



## **Human Rights Center Memorial**

### **Human Right violations in the Northern Caucasus**

**This report was prepared for the countries members of the UN Human Rights Council within the framework of the third cycle of the Universal Periodic Review at the United Nations in May 2018**

For more than 25 years, ever since the 1990-es, the Northern Caucasus has been one of the most troubled regions in Russia in terms of human rights violations.

To a large degree, this is encouraged by:

- the continued armed confrontation between the state and the fundamentalist underground which uses terrorist methods in its struggle.

- impunity for crimes committed by government agents during counter-terrorist operations

- Conflicts between followers of the branch of Islam traditional for the Northern Caucasus and of the Salafite fundamentalist branch of Islam which is relatively new to the region. These conflicts are largely provoked by the authorities, baselessly equating Salafites with terrorists.

In 2013 the application of “soft power” approach which has been in use (albeit not consistently) in the Northern Caucasus in 2009-2012 was discontinued and state terror as a means of suppressing the terrorist underground made a return. This trend continued to dominate in the following years.

Although the decline of activity of the armed underground which first became noticeable in 2009 continues, grievous human rights violations committed during anti-terrorist activities will inevitably contribute to the growth of terrorist activity in the future. Sustaining peace and stability is closely tied to observing human rights.

It's important to take into consideration that the decline in the armed underground activity was largely facilitated by a strong out-flux of people who form the underground's mobilization base to the Middle East. Now, with the defeat of the majority of terrorist structures in Syria and Iraq, this factor will no longer be in effect.

An atmosphere of distrust and fear of law enforcement officers has been created in the Northern Caucasus – to a degree varying from region to region. People are simply too scared to go the authorities which are oftentimes the perpetrators of the very violation of rights in question. This is most pertinent for Chechnya, in essence, a totalitarian enclave on the territory of the Russian Federation.

#### **1. Arbitrary executions**

Agents of the state systematically practice arbitrary executions. Law-enforcers kill both those they apparently suspect of involvement in the radical armed underground activities and the pure civilians.

The most striking example of the latter is the murder by the law-enforcers in August 2016 of the brothers Gasangusen and Nabi Gasangusenov<sup>1</sup>, shepherds from the mountain village of Goor-Khindah (Dagestan Republic). According to the official version, they were killed during a special operation after opening fire against the law enforcers. After more than a year of human rights activists' work, it was established that the Gasangusenovs didn't fire at the law-enforcement officers. Apparently, a counter-terrorist operation was faked. However, so far the law-enforcers guilty of murdering civilians haven't been found or punished.

Having people who previously went missing without a trace be later announced to be armed insurgents, killed while resisting arrest or perished due to the explosion of the explosive device they have allegedly been transporting is a regular occurrence. This sometimes happens even in cases when there are witnesses to these people being kidnapped by law-enforcement.

The murder of detainees in Chechnya in 2017 is an example of a mass arbitrary execution. Hundreds of locals were detained during December 2016-January 2017. All the detainees would “disappear” for a while, none of them receiving any legal assistance. Many were put under moral and physical pressure. Some detainees were freed after several days. Other “detainees” would “disappear” for over a month after which they'd “confess” to having participated in or assisted illegal military groups and illegal weapons possession. The fate of several dozen of those detained is unknown to this day.

“Novaya Gazeta” daily newspaper cites a list of 27 people who were killed the night on January 26, 2017, on the territory of the 2<sup>nd</sup> regiment of the Patrol Guard Service of the Ministry of Interior of Chechnya<sup>2</sup>.

“Memorial” Human Rights Center double-checked this information. There's no doubt that all these people were detained (in most cases in front of numerous witnesses) by state law enforcement officers. There are documents and testimonials stating that all these people were delivered alive onto law-enforcement agencies premises. Then they disappeared without a trace<sup>3</sup>.

Officially the deaths of only three people on the list have been confirmed – two allegedly died of wounds received during a gunfight with law-enforcement, another from a heart attack – according to law-enforcement officers, which the relatives didn't dare question. The others allegedly have gone to Syria to fight for the terrorist side.

The investigation into the missing person reports about these people is being sabotaged. The family members who weren't afraid to complain to the investigative authorities, the Ombudsman for Human Rights in Russia and human rights organizations were subjected to serious pressure and threats from the authorities. Their life and safety are threatened.

Needless to say, neither this case nor other similar cases are being effectively investigated.

## **2. Kidnappings and forced disappearances.**

Despite the recommendation to “Elucidate cases of enforced disappearances in the region of North Caucasus, and sign and ratify CPED” (suggested by France, approved), mass forced disappearances still take place in the Northern Caucasus regions, and the investigation thereof is formal or isn't led at all.

Kidnappings, illegal arrests, forced disappearances are a widespread and systematic practice in Chechnya. Not only those suspected of a crime but also their family members, acquaintances, those on the detainee's phone contact list, those who dress or pray “wrong” can be taken to parts unknown. An atmosphere of fear and universal suspicion has formed in Chechnya; the locals very rarely and unenthusiastically share what happened to them or their family members and friends, so it's virtually impossible to establish the true scale of kidnappings and

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1 Details: <https://memohrc.org/ru/special-projects/dagestan-ubiystvo-bratev-gasangusenovyh>

2 See more: <https://www.novayagazeta.ru/articles/2017/07/09/73065-eto-byla-kazn-v-noch-na-26-yanvarya-v-groznom-rasstrelyany-desyatki-lyudey>

3 See more: <https://memohrc.org/ru/special-projects/chechnya-rasstrelnyy-spisok>

illegal arrests. Since people are afraid to file kidnapping reports to the authorities, the majority of such crimes doesn't get recorded or investigated.

In Dagestan and Kabardino-Balkaria kidnappings and forced disappearances with law enforcement involvement take place as well. Oftentimes the kidnapped disappear for one or several days and then reappear, this time accused of having committed a crime, oftentimes having already “confessed” to it. Then they are found to allegedly be in possession of weapons and ammo. Disappearances without a trace are much more rare. In Stavropol region and other Northern Caucasus republics – Ingushetia, Karachaevo-Cherkessia and Northern Ossetia – the situation is better.

### **3. Use of torture.**

Despite the recommendation of “Ending use of arbitrary detention, torture and excessive force by law enforcement officials» (made by the US, declined), and to «Take effective measures to prevent all acts of torture and ill treatment» (made by Poland, adopted), the use of torture and other illegal investigation methods is still widespread in the Northern Caucasus. Complaints about the use of torture by investigative officers in Chechnya, Dagestan, Ingushetia, Kabardino-Balkaria have been received from 2013 to 2018. Oftentimes law-enforcement officers use torture to force the detained to confess to possession of weapons, ammo or drugs that have been planted on them by the law-enforcement officers in question.

At least one case of detainee death as a result of torture has been recorded<sup>4</sup>.

Confessions received as a result of torture usually form the basis of guilty verdicts. E.g. the cases of Ruslan Kutaev<sup>5</sup>, a public figure from Chechnya, Zhalaudi Geriev<sup>6</sup>, a Chechen journalist and the verdict in the case of attack on Nalchik, the capital of Cabardino-Balkaria (“the case of the 58”)<sup>7</sup>.

The investigation of torture complaints is usually formal and superficial, and the applicants mostly receive a standard formal reply that the facts stated in the complaint weren't confirmed. However, in some cases, a public outcry leads to criminal investigations and even arrests of very high-level law-enforcement officials. Case in point, the criminal case against the officers from the Counter-Extremism Center of the Ministry of Interior of the Republic of Ingushetia<sup>8</sup>.

### **4. Human rights activists and public activists.**

With the systematic suppression of independent civic activity which has been going on throughout Russia since 2012, in the Northern Caucasus the standing of human rights activists and lawyers they work with has worsened considerably in 2014-2018.

Just as it did throughout Russia, the Ministry of Justice included the human rights organizations active in the region: Memorial Human Rights Center, Kabardino-Balkar Republic Public Human Rights Center, Human Rights Center of the Chechen Republic, Mashr Human Rights Organization, Civic Assistance Committee, Interregional public Foundation for Peace in the South and North Caucasus, Information Agency "[MEMO.RU](http://MEMO.RU)" - onto the list of “Non-profit organizations acting as foreign agents”.

The recommendation to “Ensure that all human rights defenders are able to conduct their work in line with the provisions of the United Nations Declaration on Human Rights Defenders (A/RES/53/144)” (made by Poland, adopted) is not being followed by Russia. Criminal cases against a significant number of public figures, independent journalists, and human rights activists have been and are being fabricated – for instance against the head of Memorial Human Rights

4 See more: <https://memohrc.org/ru/news/ingushetiya-sledstvie-ishchet-pytavshih-suprugov-dalievyh-policeyskih>

5 See more: <https://memohrc.org/ru/monitorings/delo-ruslana-kutaeva>

6 See more: <https://memohrc.org/ru/defendants/geriev-zhalaudi-nasrudinovich>

7 See more: <https://memohrc.org/ru/special-projects/delo-58-mi-nalchik>

8 See more: <https://memohrc.org/ru/special-projects/ingushetiya-cpe-otvetit-za-pytki>

Center branch in Chechnya – Oyub Titiev<sup>9</sup>. Multiple attacks by “unknown parties” against human rights activists, journalists and lawyers that work with them have taken place, some received grievous injuries<sup>10</sup>. Human rights organizations offices have been attacked, destroyed or set on fire more than once<sup>11</sup>.

Similarly, the recommendations to «Investigate promptly, effectively and impartially all reports of attacks on or threats against human rights defenders, lawyers, journalists and civil society activists, and identify those responsible and bring them to justice» (made by Norway, adopted), to «Ensure due investigation and prosecution of all alleged attacks against human rights defenders and independent journalists» (made by Slovakia, adopted), to «Effectively and promptly investigate all reports of attacks or threats against human rights defenders and journalists and bring perpetrators to justice» (made by Czech Republic, adopted) are not being followed.

The investigation of attacks against human rights activists, the lawyers and journalists cooperating with them, the trashing and arson of their offices have largely been undertaken formally and without results. For instance the cases of the kidnapping and murder of Natalia Estemirova, Zarema Sadulaeva in Chechnya in 2009, the murder of the public activist Timur Kuashev in Kabardino-Balkaria in 2014, the attacks on the Joint Mobile Human Rights Defenders Group offices in Chechnya in 2014 and 2015, the attack on journalists and Joint Mobile Human Rights Defenders group in 2016 and other crimes still haven't been solved.

## **5. European Court of Human Rights rulings on Northern Caucasus.**

In 2017 Russia set a record in terms of the size of compensation adjudged by the European Court of Human Rights (ECHR) to Russian citizens whose rights were violated. There are Northern Caucasus natives among them as well.

It must be mentioned that the recommendation to «Implement fully the judgments of ECHR, including any judgments related to officials accused of serious human rights violations in the North Caucasus» (made by Australia, declined) is not followed in any way in regards to the inhabitants of the Northern Caucasus. Satisfying judgment in most cases is limited to the compensation payment. As to rectification of the human rights violations committed by investigators as of now not a single person guilty of human rights violations established by the ECHR has been either convicted or even taken to court. Criminal cases are either closed due to the absence of the event of crime or have been suspended for many years while in most cases the Russian authorities do not allow the victims access to case files. Even in cases which are still being investigated, the limitation period has expired, therefore it's not realistic to expect any criminal prosecution. In cases where investigations took place after a ruling by the ECHR, the investigators didn't try to find the persons responsible for the human rights violations but put together alleged proof refuting ECHR findings.

### **Recommendations to the authorities of the Russian Federation:**

1. To investigate and put to justice all persons guilty of organizing and implementing arbitrary executions, as well as the officials who impeded the timely investigations of arbitrary executions.

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9 See more: <https://memohrc.org/ru/defendants/titiev-oyub-salmanovich>

10 See more: <http://www.pytkam.net/press-centr.novosti/4337/pg76>, <https://memohrc.org/ru/news/v-dagestane-izbit-sotrudnik-memoriala-advokat-murad-magomedov>, [https://memohrc.org/ru/news\\_old/dagestan-napadenie-na-rukovoditelya-predstavitelstva-pc-memorial-v-mahachkale](https://memohrc.org/ru/news_old/dagestan-napadenie-na-rukovoditelya-predstavitelstva-pc-memorial-v-mahachkale)

11 See more: <http://www.pytkam.net/press-centr.novosti/4199/pg104>, <http://www.pytkam.net/press-centr.novosti/4490/pg47>, [https://memohrc.org/ru/news\\_old/podzhog-ofisa-pravozashchitnogo-centra-memorial-v-nazrani](https://memohrc.org/ru/news_old/podzhog-ofisa-pravozashchitnogo-centra-memorial-v-nazrani)

2. To investigate and put to justice all persons guilty of kidnappings and forced disappearances of the Northern Caucasus inhabitants.
3. To establish the fate and location of all missing Northern Caucasus inhabitants.
4. To investigate all cases of torture and to put to justice all persons guilty of their use and all officials who connived and covered up their use.
5. To ensure that testimony given under torture not be admitted as court evidence.
6. To ensure the safety of human rights organizations employees working in the region – if necessary using state protection measures.
7. To put to justice the persons who organized, connived or covered up attacks on human rights activists as well as the officials who didn't ensure the timely and effective investigation of the attacks on human rights activists or prevented such investigations.
8. To fully satisfy the judgments of the ECHR, without limiting to payment of compensations.