



Widespread Torture in the Chechen Republic

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Introduction

In 2006 Human Rights Watch conducted two investigative missions to Chechnya, focusing specifically on the issues of torture and unlawful detention. Based on interviews with victims of abuses, their relatives and, in some cases, their lawyers, we gathered information—and in some cases documented in detail—on the torture of 115 persons between July 2004 and September 2006. The present briefing paper summarizes this research.

While statistics on the scale of illegal detention and torture in Chechnya are unavailable, our research, taken together with that of the Memorial Human Rights Center and Nizhnii Novgorod Committee against Torture—two Russian human rights nongovernmental organizations—strongly suggests that torture and ill-treatment in detention in Chechnya are systematic.¹

In the majority of cases documented by Human Rights Watch, pro-Moscow Chechen forces under the effective command of Prime Minister Ramzan Kadyrov—known as “Kadyrovtsy”—were responsible for the abuses; we also documented torture by personnel of the Second Operational Investigative Bureau (ORB-2) of the North Caucasus Operative Department of Chief Directorate of the Federal Ministry of Interior in the Southern Federal District.

Torture and other forms of ill treatment by ORB-2 personnel appear aimed at coercing confessions from detainees, which then lead to fabricated criminal charges and court convictions. Kadyrovtsy, by contrast, resort to such treatment to secure incriminating information about rebel forces from detainees whom they subsequently release or force to join their ranks. They have also taken hostage and mistreated relatives of alleged rebel fighters.

¹ An analysis of cases summarized in *Chronicle of Violence*—an internet bulletin published by the Memorial Human Rights Center that documents human rights violations in Chechnya and neighboring republics—shows that from January 2005 to the beginning of October 2006, Memorial documented 277 cases of torture in Chechnya. The regularly updated *Chronicle of Violence* is available at: <http://www.memo.ru/hr/hotpoints/caucas1/index.htm>. Memorial has four regional offices in Chechnya and an office in Nazran, Ingushetia. Its staff emphasize that the actual number of torture incidents is likely to be several times higher, as the organization covers only about 25-30 percent of Chechnya, and because in many cases victims request that their cases not be publicized. Human Rights Watch has not compared cases researched by our respective organizations to determine whether, and if so the degree to which, they overlap. According to Memorial, “the use of torture at both legal and unofficial places of detention in Chechnya is not just a system, but a rule, while the unwillingness of victims to speak out proves the effectiveness of this system of terrorizing the population.” Human Rights Watch telephone interview with a senior staff member of the Memorial Human Rights Center, October 30, 2006. Experts from the Nizhnii Novgorod Committee against Torture agree, based on their research in Chechnya and information provided by lawyers working on criminal cases there, that for “as many criminal cases there are in Chechnya, there are as many cases of torture or ill-treatment.” Human Rights Watch telephone interview with a senior staff member of Nizhnii Novgorod Committee against Torture, October 30, 2006.

Many interviewees said they were detained and tortured by Kadyrovtsy in unlawful detention facilities run by these forces. Such facilities, which exist throughout Chechnya, are clearly illegal under Russian and international law. Their “secret” nature makes detainees particularly vulnerable to abuse.

In the majority of cases we documented, victims of unlawful detention and torture were young males. We also documented a number of cases where the victims were women, elderly, disabled people, and minors, the youngest of whom was 13 years old.

Methods of torture used against the detainees include prolonged beatings, often with boots, sticks, plastic bottles filled with water or sand, and heavy rubber-coated cables; inflicting of burns with open fire or red-hot metal rods and wires, and widespread use of electric shocks. In addition, a number of interviewees told Human Rights Watch about psychological pressure, such as threats or imitation of execution or sexual abuse, as well as threats to harm their relatives.

This briefing paper has been prepared in advance of the U.N. Committee against Torture’s examination of the fourth periodic report of the Russian Federation. Since 2002, when the committee examined the Russian Federation’s third periodic report, Human Rights Watch has conducted regular visits to the North Caucasus to document continued human rights violations in the Chechen Republic and neighboring republics perpetrated by all sides to the armed conflict there. In research prior to 2006 Human Rights Watch documented numerous cases of torture, ill-treatment, and enforced disappearances by Russia’s federal forces and by Kadyrovtsy. These findings have been summarized in Human Rights Watch’s earlier publications.²

There have been many changes in Chechnya since the committee’s examination of Russia’s third periodic report. Beginning in 2003, under a policy known as “Chechenization” of the conflict, day-to-day law enforcement operations, including counterterrorism, have increasingly become the responsibility of Kadyrov’s forces. At present there are almost no more large-scale “sweep” operations, which, as the committee noted in its 2002 concluding observations on Russia’s third periodic report, would give rise to arbitrary detentions and “disappearances” by federal

² See e.g. Human Rights Watch, *Worse than a War: Disappearances in Chechnya—a Crime Against Humanity*, March 2005, <http://hrw.org/backgrounder/eca/chechnya0305/>; *Into Harm’s Way: Forced Return of Displaced People to Chechnya*, vol. 15, no. 1(D), January 2003, <http://hrw.org/reports/2003/russia0103/>; *Russia: Last Seen: Disappearances in Chechnya*, vol.14, no. 3 (D), April 2002, <http://hrw.org/reports/2002/russchecho2/>; *Russia: Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations In Chechnya*, vol. 14, no. 2 (D), February 2002, <http://hrw.org/reports/2002/russcheck/>.

forces. More common today are targeted raids ostensibly aimed at apprehending rebel fighters and their supporters.

We were pleased to note the committee's many detailed and highly relevant questions regarding Chechnya in its list of issues drawn up in advance of the upcoming review of Russia's fourth periodic report. We hope the present briefing paper will help inform the committee's examination of Russia—particularly on points 39-42 on the list of issues—and the conclusions and recommendations resulting from its review.

The names of most victims and witnesses interviewed for this briefing paper have been disguised with names and initials (which do not reflect real names) in the interest of the security of the individuals concerned. For the same reason we have also withheld certain details that might identify them, such as precise dates of detention, the names of villages where they reside, and the like.

Torture by personnel of the Second Operational Investigative Bureau (ORB-2)

ORB-2 was established in 2002 and formally charged with detecting, preventing and suppressing actions by organized criminal groups.³

Following their visits to ORB-2 premises in Grozny in 2003 and 2004 respectively, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and then-Council of Europe Human Rights Commissioner Alvaro Gil-Robles expressed serious concerns about the numerous allegations of mistreatment of detainees held in the facility run by ORB-2 and questioned its legal status.⁴

The ORB-2 holding cells were finally formally “legalized” as a temporary holding facility (IVS) in November 2004 by an internal order of the Ministry of Interior, but operational investigative bureaus do not figure in a supposed comprehensive list—

³ ORB-2 mainly covers the Chechen Republic, although in a few cases documented by Human Rights Watch residents of Chechnya arrested in other regions of the North Caucasus, such as Ingushetia, were also brought there.

⁴ See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Public statement concerning the Chechen Republic of the Russian Federation,” CPT/Inf (2003) 33, Strasbourg, July 10, 2006, <http://cpt.coe.int/documents/rus/2003-33-inf-eng.pdf> (accessed November 4, 2006); Commissioner for Human Rights, “Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visits to the Russian Federation 15 to 30 July 2004 and 19 to 29 September 2004 for the attention of the Committee of Ministers and the Parliamentary Assembly,” Comm DH (2005) 2, Strasbourg, April 20, 2005, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&Command=com.instranet.CmdBlobGet&DocId=831880&SecMod e=1&Admin=0&Usage=4&InstranetImage=45188> (accessed November 7, 2006).

contained in the Federal Law of the Russian Federation on the Detention of Suspects and Accused Persons—of facilities authorized to hold detainees.⁵

Human Rights Watch interviewed several dozen people who were detained and tortured at ORB-2 premises between 2004 and 2006, as well as their relatives and lawyers; they consistently told of ORB-2 personnel coercing confessions under brutal ill-treatment and torture; denying detainees access to lawyers of their choice; preventing medical documentation of signs of torture by denying access to doctors and keeping detainees in custody until the signs of torture fade and, if suspects sought to renounce their coerced confessions after they were transferred to remand custody, subjecting them to further ill-treatment as punishment and to force them to stand by the original statements.

In cases we researched, ORB-2 personnel seized persons, usually young males, from their homes, places of work, or the streets without identifying themselves or providing a warrant or any explanation. They then brought the detainees to the ORB-2 temporary detention facility and immediately started interrogating them.

In almost all cases, the detention was officially registered only after several days. During this time detainees' families had no information on their relatives' whereabouts, and the ORB-2 personnel interrogated the detainees in the absence of a lawyer, or with the participation of a lawyer appointed by ORB-2 personnel. According to the interviewees, the appointed lawyers ignored their complaints about torture—although they saw the torture marks on their clients' bodies—and instead encouraged them to accept the charges.

During interrogations, ORB-2 personnel subjected the detainees to severe beatings, torture with electric shocks, suffocation, and threats or imitation of sexual violence. Most interviewees told Human Rights Watch that during these interrogations, which lasted for many hours, they were forced to confess to serious crimes, such as multiple murders or terrorist attacks, as well as to name other people allegedly involved with the rebel movement. In some cases, the confession had been prepared beforehand by the interrogators and contained exact dates, places, and identities of the victims. In other cases, the detainees themselves had to “choose” a crime and invent details that the interrogators would then record.

⁵ Order of the Ministry of Interior of Russian Federation No 709, November 3, 2004, cited in: the Memorial Human Rights Center, “Official Illegal Prisons: A Mechanism of Forcing Confessions,” April 18, 2006, <http://www.memo.ru/2006/04/18/orb2.htm> (accessed October 31, 2006). IVS is the Russian acronym for *izoliator vremengo zaderzhania*.

Once the confession was obtained and signed, the detainee was kept in the ORB-2 temporary detention facility for several days or sometimes weeks to allow any signs of torture, such as bruises or burns, to fade. The investigators would then transfer the accused to the remand prison (SIZO-1) in Grozny, where they stayed until and during trial.⁶

Several interviewees told Human Rights Watch that after being transferred to the SIZO, they complained to their lawyers or investigators about being tortured by ORB-2 personnel and tried to renounce their confession. They were then brought back to ORB-2, where the personnel would beat and abuse them with greater severity, forcing them to revert to their prior statements. Some interviewees said their lawyers often advised them to just accept the charges, believing this to be the only way to protect them from further abuse.

While initially detainees were usually charged with serious crimes, these charges were often dropped before or at trial. In the majority of cases documented by Human Rights Watch, the charges were eventually reduced to “organization of or participation in illegal armed formations” or “unlawful possession or transfer of weapons” (articles 208 and 222 of the Russian criminal code).⁷

In many cases the courts sentenced the defendants to prison terms shorter than those prescribed by the criminal code, to probation, or even released them, applying the time spent in pretrial detention toward the sentence. The courts, however, blatantly disregarded the defendants’ allegations of torture, even in cases where such allegations were supported by medical records and witness testimonies.

The case of two brothers, Sulim S. and Salambek S., documented by Human Rights Watch in September 2006 is illustrative of the above-described pattern.

Illegal arrest and torture of two brothers, Sulim S. and Salambek S.

In mid-March 2006, 29-year-old Sulim S. was on his way to work when about 10 armed men stopped him on the street and forced him into a car, where they handcuffed and blindfolded him and pushed him down to the floor. They drove Sulim S. to what he later found out was the ORB-2 premises. Sulim S. described the torture he endured there:

⁶ SIZO is the Russian acronym for *sledztvennyi izoliator*.

⁷ The maximum sentence under article 208.1 (organization of an illegal armed formation) is seven years of imprisonment; the minimum sentence is two years of imprisonment. The maximum sentence under article 208.2 (participation in an illegal armed formation) is five years of imprisonment; the minimum sentence is six months of detention. The maximum sentence under article 222.1-4 (illegal acquisition, transfer, sale, storage, transportation, or bearing of firearms,) is eight years of imprisonment; the minimum sentence is six months of detention.

For the first five days they kept me blindfolded. I did not know what they wanted. They kept saying, “We know that you know, and you know that we know!” and when I asked what I was supposed to know, they tortured me. They put a gas mask on my face and would cut the airflow until I started suffocating. They repeatedly gave me electric shocks—my head was swinging back and forth; one discharge went through my tongue, and my tongue got all swollen and was falling out of my mouth.

They beat me mercilessly. They put me against the wall with my legs spread apart and kicked me on my privates—I later saw that the entire area in between my thighs was all black from bruises. They pulled my pants down and threatened to rape me.

I kept telling them, “Just kill me!” but they said, “No, we won’t kill you right away—we’ll do it slowly, and we will also rip your brother apart.” I felt like during these interrogations I was dying over and over again, and they would revive me to continue. Finally, after they realized I could not come up with anything, they offered me three crimes to choose from—a bombing of a bus, a killing of two policemen or a killing of one woman. But I refused.⁸

Sulim S.’s family learned about his whereabouts three days after his detention and hired a lawyer to represent him. About a week after Sulim S.’s detention, a group of armed men detained his brother, Salambek, and brought him to the ORB-2 facility. Salambek S. described his ordeal at ORB-2 to Human Rights Watch:

The men started beating me while we were still in the car, but did not explain where they were taking me and why. Then they put me into a room, and told me to tell them “everything.” I thought they were referring to a short period of time in 1999 when I helped to dig trenches in the city along with everybody else, but they . . . said they were not interested in that—they wanted me to confess to bombings and killings. I said they must have mistaken me for someone else.

They attached wires to my fingers and ears, and started giving me electric shocks—I could not see the device, as they put a gasmask on my head, but heard the clicking sound. They pushed me against the wall and started beating me on the kidneys, and then threw me on the floor—I was lying on my stomach, and one of the men put his boot under my heart area, while [at the same time] another was sitting on my back. As other men pressed the pain

⁸ Human Rights Watch interview with Sulim S., Grozny, September 21, 2006.

zones on my legs I would twitch and the boot would press hard into my heart—I felt like my heart was stopping and couldn't breathe.

They repeated these interrogations and beatings for several days, and then told me that if I did not confess, they would bring my wife and rape her in front of my eyes, and then do the same with me. They brought a club and said they would stick it up my ass.

I would rather die than be dishonored like that; it is just unthinkable in our culture—I told them I would confess to a bombing of a bus, and made up a story, coming up with the most unbelievable details. When I tried to take my confession back, they started torturing my brother in the adjacent cell, saying, 'Do you hear? That's your brother screaming.'⁹

After spending about 10 days in the ORB-2 holding facility, Salambek S. was transferred to the remand facility in Grozny, where some of his injuries sustained during interrogations were documented by a medical professional. Sulim S., who refused to sign a confession, spent a total of 25 days in the ORB-2 holding facility. Sulim said that upon transfer to the remand facility in Grozny, he was examined by a doctor who documented his injuries, including broken ribs, bruises on his legs and inner thighs, swollen hands and tongue, and burned ears.

Most of the charges against the two brothers were dropped, and both stood trial for "membership in illegal armed formations." In August 2006, a court released both men under the applicable statute of limitations. Although the brothers told the judge they had been tortured in detention and the medical reports were entered into the case record, the court took no action to investigate the torture allegations.¹⁰

Torture by units under the effective command of Chechen Prime Minister Ramzan Kadyrov

Background note on the structure of forces under Kadyrov's effective command

Most Chechen government law enforcement and security units originate from the personal security service of the late Chechen President Akhmad Kadyrov, which was headed by his son, Ramzan, who has since become prime minister of Chechnya.¹¹

⁹ Human Rights Watch interview with Salambek S. , Grozny, September 21, 2006.

¹⁰ Ibid.

¹¹ This was called the Sluzhba Bezopasnosti, or Security Service, and was known by the acronym, SB.

After Akhmad Kadyrov's assassination in 2004, this security service was disbanded, and its personnel were gradually reassigned to different branches of the Ministry of Interior of the Chechen Republic, including the Second Regiment of the Checkpoint Guard Service of the Police (PPSM-2) and the Oil Protection Unit ("Neftepolk") of the Extra-departmental Protection Service (UVO). They were also assigned to the Anti-Terrorism Center (ATC), which itself was disbanded in April 2006, with personnel reassigned to two battalions of Interior Troops of the Russian Federal Ministry of Interior.¹²

Despite changes in formal affiliation, these units continue to be loyal to Ramzan Kadyrov personally and to some of his closest allies, such as Adam Demilkhanov, head of the Oil Protection Unit and currently the vice prime minister of the Chechen government.¹³

These units operate in a questionable legal framework. PPSM-2 and the Oil Protection Unit routinely participate in security operations, even though they do not appear to be authorized by law to do so, and make use of ATC bases, even after the ATC was disbanded.¹⁴ More important, PPSM-2, the Oil Protection Regiment, and ATC personnel detain people, holding them secretly at unlawful detention facilities, and use illegal methods of interrogation, including torture and ill-treatment.

Another law enforcement structure in Chechnya are the local police departments (ROVD), whose top personnel for the most part were installed by Kadyrov to ensure his control over the police force.¹⁵ ROVD personnel process detainees within the

¹² Announcing this latest change, Ramzan Kadyrov confirmed the evolution of his personal militia, saying "The [SB] was reformed into the [ATC], and, now, on the basis of the [ATC], two new battalions under the authority of federal structures are formed." See "Ramzan Kadyrov obivil 'kadyrovitsev' vne zakona," *Newsru.com*, April 29, 2006, http://www.newsru.com/russia/29apr2006/ramzan_print.html (accessed May 25, 2006).

¹³ Reports by the Memorial Human Rights Center repeatedly emphasized this close connection. For example, on April 1, 2005, Memorial states that "despite the reorganization of the SB and its incorporation into the Ministry of Interior structures, many personnel continue wearing uniforms with 'Security Service' insignia." *Chronicle of Violence*, <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed November 4, 2006). On May 1, 2005, in a report documenting the beating of a local administration chief by Kadyrovtsy in the village of Duba-Yurt, the Memorial noted that the personnel "was subordinate personally to R. Kadyrov—that's how they identified themselves." Memorial Human Rights Center, *Chronicle of Violence*, <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed October 29, 2006).

¹⁴ Officially, PPSM-2 is supposed to be carrying out the functions of regular patrolling and road police, while the Oil Protection Unit is charged with guarding Chechnya's petroleum resources. Legislation governing PPSM units states their basic functions as "safeguarding the personal safety of citizens, guarding civil order and providing for civil defense, preventing and suppressing crimes and civil violations on the streets, public transport facilities, and other public places." Amendment to the Order of the Ministry of Interior of the Russian Federation of from April 13, 1993 (No.166), "Primernoie polozhenie o stroevikh podrazdeleniakh patrolno-postovoi sluzhbi militsii obshchestvennoi bezopasnosti (mestnoi militsii) Rossiskoi Federatsii," §1.1, <http://zakon.kuban.ru/zakon/pps.htm#p> (accessed February 16, 2006). The Russian Federal Law on the Police suggests that the Extra-departmental Protection Service (UVO) is limited to protecting specific objects designated by the Russian government. In the case of the Oil Protection Unit, these objects are linked to the operation of Chechnya's regional oil company, Grozneftegaz. See Russian Federal Law on the Police April 18, 1991, No. 1026-I, <http://zakon.kuban.ru/zakon/zm.htm> (accessed October 31, 2006).

¹⁵ ROVD is the Russian acronym for *raionnoe otdelenie vnutrennykh del*. Since 2004, Ramzan Kadyrov has been gradually replacing the heads of local police department with people loyal to him. For example, in early 2005 he appointed the new

criminal justice system and have lawful detention facilities, but personnel at some police stations—for example, in the villages of Kurchaloi, Shali, and Achkhoy-Martan—have become notorious for torture of detainees. For example, during our last two research trips to Chechnya, Human Rights Watch documented eight cases of people who had been detained and tortured by personnel of the Achkhoy-Martan ROVD.

Despite the gradual “legalization” of Kadyrov’s forces, detention at their facilities—both official and unlawful—and torture continue unabated to date. During our September 2006 mission to the region Human Rights Watch documented 82 cases of torture by these forces, 54 of which happened in 2006. The most recent of these cases were from summer and early fall of 2006.¹⁶

Torture in secret detention

Kadyrov’s units hold and torture detainees in premises that are not lawful places of detention. The detention has no legal framework, and detainees cannot exercise their rights guaranteed by Russian and international law, including access to lawyers or medical professionals. In the vast majority of cases, the family has no information of the detainee’s whereabouts, unless they manage to obtain it through personal contacts with Kadyrov’s forces.

In most cases, people detained by these forces are released without any formal charges brought against them—they are simply warned to keep complete silence about their ordeal unless they want to face even harsher consequences.

In some cases Kadyrov’s forces use short-term, unlawful detention and torture to obtain information that could be useful in their counterterrorism operations against Chechen rebels. In others, torture is used to punish or intimidate families whose relative has joined the rebel movement (even if the relative had been killed, arrested, or surrendered to the authorities), people who sought justice for abuses by Kadyrov’s forces, and individuals suspected of collaborating with Chechen rebels.

In a number of cases documented by Human Rights Watch, Kadyrov’s forces also held former or active rebel fighters, but instead of prosecuting them forced them, under torture and threats of execution, to join their ranks. Finally, in a large number

head of Achkhoy-Martan ROVD. See the Memorial Human Rights Center, *Chronicle of Violence*, March 4, 2005, <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed October 29, 2006). In August 2005, Kadyrov replaced the head of Kurchaloi ROVD with his “friend and a close ally.” See the Memorial Human Rights Center, *Chronicle of Violence*, September 21, 2005, <http://www.memo.ru/hr/hotpoints/caucas1/index.htm> (accessed October 29, 2006).

¹⁶ Specifically, at bases in Tsentoroi and Jalka, see below.

of cases documented by Human Rights Watch and other organizations, Kadyrov's forces seized and ill-treated, including through torture, relatives of rebel fighters and kept them hostage in order to force such rebels to surrender.

Human Rights Watch obtained detailed descriptions of at least 10 unlawful detention facilities—for the most part bases or private houses owned or used by regional commanders loyal to Kadyrov — in towns and villages throughout Chechnya. They include at least two different bases located in Kadyrov's home village of Tsentoroi; the ATC headquarters in the city of Gudermes; ATC bases in the villages of Tsotsin-Yurt, Mairtup, Geldagen, Novogroznyi, and Avtury; and facilities run by the Oil Protection Unit in Grozny and the village of Jalka.

Most detainees whom Human Rights Watch interviewed spent from several days to several weeks in detention. Those detained as hostages to compel the surrender of their relatives were held considerably longer, sometimes for many months. For example, seven relatives of Aslan Maskhadov were tortured at the Tsentoroi base, where they were held for six months, from early December 2004 to late May 2005.¹⁷

With very few exceptions, all interviewees who were detained by Kadyrov's forces told Human Rights Watch that they had been brutally tortured. The most common methods of torture they described were the use of electric shocks and beatings through punching, kicking and the use of clubs. Victims, interviewed separately, consistently described the administration of electric shocks through a portable device with a handle for producing electricity and wires that the torturers attached to the victims' fingers, toes, ears, or other body parts.

The following two cases illustrate the typical pattern of detention and torture by Kadyrov's forces.

Illegal detention and torture of "Magomed M." and four of his fellow villagers

In early June 2006, Kadyrov's forces detained five young males, including 24-year-old Magomed M., from a village in central-eastern Chechnya.¹⁸

¹⁷ The case of Aslan Maskhadov's relatives was documented in Human Rights Watch, *Worse than a War*, pp. 25-28. Maskhadov's relatives were released. In addition, the mother, sister, and wife of Maskhadov's close ally, Vakhid Murdashev, were held at the Tsentoroi base and then at the ATC headquarters in Gudermes for five months from November 2004 to April 2005. Three brothers—Adam, Kureish and Movla Chersiev—were initially detained by the Oil Protection Unit and then spent five months in the Gudermes ATC facility, while ATC personnel tried to force their relative, a well-known rebel, to surrender. According to information received by Human Rights Watch the Murdashev relatives and the Chersiev brothers were not subjected to torture. Human Rights Watch interviews, September 2006, Chechnya.

¹⁸ Human Rights Watch interview with Magomed M. (not his real name), September 26, 2006, Chechnya, (exact location withheld to protect the witness).

Magomed M. told Human Rights Watch that Kadyrov's forces brought him and the four other men to one of Kadyrov's bases on the outskirts of the village of Tsentoroi. Personnel at first put them in a boiler room on the base, and soon thereafter the base commander took three of the detainees out to a nearby field for questioning. Magomed M. told Human Rights Watch:

There were three or four personnel there—the same ones who brought us to the base. They kept asking about a rebel fighter from our area—they said we should know him since we are the same age. I knew nothing about the man, but they wouldn't believe me. They kept kicking me and beating me with sticks; it lasted for five or six hours.¹⁹

Magomed M. said that he was taken out for questioning and severely beaten every day during his detention.

Relatives of the five detainees learned of their whereabouts through a contact in Kadyrov's forces and managed to secure their release; four of the men were released the day following their detention, and Magomed M., several days later. "Before releasing me they warned me not to say a single word about my detention," he told Human Rights Watch. "Otherwise, they said they would take me away again and I would disappear."²⁰

After his release Magomed M. spent more than three weeks in a hospital, where he said doctors documented his injuries, including multiple hematomas on his body, kidney damage, and a concussion.

Illegal detention and torture of Khamid Kh.

One night in early April 2006 a group of about ten armed, masked men broke into the house of an elderly construction worker, Khamid Kh., in a village in western Chechnya. They asked his name, and, without providing any explanations, put a bag over his head and drove him away.

The abductors brought Khamid Kh. to a local ATC base and put him in a room where they immediately started interrogating him, accusing him of providing food and weapons to rebels. He told Human Rights Watch:

They started kicking me, and then brought an 'infernal machine' to give me electric shocks. They attached the wires to my toes and kept cranking the

¹⁹ Ibid.

²⁰ Ibid.

handle to release the current. I couldn't bear it. I was begging: "Give me any paper – I'll sign it, I'll sign anything."²¹

The ATC personnel released Khamid Kh. the next day. He spent the following two weeks in a hospital with serious heart problems that he believed resulted from the electric shock torture. Although Khamid Kh. said he remembered and would have recognized his torturers, he had no intention to seek justice as he was warned that only "keeping his mouth shut" would guarantee his safety.²²

Continuing "disappearances"

Continued enforced disappearances in Chechnya are of interest to the committee because they place civilians outside the protection of the law, making them particularly vulnerable to torture. In a number of cases documented by Human Rights Watch during its recent missions and earlier, relatives of the "disappeared" later found the bodies of their loved ones in unmarked graves or other locations. In most cases, the bodies bore marks of torture.

Some of those detained by Kadyrov's forces later "disappear" without a trace. Based on extensive research, Human Rights Watch concluded in 2005 that enforced disappearances in Chechnya are so widespread and systematic that they constitute crimes against humanity.²³ Memorial documented 316 cases of "abductions" in 2005. Of those, 127 "disappeared" without a trace and 23 were found dead, their bodies bearing marks of execution.²⁴ While the number of reported cases of "disappearances" decreased in 2006, hundreds of people "disappeared" by Kadyrov's forces remain unaccounted for to date, and Human Rights Watch continued to document new cases of "disappearances," the latest of which took place in September 2006.

In an illustrative case, Balaudi Melkaev (b. 1967), a resident of the village of Valerik, "disappeared" after he had been detained by ATC personnel.

Enforced disappearance of Balaudi Melkaev

Around midnight on December 16, 2005, a group of eight or nine armed Chechen men in camouflage uniforms arrived at the Melkaev residence in Valerik in three

²¹ Human Rights Watch interview with Khamid Kh., April 27, 2006, Chechnya.

²² Ibid.

²³ See Human Rights Watch, *Worse than a War*.

²⁴ The Memorial Human Rights Center, "On the situation of residents of the Chechen Republic, July 2005-July 2006," <http://www.memo.ru/hr/hotpoints/N-Caucas/dGan/index.htm> (accessed on October 31, 2006).

cars.²⁵ The men, two of whom wore masks, searched the house and seized Balaudi Melkaev, taking him away barefoot. The same night, the armed men abducted another resident of the village, Ilias Murtazaliev.

While the men did not identify themselves and did not tell the family where they were taking Melkaev, his relatives later found out that the men who drove him away produced documents at a nearby checkpoint identifying them as ATC staff.²⁶

On December 17, 2005, the relatives of both men went to the ATC headquarters in Gudermes to inquire about Melkaev and Murtazaliev with two ATC officers they knew. The officers confirmed that both men were “under suspicion” at the base, accepted warm clothes the relatives had brought for them, and suggested that the relatives speak with the ATC commander, Muslim Iliasov.

One of Melkaev’s relatives managed to meet with Iliasov, who provided no information but promised that both men would be returned home the next day. Indeed, on December 18 ATC personnel drove home Ilias Murtazaliev, but not Balaudi Melkaev. Murtazaliev’s father told Melkaev’s relatives that his son had been beaten while in detention and had returned home in a confused and distressed state, believing that he had been away for a month.²⁷

When Melkaev’s relatives again inquired with their ATC contacts about Balaudi’s fate, they were told that he had been taken to Khankala military base. However, personnel at Khankala denied that Melkaev had been brought there. One of Melkaev’s relatives told Human Rights Watch, “I did not believe a single word [of the ATC personnel]—they just thought Khankala was inaccessible and we wouldn’t go there to search. But we did, and also checked through our contacts there, and he was not at the base.”²⁸

Melkaev’s relatives appealed again to the ATC commander Iliasov, who sent them away; they also wrote to Ramzan Kadyrov, but received no response. The family also appealed to the prosecutor’s office requesting it to open a criminal investigation into the abduction.

In April 2006, the Chechen prosecutor’s office informed the family in writing that on February 23, 2006 it had opened a criminal investigation, but the document stated

²⁵ They were: a VAZ-2199 without registration plates, an UAZ-451 (also called a “*tabletka*”) (registration no. 351), and a VAZ-21010.

²⁶ Human Rights Watch interviews with relatives of Balavdi Melkaev, Valerik, April 27, 2006 and September 27, 2006.

²⁷ Ibid.

²⁸ Ibid.

that the investigation had been opened into the murder, rather than the abduction, of Balaudi Melkaev. Despite the relatives' efforts, they did not manage to get the prosecutor's office to provide any further information, including whether and why they had reasons to believe that Melkaev had been killed or to provide any details.²⁹ As of late September 2006, the family had received no further information on the fate or whereabouts of Balavdi Melkaev.

Lack of Accountability

One of the main factors contributing to the widespread pattern of illegal detention and torture in Chechnya is the total lack of accountability for perpetrators.

The perpetrators themselves—be they ORB-2 personnel or Kadyrov's forces—try to ensure that their abuses do not come to light by threatening their victims into silence. Indeed, few victims or witnesses dare to report instances of torture to the authorities, such as the prosecutor's office, and in many cases refuse to speak to human rights organizations.

During our last two research missions to Chechnya Human Rights Watch found that witnesses were extremely scared to talk about their experiences, fearing retribution. Those who agreed to relate their story did so under strict condition that we withhold any details that would allow the authorities to identify them.

In many cases Human Rights Watch found that the perpetrators were so confident that there would be no consequences for their abuses that they did not wear masks or otherwise attempt to conceal their identity. In fact, a number of witnesses told Human Rights Watch that they knew their tormentors by name, or at least would be able to identify them. These witnesses, however, did not dare to report this information to prosecutorial authorities, and were, in some cases, considering personal revenge against the perpetrators.

In torture cases researched by Human Rights Watch prosecutors and courts took no action to bring the perpetrators to justice. In particular, those who had been tortured by ORB-2 personnel said that their injuries sustained as a result of torture were documented by doctors at SIZO-1, and that these documents were presented during court hearings. The courts, however, appeared to disregard this evidence altogether, and took no action to ensure that the allegations of torture were duly investigated and the perpetrators held to account.

²⁹ Ibid. A copy of the statement is on file with Human Rights Watch.

The prosecutor's office, which under Russian law should be the primary body to investigate allegations of torture in detention, also did little or nothing to address the allegations of torture in cases researched by Human Rights Watch. In rare cases where victims dared to launch a formal complaint with the prosecutor's office, the prosecutors refused to open a criminal investigation, stating that the facts reported by the victim "have not been confirmed by the preliminary inquiry" conducted by the office.

For example, on June 5, 2006, 26-year-old Ruslan Lechaev complained to the Chechen Republic prosecutor's office about being tortured by ORB-2 personnel and forced to incriminate himself. Two days later, he received a letter from one of the officials at the prosecutor's office stating that there would be no investigation into the torture allegations. The letter stated that ORB-2 personnel denied ever using any "pressure" against Lechaev. It also referred to a medical report that allegedly stated that there were no injuries on Lechaev's body. However, a medical report prepared by a doctor at SIZO-1 on June 23, 2006, when Lechaev was brought there, clearly stated that he had multiple bruises and hematomas on his neck, thighs, and wrists.³⁰

Russian authorities occasionally provide statistics on investigations and prosecutions of military and police personnel for crimes committed in the context of the conflict in Chechnya. The Memorial Human Rights Center and the International Helsinki Federation analyzed this data, and found that only a handful of cases reach trial and that the vast majority of the defendants are eventually acquitted, amnestied, or receive minimal or suspended sentences.³¹ Regarding torture, Human Rights Watch is aware of only one case in which an official was convicted for physically abusing someone in custody.³²

The climate of impunity is worsened by the persistent efforts by Chechen and Russian authorities to close Chechnya to outside scrutiny. Most unlawful places of detention run by Kadyrov's forces are off limits to journalists or international experts visiting the region. Moreover, in several instances when outside observers were

³⁰ Human Rights Watch interview with a relative of Ruslan Lechaev, September 27, 2006, Grozny. Copies of both documents—the response from the prosecutor's office and the original medical report—are on file with Human Rights Watch.

³¹ For a detailed analysis of Russia's statistics on prosecutions of military and police personnel see e.g., the Memorial Human Rights Center, "Deceptive Justice: Situation on the investigation on crimes against civilians committed by members of the Federal Forces in the Chechen Republic during military operations 1999–2003," 2003, http://www.memo.ru/hr/hotpoints/N-Caucas/do100603/orlov_2003_engl.pdf (accessed November 7, 2006); International Helsinki Federation for Human Rights, "Impunity: A Leading Force behind Continued Massive Violations in Chechnya," May 19, 2005, http://www.ihf-hr.org/viewbinary/viewdocument.php?download=1&doc_id=6363 (accessed November 7, 2006).

³² In 2005, the Oktiabrsky District Court in Grozny sentenced Sergei Lapin, a police officer from the city of Khanty Mansiisk, to 11 years of imprisonment in a strict regime prison colony for intentionally inflicting serious harm to the health of Zelimkhan Murdalov under aggravating circumstances (article 111, part 3 of the Russian criminal code); exceeding official authority under aggravating circumstances (article 286, part 3), and forgery by an official (article 292). The conviction, however, did not include a reference to Murdalov's "disappearance," although his whereabouts remain unknown to date.

allowed to visit these facilities, such as the Tsentoroi bases, the authorities removed the detainees from the premises prior to the visit. A number of witnesses told Human Rights Watch about being moved to another base or simply driven away and kept in cars for several hours when a “delegation” was expected to visit the base where they were being detained.

On May 1, 2006, a CPT delegation was denied access to the village of Tsentoroi, which led it to take “the exceptional measure of interrupting the visit,” which was resumed following assurances from the president of the Chechen Republic. The delegation gained access to Tsentoroi in the early afternoon of May 2.³³

When visiting officials were allowed to meet with detainees in such lawful detention facilities such as ORB-2, they perceived that the detainees “did not feel they could speak freely.”³⁴

Russia’s refusal to agree to the terms of reference of the UN special rapporteur on torture caused him to postpone indefinitely his visit to Russia and Chechnya, planned for October 2006. The refusal concerned the special rapporteur’s conducting unannounced visits to detention facilities and interviewing detainees in private.³⁵

³³ “Visit by Council of Europe Anti-Torture Committee to the North Caucasian region of the Russian Federation,” European Committee for Prevention of Torture (CPT) news flash, May 9, 2006, <http://www.cpt.coe.int/documents/rus/2006-05-09-eng.htm> (accessed October 31, 2006).

³⁴ The comment was made by Mr. Alvaro Gil-Robles, Commissioner for Human Rights after his visits to the Russian Federation, including Chechnya, in 2004. See “Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visits to the Russian Federation 15 to 30 July 2004 and 19 to 29 September 2004.”

³⁵ “Special Rapporteur on Torture Regrets Postponement of Visit to Russian Federation,” UN press release, October 4, 2006, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/4FBC8B4AABF40CDFC12571FD003E28AB?opendocument> (accessed November 7, 2006).