there they were taken back to Kaliningrad.

Amnesty International does not know whether any charge or charges have been brought against them. At least 11 criminal cases have been opened against officers (as opposed to conscripts) who have refused orders to go to the Chechen Republic, a Defence Ministry spokesman reported on 7 April. Yevgeny Vystosky, head of the personnel department, told a news conference that a total of 567 officers had refused such orders.

Amnesty International has urged the Russian authorities not to prosecute Aleksandr Vasilkov and Ruslan Kurdyukov, or any others in a similar position, for their refusal on conscientious grounds to perform military service (and would regard them as prisoners of conscience if imprisoned solely on these grounds). The organization has also approached the Lithuanian authorities over their return of the two men, seeking further information on what procedures, if any, were invoked to hear the request for asylum; which body was responsible for making the decision; whether Aleksandr Vasilkov and Ruslan Kurdyukov had access to the UN High Commission for Refugees as well as to legal advice and materials in their own language in order to pursue their asylum request; and what opportunities the two men were afforded to appeal against the decision to return them to Russia.

## **THE RIGHTS TO FREEDOM OF ASSEMBLY, ASSOCIATION AND EXPRESSION**

*"The right of peaceful assembly shall be recognized."*

Article 21, International Covenant on Civil and Political Rights (ICCPR)

*"Everyone shall have the right to freedom of association with others..."*

Article 22, ICCPR

Especially in its early stages, the conflict in the

Chechen Republic has provoked a large number of demonstrations, rallies and pickets in protest at the policies of the Russian authorities. Although many such events have taken place unhindered and without incident, in some cases organizers and participants have faced administrative penalties - fines and up to 15 days' detention - for violating the regulations governing these gatherings.

According to Russian law, organizers of demonstrations must apply for permission to the local authorities up to 15 days in advance, and officials must respond at least five days before the scheduled event. However, in some cases organizers report that they have sought such permission but not received a response, and in going ahead with events which are thereby technically illegal they have left themselves open to administrative penalties. Other organizers have not wished to give the required period of advance notification before being able to express their views, and have wanted instead to take immediate action by way of demonstrations on a situation they perceived to be urgent.

In one early such example 24 people were briefly detained, and 10 subsequently charged, after police dispersed a picket organized by the human rights group "Memorial" on 26 December 1994. The picket was unsanctioned, and took place in Moscow outside the building of the Administration of the Russian Federation on Staraya Square - an area covered by a 1993 Presidential decree banning "socio-political actions" in that location.

Four of the 10 charged appeared before Basmany Intermunicipal Court on 29 December. The first defendant to appear, **Vladimir Dolgy-Rappoport**, explained that the participants had chosen to act as they did because they were gravely concerned with the urgency of the unfolding events. His lawyer added that the picket had not obstructed the building's entrance or the street, and had been peaceful. After a short recess the judge acquitted Vladimir Dolgy-Rappoport for lack of a *corpus delicti*, and then swiftly acquitted the other three defendants on the same grounds.

Five of the six others charged stood trial on 13 January at Moscow's Lefortovo Intermunicipal Court. They included former prisoners of conscience **Aleksandr Lavut** and **Aleksandr Podrabinek** (the latter had earlier told Amnesty International that he had been detained in spite of his explanations that he was there not as a participant but as a journalist, in his capacity as editor of the independent newspaper Express Chronicle).

Again, all five defendants were acquitted for lack of a *corpus delicti*. Judge Pyotr Stupin was quoted as saying that "picketing without the permission of the city authorities is not illegal and meets the requirements of the Russian Constitution", referring to Article 31 of the

Constitution which grants citizens the right "to gather peacefully, without weapons and to carry out... picketing".

An attempt to prosecute three members of parliament for organizing unsanctioned demonstrations also failed when on 20 January the State Duma, the lower house, refused a request by Russia's acting Procurator General to lift their immunity from prosecution granted to members of parliament. Yegor Gaydar, Sergey Yushenkov and Vyacheslav Marychev had been accused of organizing rallies on 11 and 12 December, when Russian troops first began moving into the Chechen Republic, and when many had wanted to gather in an immediate protest rather than seeking advance permission.

A draft law "On meetings, rallies, demonstrations, marches and picketing" passed by the State Duma in its second reading on 22 December 1994 had as one of its provisions the right to hold such events without prior authorization if they were peaceful and participants were unarmed. However, President Yeltsin declined to sign the bill into law around a month later, proposing a number of amendments, and the bill was returned to parliament.

Other difficulties in exercising the rights to freedom of association and expression have been reported from the Kabarda-Balkar Republic, an autonomous territory within the Russian Federation situated close to the Chechen and Ingush Republics. Meetings, rallies, demonstrations and pickets here are said to have been temporarily banned under a law of 16 December 1994 on temporary measures to ensure public order and security in the territory, pending the stabilization of the situation in the North Caucasus. Amnesty International has received reports that at least two demonstrations have been held without official permission and dispersed since then, with at least four people being sentenced to 10 days' administrative detention.

In the first incident several people were said to have been detained briefly in the republic's capital, Nalchik, on 12 February 1995, when special police units dispersed a rally attended by a reported 150 people. According to one report participants had called for an end to the armed conflict in the Chechen Republic, peace talks with President Dzhokhar Dudayev, and the repeal of the law temporarily banning demonstrations.

On the second occasion four people were sentenced to 10 days' administrative arrest by Nalchik City Court on 27 February for trying to organize a rally in support of the Chechens the previous day.

Amnesty International is investigating the possibility that those detained may have been prisoners of conscience. The organization has approached the authorities in the Kabarda-Balkar Republic for further details about those held on 12 and 26 February, including how many were detained, on what grounds and for how long, and the administrative sentences imposed in connection with these events. Amnesty International has also asked for clarification on what steps are being taken to ensure that no persons are detained for exercising peacefully their rights to freedom of assembly, association and expression.

## **ALLEGED ABUSES BY FORCES LOYAL TO THE CHECHEN REPUBLIC**

At the very beginning of the conflict Amnesty International issued an urgent appeal to all parties to protect both civilian and military victims of the fighting in accordance with humanitarian and international human rights law (the organization takes no position on questions of territorial status, and its appeals have been directed to Russian officials and to officials of the Chechen Republic in view of their *de facto* control over territory). Such protection includes ensuring that detainees of any kind are not subjected to torture, and that non-combatants are protected from all acts of reprisal and violence.

### **Killing of prisoners**

In the early stages of the conflict the Chechens granted access to some of the Russian prisoners they were holding to a range of visitors, including Russian parliamentary deputies, journalists, delegates from the ICRC and even mothers of the captured servicemen. However, in the middle of January 1995 Amnesty International approached the Chechen authorities with its concern about reports that some Chechen fighters had claimed that although they took prisoner conscripts, they executed special forces troops they had captured. Amnesty International urged the Chechen authorities to:

È condemn publicly any summary executions of captured troops that may have taken place, to investigate all reports of such executions, and to ensure that all forces under their command were fully aware that such actions would not be tolerated.

### **Reported sentencing and execution of a Russian pilot**

According to the Head of the Information Service of the Chechen Republic, Movladi Udugov, a captured Russian serviceman was executed by Chechen forces on 21 March 1995. The man, a pilot named as Nikolay Bairov, had reportedly been executed after being sentenced to death by a Chechen court martial for staging an air raid on the town of Shali. The Russian military authorities have acknowledged that one of their pilots of that name is missing, but at the time of writing no further confirmation of the Chechen report was known.

Writing in connection with the report Amnesty International reiterated to the Chechen authorities its unconditional opposition to the death penalty on the grounds that it is incompatible with respect for the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

Amnesty International further pointed out that common Article 3 of the Geneva Conventions of 12 August 1949 requires all parties to a conflict to treat members of armed forces who have laid down their arms humanely "in all circumstances", and that "the passing of sentences and the carrying out of executions [on such persons] without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples" is "prohibited at any time and in any place whatsoever".

Finally Amnesty International urged the Chechen authorities to:

È ensure that no further such executions take place, and that all detainees are ~~text~~ humanely in accordance with international human rights and humanitarian law.

## AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE GOVERNMENT OF RUSSIA

Russia has ratified and is bound by international human rights and humanitarian law treaties, and bears a responsibility to ensure that these are respected at all times, in peacetime as in time of armed conflict. Violence by opposition groups can never justify the abandonment of these fundamental principles.

Set out below are Amnesty International's recommendations to the Government of Russia on human rights concerns within the organization's mandate.

### **1. Government to exercise effective control to prevent abuses**

Amnesty International is urging the Russian authorities to ensure that:

È those in charge of security forces maintain and where necessary strengthen strict discipline of-command control to prevent human rights violations from occurring. They must issue strict orders instructing their forces to abide by international human rights standards and humanitarian law;

È any individual suspected of committing or ordering violations such as deliberate and arbitrary killing, extrajudicial execution or ill-treatment is removed from any position of authority and from all duties in which he or she comes into contact with detainees or others at risk of human rights abuses. These individuals should be brought to justice.

### **2. Allegations of torture and ill-treatment in custody**

No one should be tortured or subjected to cruel, inhuman or degrading treatment or punishment. Such acts are specifically forbidden by international human rights treaties to which Russia is bound, including the ICCPR and the Convention against Torture.

In the light of numerous reports of torture and ill-treatment in detention, Amnesty International recommends that the Russian authorities:

È initiate prompt, comprehensive, independent and impartial investigations into all allegations of torture and ill-treatment, both those made during the conflict over the Chechen Republic and those the organization has brought to their attention over the past two years, without response;

Ë make public the findings of such investigations; bring to justice any persons responsible for torture or ill-treatment; and provide adequate compensation for any identified; ~~vins~~

Ë publicly condemn torture or ill-treatment in detention, and issue clear instructions to law enforcement officials that torture and cruel, inhuman or degrading treatment or punishment are crimes punishable by law;

Ë ensure that detainees under interrogation are informed promptly of the charge or charges against them, that they are allowed prompt and regular access to a lawyer of their own choice, as well as to relatives and to a medical practitioner;

Ë ensure full and appropriate access to detainees by the ICRC. As the organization mandated to work for the observance of humanitarian law, its work in visiting and registering prisoners is an important step in ensuring that the safeguards envisaged under humanitarian law are respected and obeyed. ~~untr~~

### **3. Alleged deliberate and arbitrary killings of civilians**

Amnesty International is calling on the Russian authorities to:

Ë initiate prompt, independent, thorough and impartial investigations into all allegations of extrajudicial executions, with the findings made public and any perpetrators identified brought to justice within the norms of international law. The investigations should be consistent with international standards, including the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

Ë make it clear to all members of the police, military and other security forces that deliberate and arbitrary killings of civilians and prisoners will not be tolerated under any circumstances;

Ë ensure that all law enforcement officials are aware of, and conform to, international standards on the use of force and firearms;

Ë ensure that all military forces carrying out police activity are aware that they are under the same obligations as the civil police. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by consensus by the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders on 7 September 1990, declare that governments should ensure that such personnel use force only when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life. Any use of

firearms and any death or injury resulting from the use of force must be reported, and the arbitrary or abusive use of force/firearms must be punishable as a criminal offence.

#### **4. The judicial death penalty**

Amnesty International is calling on the Russian authorities to:

Ë review the proposed law on "illegal armed formations" and other legislation providing for the death penalty in order to reduce the number of capital offences with a view to abolishing the death penalty, in line with the recommendations of the UN Human Rights Committee, General Assembly and the UN Special Rapporteur on extrajudicial, summary and arbitrary executions.

In addition, in the light of frequent official comments that Russia is not yet ready to abolish the death penalty, Amnesty International is urging the authorities to:

Ë create an official commission on the death penalty. The experience in other countries has shown that where it is difficult to proceed immediately to a decision on abolition, creating a commission of enquiry may be a useful way of obtaining the facts on which a decision can be based. An official commission can serve to remove the issue of the death penalty from the political and emotional climate which so often surrounds it. The findings of a commission can provide officials, legislators and the public with an objective body of information to guide decisions on the issue.

Ë pending the outcome of the work of an official commission on the death penalty, i a moratorium on executions.

#### **5. Conscientious objection to compulsory military service**

Amnesty International is urging the Russian Government to act swiftly to introduce the necessary legislation to enable conscientious objectors to exercise their right to an alternative civilian service, as guaranteed by the constitution. In line with Resolution 1989/59 of the UN Commission on Human Rights, which was reaffirmed in its Resolution 1993/84 of 10 March 1993, Amnesty International recommends that the Russian authorities:

Ë enact legislation and take the necessary measures aimed at exempting from military service those with a conscientious objection to military service;

Ë introduce a civilian alternative to military service - of non-punitive duration and character - for conscientious objectors;

Ë establish independent and impartial decision-making procedures for applying a ~~civilian~~ alternative to military service;

Ë ensure that all relevant persons affected by military service should have information available to them about the right to conscientious objection and how to apply for an alternative service;

Ë refrain from imprisoning conscientious objectors, and release any currently imprisoned solely for their refusal to perform compulsory military service.

### **6. The rights to freedom of assembly, association and expression**

Amnesty International recognizes the role of authorities to ensure the maintenance of public order. However, it is equally important to ensure that any related legislation is applied solely for such public order considerations, and does not infringe on the peaceful exercise of the rights to freedom of assembly, association and expression. These rights are guaranteed under the Russian Constitution, as well as by international human rights treaties, including the ICCPR, to which Russia is party by virtue of its status as a successor state to the USSR.

Amnesty International is calling on the Russian authorities to:

Ë ensure that legislation on public gatherings fully reflects the country's obligations to ensure and uphold the peaceful exercise of the rights to freedom of assembly, association and expression;

Ë ensure that no one is prosecuted and imprisoned solely for the non-violent exercise of these rights.

In conclusion Amnesty International is reiterating its call to all parties to the conflict to observe standards of humane behaviour, including by ensuring that civilians are not the subject of deliberate attacks and are not arbitrarily detained; that detainees of any kind are not subject to torture or cruel, inhuman or degrading treatment; and that non-combatants are protected from all acts of reprisal and violence.

## APPENDIX I

**Background to the Chechen Republic and the current conflict**

The Chechen Republic is on the southern border of Russia, in the North Caucasus. The Chechens are a Caucasian people, and their language is of the Caucasian group. They are believed to have lived in the area they now occupy since prehistoric times.

After decades of resistance in the 19th century the area was conquered by forces of the Russian Tsar (Emperor). It was incorporated into the Russian empire, and passed into the former Soviet Union after the Bolshevik Revolution of 1917. In 1934 the territories of the Chechens and their closely related neighbours the Ingush were combined into the Chechen-Ingush Autonomous Region, which was raised in 1936 to the status of an Autonomous Republic.

During the Second World War the entire Chechen and Ingush populations were forcibly deported to Soviet Central Asia, accused by the Soviet authorities of collaborating with the Germans. It was not until the late 1950s that the Chechens and Ingush were rehabilitated and officially allowed to return. The Chechen-Ingush Autonomous Republic was restored in 1957.

The Chechens, like many others, used the liberalization era begun by former Soviet leader Mikhail Gorbachov to restate aspirations of greater independence. A Chechen self-determination movement emerged, headed in late 1990 by an ex-Soviet airforce general named Dzhokhar Dudayev. He was elected President of the republic in October 1991, and declared independence the following month.

Reacting to this declaration Russian President Boris Yeltsin declared a state of emergency in November 1991, and sent Interior Ministry troops to the area. However, they were forced to withdraw when parliament refused to back the state of emergency decree and by June 1992 all Russian army units stationed on the territory had been withdrawn. That month the Russian parliament also passed a law on the formation of a separate Ingush Republic, the Ingush having expressed a wish to remain within the Russian Federation rather than follow Chechen desires for total independence.

Internal Chechen opposition to the government of President Dudayev intensified in 1994, resulting in a number of armed clashes. An assault by opposition forces on the capital, Grozny, was defeated in November, and Russian soldiers were among those taken prisoner by supporters of President Dudayev. President Yeltsin issued an ultimatum to all sides to surrender their weapons by 1 December, otherwise "every means" would be used to restore order. Supporters of President Dudayev remained defiant, and early on 11 December Russian troops of the army and Interior Ministry launched officially an operation against "illegal armed formations" in the Chechen Republic.

Grozny eventually fell to Russian troops after prolonged fighting, and attention has now turned to other areas of Chechen resistance, mainly in the south of the republic. Official figures put the number of dead among Russian troops at around 2,000. Estimates of civilian casualties, for which there is as yet no official figure, range from thousands to tens of thousands dead. By

10 April the Russian Federal Migration Service had registered over 320,000 people displaced by the fighting.