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A chain of wars, a chain of crimes, a chain of impunity: Russian wars in Chechnya, Syria and Ukraine

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Introduction

The full-scale invasion of Ukraine, which Russia began on 24 February 2022¹ is an unprecedented act of aggression in the history of Europe since the Second World War.² This war is both criminal and horrific. The wide response to it is quite understandable.

This war, however, was preceded by other armed conflicts, in which Russia openly took part: conflicts of a lesser scale, but of comparable intensity, and, most importantly, similar in the methods used. No less important is the fact that the same actors (military units and officers) sometimes participated in all these armed conflicts.

Amongst the series of armed conflicts of the post-Soviet era in which Russia has been involved, three stand apart: the first and second Chechen wars and the conflict in Syria.

* * *

‘Inner stability (in all of its aspects – economics, security, stability of life) was probably the greatest achievement of the Soviet Union, a state ruined by its enemies.’ This is one of the biggest myths about the

¹ Russian aggression against Ukraine – that is, the annexation of Crimea and ‘hybrid war’ in the eastern regions of the country – started in 2014. Even then, Memorial named these actions an aggression falling under the UN definition (<https://hro.org/node/20001>); for this statement the International Memorial Society was labelled a foreign agent in 2016.

² The Soviet invasion of Hungary in 1956 and the Warsaw Treaty states’ invasion of Czechoslovakia in 1968 are comparable to the present war in terms of troops involved but were never followed by any military actions of similar scale. The Afghanistan war, one of the reasons of the collapse of the Soviet Union, started by the USSR in 1979 and costing nearly 1.5 million Afghani lives, took place not in Europe, but ‘over there in Asia.’ Russia was not directly or significantly involved in the wars in the Balkans in the former Yugoslavia of the 1990s – as it seemed then, the former USSR had escaped its fate – but both the few Russian ‘volunteers’ present from the very beginning and ‘peacekeepers’ present near the end of those wars were substantially important.

USSR, along with the myth of the 'Soviet policy of peace.'³ In reality, almost all the hotspots that emerged after 1988,⁴ had existed earlier as zones of dormant conflict, developing into mass rioting, suppressed by violence.⁵

At the end of 1980s, ethnic and social conflicts took over the role of main source of human rights violations occurring in the USSR.⁶

The first serious conflict of this kind was the Armenian-Azerbaijani conflict in Nagorno-Karabakh, which began in the winter of 1988. The central Soviet government openly supported the status quo, preserving the administrative and political state of the region, i.e., an autonomous entity within Azerbaijan.

Simultaneously, some of the republics of the USSR (the Baltic states, Moldavia, Georgia) were showing signs of moving towards independence. These included the 'national liberation movements,' and their opponents, similar movements within the autonomous regions inside the republics (South Ossetia, Abkhazia, Transnistria) and

³ Both before and after the Great Patriotic War, the USSR was party to dozens of local conflicts, first promoting world revolution, then collaborating with Hitler in the partition of Eastern Europe, and later – opposing the West all around the globe, mostly in Third World countries.

⁴ Soon after Gorbachev's amnesty for political prisoners, the abandonment of political reprisals as a systemic practice, the declaration of 'glasnost,' the loosening of the total control over mass media and the rise of some freedom of the press.

⁵ Nagorno Karabakh faced escalation in 1967–68; Abkhazia, in 1978. The problem of the Prigorodny district of North Ossetia caused mass unrest among the Ingush in Grozny in 1973 and of the Ossetians in Ordzhonikidze (Vladikavkaz) in 1981. Mass riots in the USSR were, generally, a common thing (see, for example: V.A. Kozlov. *Massovye besporjadki v SSSR pri Khrushcheve i Brezhneve (1953-nachalo 1980'ikh)*. Mass riots in the USSR under Khrushchev and Brezhnev (1953– early 1980s) M; ROSSPEN, 2009 (in Russian), each time suppressed by means of a total information blockade, the use of Ministry of Internal Affairs Troops or even army units, and political repression. The 'unfreezing' of hidden conflicts during the period of perestroika was masterfully predicted in 1960 in Yuli Daniel's novel *Moscow Speaking, or the Day of Open Murders*.

⁶ We mean both direct victims of conflicts, and refugees, and ethnic discrimination, and consequent political repressions caused by these conflicts.

pro-Soviet movements among Russian-speaking minorities in the Baltic region.

The processes escalated during the election campaigns of 1989 and 1990, when the threat of many republics (not only Armenia, Georgia, Moldova, and the Baltic countries, but even Russia!) escaping the control of the All-Union Centre became obvious. From 1990 onwards, Moscow explicitly backed the autonomies in their struggle with the rebel union republics. At the same time, the army, Internal Troops or other forces of the Ministry of Internal Affairs, controlled formally or informally by the Union Centre, while formally maintaining peace and public order, in fact supported one of the parties to the conflict – such as Azerbaijan in Nagorno-Karabakh. In other cases, they supported autonomous or de facto autonomous entities striving for secession, or pro-Moscow movements. By this means, the government sought to secure for itself the position of peacemaker, an arbiter in unstable situations, thus making the Union Centre necessary for the Union republics and preventing the prospect of the collapse of the USSR.

In 1991, there were two open armed conflicts on the territory of the USSR – in Nagorno-Karabakh and in South Ossetia. In January of the same year, the Centre used military force in Latvia and Lithuania.

However, in August 1991, during the attempted coup by the State Committee on the State of Emergency [GKChP], the situation got out of control. Secessionist movements emerged even in those republics that had been

considered ‘reliable’ (Ukraine, Azerbaijan, Central Asian republics): their leaders had supported the putschists – that is, the losers – and, fearing the consequences, immediately declared independence. The collapse of the Union Centre, administrative paralysis, and the fight for power in Moscow between the Union and the Russian federal governments aggravated the conflicts that were supposed to have ‘stabilized.’ An open armed confrontation began on the territory of Russia itself, in the Chechen Republic.

After the collapse of the USSR in December 1991, the new democratic Russia seemed to have detached itself from the post-Soviet armed conflicts. Russia officially acted as a peacemaker in the armed conflicts in Transnistria (June 1992) and South Ossetia (July 1992).⁷ Russian troops were withdrawn from rebellious Chechnya in the first half of 1992.⁸

Closer examination, however, reveals, that during the ‘peaceful’ year of 1992, Russia was waging five ‘hybrid wars’ at once. In South Ossetia and Transnistria, the peacekeeping mission was the outcome of supporting one of the parties to the conflict, that of the separatists. In Nagorno-Karabakh, during the large-scale Azerbaijani offensive in June-August 1992, Russia extensively helped the Azerbaijani side, not only by providing weapons, but with troops.⁹ In the first half of that year, Shamil

⁷ The participation of the 366th Motorized Rifle Regiment in the ‘cleansing’ of the Azerbaijani village of Khojaly, which resulted in numerous casualties among civilians, should be regarded as an excess – the regiment was immediately withdrawn from the region and disbanded.

⁸ At which time the Ministry of Defence was criticized heavily for abandoning up to half of the unit’s weapons and weapons left in depots there.

⁹ In June 1992, colonel Vladimir Shamanov oversaw operational planning and command and control at the headquarters of the Azerbaijani forces in the city of Goranboy – he was seen there by Memorial representatives Yan

Basayev's Chechen detachments operated there on the same, Azerbaijani, side and after August they were fighting in Abkhazia. In the latter case, their infiltration into the rebellious region, subsequent training and supply was provided by Russian state agencies. In fact, it was the work of 'proxy' military units not bearing any flag – in places where Russia did not want to show its colours.¹⁰ Both 'Cossacks' and 'volunteers' fought there, and in many cases their recruitment by the special services shows the same pattern as later in 2014, at the beginning of the conflict in Donbass. Finally, in Tajikistan, the internal armed conflict came to a turning point right after the infiltration of the 15th Separate Brigade of the GRU special forces (commander Colonel Kvachkov), nominally subordinate to the Uzbekistan military command.

These processes stopped after the 'Small Civil War' in Moscow on October 3–4, 1993, and local conflicts on the periphery of the former USSR became frozen.¹¹

Contributing to these events was the general process of degradation within the Russian Army in the first half of the 1990s, a fact which became obvious a year later, when a large-scale armed conflict broke out in Russia itself. Tensions between Moscow and Grozny started to escalate

Rachinsky and Aleksandr Cherkasov, who visited the headquarters along with the Azerbaijani Minister of Defence Rahim Gaziyeu. The servicemen of the 348th Ganja Airborne Regiment, commanded by Shamanov, were engaged in combat in the Erkech–Shaumyanovsk–Gulistan area. In Gulistan they were decorated with Azerbaijani awards, as was reported by the republic's media.

¹⁰ The use of Chechnya as an 'offshore force' was not limited to the use of local paramilitaries in the role of today's Wagner group. For example, the operational bases of the arms dealer Viktor Bout, who sold Russian weapons to Third World countries, were in Chechnya, at Severny and Kalinovskaya airfields in Grozny.

¹¹ Apparently, their handlers found themselves on the wrong side of the October conflict, so the project came to a halt and, as a result, Basayev himself was out of a job from the autumn of 1993 until the autumn of 1994, figuring out which side to choose in the developing Chechnya confrontation.

in December 1993 because of President Boris Yeltsin's attempts to boost his ratings. A year later, on 11 December 1994, this led to the start of the First Chechen War, officially called the 'disarmament of illegal gangs' and 'restoration of the constitutional order.' The Russian Army met with resistance that was not only massive but also skilful (in particular, the military faced fighters schooled by themselves during the war in Abkhazia), and cruel (all the crueller, the more the crimes of the Russian forces became public). As a result, having suffered a military defeat and concluded a truce in August 1996, Russia withdrew its troops from the rebellious republic by the beginning of 1997. However, the anti-war movement also played its role in ending that war: there were Russian political parties, the media and civil society organizations that systematically worked for peace. There were public officials and generals capable of making decisions. Human losses range from 30,000 to 50,000 civilians, and up to 6,000 Russian military and law enforcement personnel. Grozny became the most destroyed city in Europe. Peace lasted for three years: in August 1999, the Second Chechen War, officially called the 'counter-terrorist operation,' began. This war, on the contrary, turned out to be an effective political tool, ensuring the rise to power of Vladimir Putin, who managed to turn public sentiment in his favour. Independent human rights activists, journalists, and politicians who opposed the war were marginalized. The war claimed the lives of 15,000 to 25,000 civilians in the republic, while between 3,000 and 5,000 people became victims of enforced disappearances; the losses of the federal forces amounted to 6,000. But in

the end, Ramzan Kadyrov achieved personal rule over Chechnya, managed to become ‘indispensable’ to the Kremlin, and created an essentially totalitarian regime in the republic.

By around 2005, some of the conflicts that seemed to have been settled in the early 1990s gradually became ‘unfrozen’. Tensions intensified in Georgia, where Russia was planning a military operation in Abkhazia in 2008. However, the war began in South Ossetia with the aggravation of the situation in early August, followed by the attack by Georgian troops on the night of 8 August, the entry of Russian troops during the so-called ‘peace enforcement operation,’ the recognition of the independence of both rebellious autonomies by Russia, and the actual occupation of up to 20 percent of Georgian territory. In this war, Russia for the first time openly went beyond its borders in the post-Soviet region. An outside observer might think that this war was ‘small and victorious,’ but in fact it exposed many systemic problems, and led to resignations and accelerated reform of the Russian Army. By 2010, the intensity of the armed conflict, which by that time had spread from Chechnya to the entire North Caucasus, was decreasing from year to year for several reasons. In some places, like Ingushetia, soft power worked. In others, as in Chechnya, on the contrary, it was ‘brute force.’ Finally, the outbreak of the armed conflict in Syria created a kind of lateral vector in the Caucasus: a mass migration of paramilitaries to this zone of conflict began. All this made it possible by the time of the 2014 Winter Olympics in Sochi to report on a

radical decrease in the activity of the armed underground movement.

In February 2014, Russia occupied and annexed Crimea, then launched a ‘hybrid war’ in eastern Ukraine, in the Donetsk and Luhansk regions. It seems the plans went further than that. Destabilization actions were carried out throughout the south and south-east of the country, from Kharkiv to Odesa. In the regional centres, preparations were underway for the creation of ‘people’s republics,’ and paramilitary formations were actively infiltrated. On 12 April, active hostilities began in Slovyansk, captured by a detachment commanded by Igor Strelkov. In addition, an army force was formed with logistics units and rear services deployed and coordinated. The date of readiness for an offensive operation was set as the last ten days of April – the first days of May; for some reason, this operation was not started at that time. Furthermore, by that time the state of Ukrainian government institutions created an illusory hope of accomplishing the task by means of paramilitary formations only, by holding ‘referendums’ and afterwards recognizing the puppet ‘republics’ as sovereign states. ‘Referendums’ were held in early May, but by early July the overconfidence and the impossibility of turning the tide without the use of regular troops became obvious; on 5 July, Strelkov’s group left Slovyansk. A new operation with limited tasks and means (several battalion tactical groups of the Russian Army), which eventually began with a delay (in particular, because of the downing of the Boeing airliner), on 7 August and ended on 3 September,

led to a military defeat for Ukraine in Ilovaisk and the beginning of the peace process (the Minsk negotiations, which began on 5 September 2014). After that the conflict was stabilized, – Russia seemed to be satisfied with recognition of puppet states as political subjects, and their artificial integration into Ukraine, although in fact Russia was seeking to establish control over them.

In September 2015, Russia openly joined the armed conflict in Syria, supporting the regime of Bashar al-Assad. The conflict there had begun in 2011, in the wake of the Arab Spring protest movement. The brutal suppression of the secular democratic movement by the government naturally led to its gradual radicalization, and eventually to the emergence of ISIS, a conglomerate of groups that controlled large territories, used blatantly terrorist methods and seeking to create a ‘caliphate.’ Russia supported its long-time ally Assad from the very beginning, despite the crimes perpetrated by government forces and the outrageous (by European standards) civilian casualties in the civil war unleashed by the government. An international coalition led by the United States was already fighting ISIS in the region, but the coalition never considered Assad’s regime an ally, and not just that: the regime lost its legitimacy on account of the massive and gross violations of human rights. Russia denied these violations (as well as its own later), insisting on the formal legitimacy of the regime, allegedly confirmed in the ‘elections’ held in conditions of civil war and state terror. One of the claimed goals of joining this war was to destroy the militants who arrived in the ISIS-

held zone from the North Caucasus. Another goal openly named was to test weapons' systems and check the battle readiness of all armed forces' services and branches in combat conditions. And in fact, in Syria the army was preparing for new wars. The greater part of the officer corps went through this campaign (all commanders of the Russian forces in Ukraine at various times held the post of task force commander in Syria) and most military pilots did tours there too. Here the Russian 'private military companies,' above all the Wagner group, got a free hand and earned a grim reputation. Long-range missiles were fired at targets in Syria by strategic aircraft from the Caspian Sea, as now happens in the war with Ukraine, as well as by warships and submarines. This war, not without reason, was perceived as a frank intimidation of countries neighbouring Russia. One of the outcomes of the Syrian campaign for the Russian Army was the reputation, – deserved or not, – of 'the second army in the world.' With this, the Russian Federation embarked on the year 2022, and the large-scale invasion of Ukraine.

Looking back now, we see the events of the last 35 years – that is, the armed conflicts inside Russia, in the post-Soviet region, and then beyond – not as a series of separate, unrelated episodes, not as a sequence of random coincidences, but as logically connected events.

The crimes committed in each of the conflicts were not investigated. The actors responsible for them were not named, condemned, and punished, and therefore participated in new wars, reproducing and disseminating

their experience. It was a chain of wars, a chain of crimes, a chain of impunity.

In our report, we single out from this chain, consider separately, and draw comparisons between, the following large-scale armed conflicts in which the Russian Federation has participated over the past three decades:

- First (1994–1996) and Second (1999–2006) Chechen wars;

- war in Syria (since 2015);

- and the war in Ukraine (not just since 24 February 2022, when the large-scale open invasion began, but since the very start of the armed conflict in East Ukraine, the ‘hybrid war,’ starting in the spring of 2014).

* * *

Of course, we do not claim, and are not trying to prove, that the Russian Federation is the only state that has violated human rights, humanitarian law or international treaties and conventions during armed conflicts.

There is not and has not been a single conflict in the world in which both sides have not violated the laws and customs of war. Not one of the parties, even if it fights against aggression and wages a just war, can ever be seen as exclusively ‘nice and clean’ in every respect. The questions are, firstly, what is the scale of such violations and their prevalence? Secondly, are they random or systemic? And thirdly, how are they treated by the

commanding officers, judicial authorities, and state power? Do these bodies aim to reduce their degree and number? Or, on the contrary, encourage them? What actual steps are being taken to prevent crimes? Were crimes against civilians committed by the military and police with the knowledge of their commanders, or contrary to their orders and instructions? Is the military and political leadership of a belligerent party ready to punish those responsible for serious violations? Do the investigating authorities investigate crimes against civilians committed by representatives of their own military and police forces? Do they investigate only acts committed in violation of military discipline, or do they also investigate acts committed on orders? Do the investigating authorities limit their investigations to the actual perpetrators, or does the investigation take within its scope the chain of command? Is there any pattern in actions of the belligerent party which obviously lead to the death and suffering of the civilian population? And if there is evidence of such a systemic character, is it possible to trace a continuity in violations committed in different conflicts by a party at different times? Assessment of the actions of each of the belligerents depends on the answers to these questions.

Our report is an attempt to ask our own authorities these questions about our country – and find answers to them. The new Russia, which emerged after the collapse of the USSR, is more than three decades old. During this time, Russia has participated in several armed conflicts, both international and non-international. These conflicts

had a significant, and sometimes decisive, impact on the political, social, and economic life of the country. Even before the collapse of the USSR, since 1990, Memorial has been working in these conflict zones, trying to track the violations of human rights and humanitarian law committed by the parties involved. In each of these conflicts, the side opposing Russia also committed similar violations. Sometimes these violations were serious, and sometimes systemic. As a rule, we paid attention to these matters in our reports. But these aspects of the conflicts in which Russia has been involved remain outside the scope of this report: here we focus on the modus operandi of the Russian forces and the Russian state.

1. Factors that affected the ability of Russian armed forces and law enforcement agencies to respect human rights and humanitarian law

The evidence presented in this report about the actions of the Russian armed forces and other power structures in armed conflicts since 1994 speaks not only of a stable reproduction of patterns or of behavioural models of some military commanders that determined the course of action of their units. Gross and massive violations of human rights and the norms of humanitarian law, violations which were not continuous, but widespread and systematic, were reproduced at a higher level. And this is by no means a trend of recent decades. It has deep roots in the Soviet era.

However, it would be inaccurate to attribute all this to some Soviet legacy. Let us mark a few important points that determined the vector of the country's development over the past three decades of the post-Soviet era. Russia, in fact, has remained (with small interruptions) a belligerent party in conflicts not only since 1991, but since the Afghan war – that is, more than forty-three years. This chain of wars led to the emergence and reproduction of a subculture among all kinds of enforcement agencies, security services and special forces. At the same time, the post-Soviet Russian public of the first half of the 1990s did not realize the need for a significant reform of the army or for a system of civilian oversight over the military. Well-established democratic institutions that should have ensured such oversight and reform were still not created and could hardly have been formed at all; it did not take a long time for their further erosion.

The Second Chechen War, launched in 1999, became a springboard for Vladimir Putin, who turned from an unknown bureaucrat into an elected leader, and then made the 'counter-terrorist operation' almost his main method of ruling the country. Under the pretext of the fight against terrorism, the parliamentary and party systems (however imperfect), and relatively free media were eliminated step by step, fundamental rights and freedoms were neglected, and a continuous attack on civil society began.

By the beginning of the 2000s, the idea of an opposition between 'rights and freedoms' on the one hand

and ‘security and stability’ on the other had taken root in Russia, although no long-term security, no stability is possible without respect for human rights and freedoms. The painful experience of the 1990s, when for most of the population, declared rights and freedoms were combined with a feeling of insecurity and uncertainty, allowed the authorities to introduce a discourse of ‘trading rights and freedoms for stability and security’ in the 2000s on the wave of high oil revenues. Subsequently, Russia had oil and gas, which, at high international prices for hydrocarbons, provided resources to finance the growing of law enforcement and military structures. This process reshaped society as well: people in Russia became more and more oriented towards state service. Also, the politics of history played an important role in this transformation of Russia. For Putin’s regime, always facing the past, history has become the main battlefield. The tragic experience of twentieth century Russia, or the USSR – collectivization, famine, terror, an unthinkable number of war casualties – were turned by state propaganda from a nationwide tragedy into a series of natural disasters, for which the authorities, in any case, were not responsible. This brought with it the sacralization of power per se, a cult of secret services, of all things ‘special,’ that is, institutions acting beyond the law. In this mind-frame, justice can be moved aside, if it stands in the way. Rules do not have to be lawful, and, if anything, you can move the rules aside as well. Until very recently, when starting a war, the Russian state did not declare a state of emergency or martial law, and even the war itself was not called a war or ‘armed conflict.’ In 1994 in Chechnya, it

was called ‘disarmament of gangs’ and ‘restoration of the constitutional order.’ In 1999 it was called a ‘counter-terrorist operation.’ In 2008 in Georgia, military action was called a ‘peace enforcement operation.’ Now Russia is conducting a ‘special military operation’ in Ukraine. Another path leading to this war is associated with politics of history: a state-enforced transformation of the memory of the Second World War, the Great Patriotic War, which has always meant a great deal in Russia. The state authorities worked with this memory, focusing on the victory, and not on the price of that victory or on the fate of ordinary people. The result was that the slogan ‘Never again’ was replaced in mass consciousness by a new one, ‘We can do it again!’

The experience and legacy of the Soviet Army did not leave much reason to hope that the post-Soviet armies would see observance of human rights and humanitarian law as their main mission. The Great Patriotic War was a total war.

Many of the practices that developed during that war turned out to be sustainable and have been noted in post-Soviet wars.

For example, the approach to human losses, among both military and civilians, as inevitable collateral damage.

Or the massive use of aviation and, above all, artillery, in urban combat operations and settlement assaults – going back to the battles for Budapest and

Berlin. It was this experience that was reproduced during the capture of Grozny in 1995.

Or the way the populations on the liberated territories of European countries were treated, and the impunity with which this violence was carried out. Or repressions in the army itself, above all, punishment for not following orders automatically, for discussing the real facts of the situation and for political disloyalty, and only last of all – for violations of the laws and customs of warfare. Or mass repressions in controlled territories, treachery, the killings of prisoners (later denied), the establishment of puppet political regimes, the brutal suppression of insurgent movements, mass deportations. All these narratives and practices of the past have not been worked through, discussed and condemned – at least in the literature.¹² Perhaps that is why propagandists of recent years have often described them as something positive and worthy, justifying or legitimizing new, modern wars.

On the other hand, it was customary in the Soviet era to hide crimes and criminal practices behind a rhetoric of the ‘struggle for peace,’ the ‘friendship of the peoples’ and the ‘building a bright future’; or, in any case, not to spread information about such deeds for quite pragmatic reasons: securing the integrity of the USSR and unity of the military-political ‘Soviet bloc.’ The post-war Soviet Union, and the Soviet Army were preparing for a global confrontation with the West, above all for a war in Europe, in which the armies of the Warsaw Pact would have to reach the Rhine and the English Channel as soon

¹² Although these themes became essential for unofficial literature, Samizdat and Tamizdat.

as possible. This future war was also understood as a total one, with the use of both nuclear weapons and conventional weapons of indiscriminate action and high power.¹³

A mass army was needed for the expected total war. But since the 1960s, discipline at the lower level of command has been falling, traditions of hazing have emerged and tended to become increasingly criminal. Subsequently, this was also bound to affect the attitude of military personnel towards civilians.

At the same time, military propaganda was turned into an applied science, based on the deceitful thesis of the ‘peace-loving policy of the USSR’ and outright lies about the ‘aggressive plans of the imperialists,’ thereby creating an imaginary enemy. The entry of troops into Czechoslovakia in 1968 was justified by the need for ‘fraternal assistance’ and the claim that ‘otherwise NATO armies would already be there.’ Likewise, the entry of troops into Afghanistan in 1979 was called ‘the fulfilment of international duty’ and the claim was that ‘otherwise American medium-range missiles would already be there.’ Any opponents were demonized, labelled ‘fascists’ (which even then devalued any ‘anti-fascist’ rhetoric), or at least as the accomplices or collaborators of fascists. These kinds of lies tended to spread, becoming all-pervading and turning from an instrument of describing the enemy from top to bottom into an instrument of self-deception at all levels of decision-making.

¹³ This can be considered as verified knowledge after the authorities of Poland declassified the Warsaw Pact archives in 2005.

Returning to seemingly technical problems, like providing the army with high-precision weapons, we see that attempts to solve these problems since the 1950s and 1960s were unsuccessful not only for technical reasons.¹⁴ Whether they could have been solved at all is a debatable issue that requires access to the documents of the Ministry of Defence, which are still classified. From what is credibly known, it can nonetheless be concluded that possible approaches to military reform with an emphasis on high-precision weapons, on reforming and improving the command and control system, and on the transition to a smaller but more professional army, were curtailed in the early 1980s.¹⁵ Meanwhile, the introduction of new control systems alone could have potentially increased battle effectiveness of existing weapons systems many times over, as well as reducing collateral damage, that is, the destruction of civilian infrastructure and loss of civilian lives.

The reasons for this lay not only in political intrigues among the top leaders, and not only in generals' fear of a new army and reductions in posts. The transition to new command-and-control systems would radically have changed the approach to command and control and workflow: after entering reports, orders, etc. into an automated system, it would be impossible to correct them by backdating. Such a system would be immune not only to the 'voice of command' and strong language addressed to subordinates, but also to promises and hints in

¹⁴ Thus, the reduction of air forces and a preference for missiles under Khrushchev was accompanied by the halting of a programme to develop guided bombs.

¹⁵ These ideas were studied in the late 1970s and early 1980s under Marshal Ogarkov and, in post-Soviet Russia, were largely accepted by Russian Defence Minister Serdyukov.

subjunctive mood addressed to the bosses, that is, it would have gone against the established traditions of tokenism and window dressing.¹⁶ In its turn, this ‘window-dressing tradition,’ born out of the fear of error, was the outcome of a tradition of strict political and special services’ control. This control, and this tradition, suppressed the essence of military professionalism: initiative, the ability to make decisions, and take responsibility for them. As a result, any discussion of real problems in the army was paralyzed, even of the most basic things: hazing, corruption, and embezzlement. The only result was the aggravation of these problems.

All these vices and inadequacies were manifest in Afghanistan: from cruel and criminal practices to massive long-range bombing and Grad strikes on settlements, the ‘cleansing’ of villages and ‘filtration’ of the urban population, to a whole system of detention locations where torture and extrajudicial executions were practised, and to outright symptoms of degradation such as the most severe hazing and disregard for soldiers’ lives.¹⁷

These flaws and vices were widespread, but not ubiquitous. In Europe, where the Soviet Union had been preparing for the expected major war up until the end of the 1980s, troops underwent constant drills and combat coordination of subunits and units, and tactical forces and major formations prepared and exercised training missions. However, the scale of army decay in the post-

¹⁶ For instance, during missile troops’ target practice, the target – a cross made of white cloth – was laid out not in advance, but afterwards, close to the place where the warhead fell.

¹⁷ Although everything is relative: in Afghanistan, ten people killed on a single occasion was considered an emergency incident.

Soviet period exceeded all conceivable limits. For example, General Eduard Vorobyov, who had previously commanded the Southern Group of Forces in the 1980s¹⁸ was shocked by the condition of the task force in the First Chechen campaign. He found having mixed units where even the combat vehicles' crews had no collective training unacceptable. In the end, he refused to be in charge of what he called 'an operation to disarm gangs.' Another important aspect was that, even though militarism was woven into all aspects of life in the USSR, and the country was preparing for a global war, the memory of the last total war, of the unimaginable suffering that it had brought, was not an empty slogan. Most of the generals had lived through the war and post-war years as children, and the military and political leaders who went through the war were still alive. Dmitry Yazov, the last Minister of Defence who was a veteran of the Great Patriotic War, withdrew troops from Moscow in August 1991 after the killing of three civilians. The new generation, those who came to power after that, whether civilian or military, no longer cared about such danger to civilian lives: not in 1993, and even less so in 1994.

Finally, in addition to overall factors that did not enhance the ability of federal forces to observe the norms of humanitarian law, there existed factors that led to the deliberate violation of these norms – blatantly criminal practices.

¹⁸ A group stationed in Hungary, which, according to plans, was to have advanced rapidly into Europe through Austria in the event of a war.

The closed nature of the Russian enforcement agencies made it impossible for those outside the system to get acquainted with the manuals, instructions, and standard techniques by which the combat training of army and special forces personnel was – and still is being – conducted. However, in recent years there have been frequent leaks of such information in open publications. Here are excerpts from the book *Reconnaissance Training. GRU Spetsnaz System*¹⁹:

... the prisoner still needs to be interrogated, and if he is of any value to the command, then he should not be destroyed after interrogation, but transported to the base camp. [p. 40]

[...] The difference between this situation and the evacuation of the wounded lies in the fact that you do not have to worry whether the prisoner is comfortable during transportation. As long as he doesn't suffocate. Therefore, a mouth plug made of rag, or a wooden gag should not be inserted too deeply. As for shaking, bruises, abrasions, the numbness of tied limbs, none of this matters. In most cases, immediately after being interrogated using force, the prisoner would be liquidated.

Only if it is necessary to deliver him to base camp or to headquarters behind the front line, would he have to go on his own feet. That is when the health of the captives becomes a subject of special concern for scouts. [p. 217]

¹⁹ Taras A. E., Zarutskiy F.D. *Podgotovka razvedchika; Sistema spetsnaza/* Minsk.: Harvest, 1998. (Kommandos) [Reconnaissance Training. GRU Spetsnaz System]. This book is not an official manual but relies heavily on publications of the USSR Ministry of Defence Military Publishing House (57 out of 99 titles in the list of references) which were used in combat training in the Russian Federation Armed Forces.

[...] Each operative must master the methods of forced interrogation in the field. As practice shows, the servicemen of NATO countries 'break down' completely during such an interrogation and give the necessary information [p. 492].

During the First Chechen War, human rights activists repeatedly discovered buried bodies with traces of 'interrogation by force' in the armed conflict zone, at positions and locations formerly occupied by intelligence units of the federal troops. Numerous testimonies were gathered on the use of such interrogation methods by Internal Troops, special forces, and officers of the Ministry of Internal Affairs of the Russian Federation. During the Second Chechen War, this became a widespread and systematic practice.

In addition, humanitarian law restricts the use of weapons systems and prohibits indiscriminate attacks to protect civilians.

The concept of 'civilian population' as such is absent in the book cited above.

* * *

Such was the package with which Russia entered the First Chechen War.

The troops brought into Chechnya on 11 December 1994 to 'establish constitutional order' were neither morally (the federal forces' personnel were not familiar with the norms of humanitarian law) nor physically prepared to fulfil the mission.

The Russian generals knew the real state of the troops. The published secret directive No. D-0010 ‘On the results of the training of the Armed Forces of the Russian Federation in 1994 and the clarification of tasks for 1995’ signed by Minister of Defence of the Russian Federation P.S. Grachev reads as follows: ‘Officers of the division-regiment-battalion level are poorly aware of their duties,’ ‘Personnel are not sufficiently trained in the use of standard weapons and military equipment; they have a low level of special training.’

The morale of the troops was of particular concern: ‘The task of eradicating accidents and crimes in the Army and Navy has practically failed. Concealment of crimes and accidents, deliberate falsification of information about the death of people, does not stop.’

Commander of the North Caucasian Military District Colonel-General A.N. Mityukhin, who was initially appointed Joint Task Force commander, reported at the beginning of December 1994 on ‘command-and-control bodies, command centres and troops in general being unready for combat operations.’²⁰ The same thing could be said about the Internal Troops of the Ministry of Internal Affairs.

The correctness of these assessments became obvious from the moment the troops entered Chechnya in December 1994. Drivers on the march often lost control over their vehicles, equipment constantly failed, the columns stopped. The lack of combat training had its

²⁰ *Novaya ezhednevnyaya gazeta*, 28/01/1995. [New Daily Paper]

effect – sometimes tank and infantry fighting vehicle gunners operated their weapons for the first time while going into battle. Units of the federal forces often came under friendly fire. Soldiers and officers in Chechnya had to spend the night at random places, sometimes starved for several days and were forced to drink melt water. The meagre material support of the troops could not but aggravate their morale, which had a deplorable effect on the civilians in the conflict zone. The indiscriminate attacks, which primarily affected civilians, were not only intentional, but in many cases also came about because of poor training and an inability to deliver accurate strikes against approved military targets. Poor discipline, criminalization of relations inside military units and the systematic covering-up of crimes by superiors caused a high level of crime among military personnel in Chechnya. Twenty months later, after the end of fighting in Grozny in August 1996, this was confirmed once more by the head of the Department of Troops and Security of the Military Service of the General Staff of the Armed Forces of the Russian Federation, Lieutenant General V.F. Kulakov. In response to a question by the State Duma deputy Yu. P. Shchekochikhin to the Minister of Defence of the Russian Federation, the latter replied:

I consider it necessary to inform you that the problem of military discipline among personnel serving in the Joint Task Force of the Ministry of Defence of the Russian Federation in the Chechen Republic [...] was repeatedly investigated by officers of the Ministry of Defence directly in the Chechen Republic. The results show that tension

and psychological fatigue continue to grow among Task Force personnel, and their morale and combat readiness is deteriorating. The reasons for this situation are the insufficient efforts of authorities regarding moral and psychological support of the troops, their failure to resolve social problems, and their failure to take decisive action in enhancing law, order, and military discipline. In the 205th Motorized Rifle Brigade [...] this year alone, 116 offences and crimes were committed, because of which 11 servicemen died.

The situation is worsened by the fact that because of lack of funding, 75 percent of soldiers and sergeants of this brigade cannot be retired. [...] Prosecutors' inspections of Task Force units revealed 1,406 cases of injuries. Every fifth serious injury was a result of hazing. Military personnel directly guilty of these offences and officers whose inactivity and unsatisfactory performance of their duties led to violations of military discipline will be strictly held liable under administrative or criminal law.²¹

The servicemen of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation committed no fewer crimes against the civilian population in Chechnya than Ministry of Defence personnel. It should be noted that beatings, torture, extortion, and robbery accompanied the actions of the Ministry of Internal Affairs on the whole territory of Russia. In cases where ministry bodies were given special powers (as, for example, during the state of emergency in Moscow in the

²¹ Letter dated 29/08/1996. № 332/II/228/.

autumn of 1993), such practices were performed on an especially grand, cynical scale. This continued to be the case during the First Chechen War and in subsequent armed conflicts in which Russia participated.

* * *

The impunity ensured by secrecy and the system of pseudonyms under which officers of the federal forces operated in Chechnya did not contribute to the observance of the rights of the civilian population. For example, the lists of personnel manning the filtration points were classified, and personnel also served under fictitious names. The highest command staff also hid behind pseudonyms. Commander of the Internal Troops in Chechnya, Lieutenant General A. A. Shkirko, acted under the name Shirokov. Lieutenant-General of the Ministry of Internal Affairs A. A. Romanov, before his appointment as commander, served in Chechnya (in particular, in Samashki) as deputy commander of federal Joint Task Force under the name Antonov.

2. Violations of humanitarian law and human rights during hostilities

2.1. Indiscriminate attacks, excessive use of force

2.1.1. Indiscriminate bombing and rocket attacks, indiscriminate shelling of populated areas.

First Chechen War

During the First Chechen War of 1994–1996 the civilian population of the Chechen Republic suffered from indiscriminate fire and bombardment by federal forces on all territories of the Republic and throughout the period of the armed conflict.²² The population of nearby regions – the Republic of Ingushetia and the Republic of Dagestan – was affected sporadically.

* * *

Some of the settlements (Goiskoye, Bamut, Zones, etc.) had been abandoned by the population before the assault by federal troops. In most cases, at the time of the operations, a significant part of the inhabitants remained in the settlements.

In the city of Grozny and a number of villages – Bamut, Goiskoye, Zones, Samashki (March 1996), Novogroznensky and others, heavy fighting took place. Some settlements were fired upon, assaulted, and ‘cleansed’ by federal troops several times.

The behaviour of the federal troops towards the civilian population and civilian objects differed depending on the place and time of the events. Their character was

²² Here is a clearly incomplete list of cities, towns, settlements and villages of Chechnya affected by shelling, bombing and rocket attacks: Avtury, Agishty, Alleroy, Alkhazurovo, Alkhan-Kala, Alkhan-Yurt, Argun, Assinovskaya, Achkhoy-Martan, Bamut, Bachi-Yurt, Benoy, Berdakel, Valerik, Vedeno and the villages of the Vedeno district (Belgatoy, Dyshne-Vedeno, Dargo, Kharachoy, Elistanzhi, Tsa-Vedeno, etc.), Verkhatoy, Germenchuk, Gekhi, Gekhi-Chu, Goyty, Goyskoye, Grozny, Gudermes, Dachu-Borzoy, Dolinsky, Duba-Yurt, Yermolovskaya, Zakan-Yurt, Zandak, Ilashan-Yurt, Itum-Kale, Ishkhoy-Yurt, Kadi-Yurt, Katyr-Yurt, Komsomolskoye, Koshkeldy, Martan-Chu, Makhkety, Naybere, Niki-Khita, Novoartemovo, Novogroznensky, Noye Atagi, Nozhai-Yurt and the villages of the Nozhai-Yurt district (Betty-Mokhk, Galayty, Zamai-Yurt, Meskety, Sogunty, Tsentoroi, Shovkhal-Berd, etc.), Oktyabrskoye, Orekhovo (Yandi), Pervomaiskaya, Petropavlovskoe, Prigorodnoye, Roshni-Chu, Samashki, Serzhen-Yurt, Sernovodsk, Staraya Sunzha, Starye Atagi, Stary Achkhoy, Suvorov-Yurt, Tangi, Urus-Martan, Kharsenoy, Cent Oroi, Chechen-Aul, Chiri-Yurt, Chishki, Shalazhi, Shali, Shatoy and the villages of the Shatoy region (Zones, Yaryshmary, etc.), Shelkovskaya, Engel-Yurt.

determined by many factors, among which were tactical considerations, orders from higher commanders, and the results of official and unofficial negotiations among the commanders of federal troops, the local administration and village elders, as well as field commanders of Chechen units. Compliance with the laws of warfare and the protection of civilians were not considered decisive factors.

Settlements were subjected to indiscriminate shelling and bombardment. The population, as a rule, did not have the opportunity to leave the battle zone along safe corridors. The federal troops, even after taking control of settlements, sometimes continued to shell and bomb them.

As the federal troops advanced into Chechnya, having discovered – or often simply having guessed – that Chechen paramilitaries had their positions and military objects in certain populated areas, they began to strike at them, regardless of potential casualties among civilians.

The very next day after the federal forces entered the territory of Chechnya, on 12 December 1994, in response to fire from stanitsa Assinovskaya station, this settlement was subjected to indiscriminate artillery and rocket attacks. The first dead and wounded appeared among civilians.

The bombing of Grozny began on 17 December, the bombing of villages on 26 December 1994. Over the next two days, forty settlements were bombed.

* * *

The first case of the killing of children was recorded on the night of 21 December 1994 in the Artemovskaya settlement located near Grozny.²³ During the shelling of this village by federal troops, a shell hit the house of the Musaev family with ten children inside – seven from the Musaev family and three from the Selimkhanov family, who had fled there from Pervomaiskaya, which was located on the front line. Five children were killed in the explosion, five wounded were taken to the Children's Clinical Hospital No. 2 in Grozny, where two more girls died: Khadija Musaeva, five years old, and Heida Musaeva, six years old. Three children: Musaev Zelimkhan, Selimkhanova Khadija, twelve years old, and Selimkhanov Akhmed, four years old, were hospitalized with injuries. Novoartemovo was outside the zone of direct contact between the opposing sides, and there were no permanent positions of Chechen units there, although it cannot be ruled out that some kind of mobile weapons system could have been fired from the settlement.

* * *

Aerial strikes on Grozny were carried out daily starting from 19 December 1994, right up to the New Year's assault on the city by federal troops. Most of the bombs and missiles hit residential areas, where military objects were obviously not located.²⁴

²³ This name is taken from an entry in the hospital registration book and from the accounts of relatives; on the map Novoartemovo station is located in this area – that, apparently, is the location.

²⁴ Many such cases were witnessed by representatives of human rights organizations (including Memorial Human Rights Centre), a number of deputies of the State Duma of the Russian Federation, Russian and foreign journalists. See: *On the observance of human and civil rights in the Russian Federation in 1994–1995 / Report of the Commission on Human Rights under the President of the Russian Federation*. M.: Yuridicheskaya literatura, 1996.

The Russian government media office denied the obvious. According to a government statement, on the night of 22 December, federal aviation did not attack the city and the Chechen fighters themselves blew up residential and administrative buildings for provocative purposes. That night, a Reuters correspondent recorded at least 12 air attacks on the city.

Representatives of the Russian air force claimed that airstrikes were carried out exclusively on military targets. For example, Colonel-General P. S. Deinekin, Commander-in-Chief of the Russian air force, said at a press conference on 11 January 1995:

On December the 21st, 22nd, 23rd and 24th we used conventional aerial bombs not on the city of Grozny, but on military targets in the city. We struck at the tank maintenance section at one of the factories, at the concentration of gangs in two military camps, at the 'presidential palace' and, unfortunately, at the television centre – to stop the rabid anti-Russian propaganda.

In fact, it was the civilian population that suffered the most. Listed below are several results of the first non-targeted aerial strikes, as registered on the spot by the Commissioner for Human Rights in the Russian Federation, S. A. Kovalev, and members of his group.²⁵ This was only a small part of the casualties and destruction.

²⁵ Deputies of the State Duma of the Russian Federation V. V. Borshchev, M. M. Molostov, L. N. Petrovsky, and human rights activist O. P. Orlov.

On the night of 20 December 1994, two bombs fell on a single-storey block at the intersection of Moskovskaya and Noy Buachidze streets. Eighteen houses were completely or partially destroyed. There were few victims because the bulk of the inhabitants had already left. It is reliably known that one man was killed, and a woman seriously wounded. There were also reports of the death of an elderly woman and two children. The TV centre and the surrounding area were the likely target of the bombardment.

On the night of 21–22 December, during the bombing of the neighbourhood of the Oil Institute, two people were killed when an aircraft missile destroyed the top two floors of an apartment building on Gurin Street.

On the afternoon of 22 December, during the bombing of the Oil Institute, fifteen people, mostly bystanders, were killed. Two people were killed at the Kosmos cinema. On the same day, at the intersection of Gurin Street, Sadovaya Street and Kirov Avenue, bombs struck a line of automobiles, killing up to twenty people, destroying ten cars, destroying three single-storey buildings and severely damaging twenty-two. At the same time, during the bombardment of the single-storey Bashirovka neighbourhood, seven houses were destroyed and about forty were badly damaged.

In total, on 22 December, thirty-four civilians were hospitalized in Grozny emergency hospital with severe injuries, eight of whom died, including one woman; four corpses (one female) were delivered to the hospital

morgue. The number of wounded who were taken away by relatives or left on their own after being treated was not recorded. The military hospital received 20 wounded civilians, including one child.

On the night of 22–23 December, the Detsky Mir store and the bank were destroyed by bombs, blocks of single-storey buildings were hit and a fire started.

On the afternoon of 23 December, aeroplanes flew above the clouds and bombs hit residential areas. Six wounded were admitted to the Central Republican Hospital, among them two women, one 72 years old and the other 65 years old, and a 62-year-old man. On the night of 24 December, three bombs hit residential buildings on Avtorkhanov (former Victory) Avenue and Rosa Luxembourg Street, and several civilians were killed, two of whom, a married couple, were identified as the Volkovs. The only possible objects of attack – two barracks located nearby, which had been empty for several months for repairs – were not damaged. The bomb destroyed a four-storey residential building on Sheikh Mansour Square. The residents had gone to a bomb shelter and were not injured.

On 24 December there were 19 unidentified bodies of those killed during the bombings in the mortuary of the Central Republican Hospital. Usually, relatives took the bodies away for burial immediately, without filling out death certificates.

On the evening of 24 December, the city centre and the Krasny Molot factory were bombed (two bombs hit

the factory, two more hit a residential area on Griboyedov Street and several houses were destroyed). General Deinekin, at press conferences on 11 January and 23 March 1995, stated that ‘the last bombardment was carried out on military targets in the city of Grozny at 18:55 on 24th [December 1994].’ In an interview with the correspondent of *Moskovsky Komsomolets*,²⁶ he subsequently explained: ‘From 24 December to 3 January, we did not hit targets in Grozny at all.’ Similar statements were made by other officials. On 6 January 1995, the chairman of the Federation Council of the Russian Federation, V.F. Shumeiko, told the media that at a meeting of the Security Council of the Russian Federation it had been said that since 23 December 1994, there had been no bombing of Grozny and the Chechens themselves blew up the houses. These allegations have been disproved by numerous testimonies of residents of Grozny, journalists, and human rights activists.

One example is that of 25 December when at 16:45 a series of rockets were launched on the city, four rockets hitting five-storey residential buildings No. 16 and No. 18 on Ionisiani Street. In House No. 18, the facade completely collapsed. Seven residents were injured and one man was killed. Members of the group of the Human Rights Commissioner spoke in the hospital with three of the wounded – the Zhukov family (Galina Alekseevna Zhukova, her husband Oleg Petrovich and their fourteen-year-old granddaughter), who lived in House No. 18. Denying his own claims, in December 1995 General

²⁶ A. Budberg, ‘Apokalipsis segodnya: VVS Rossii na chechenskoy zemle,’ *Moskovsky Komsomolets*. 21/03/1995. (Apocalypse now: Russian Air Forces in the Chechen lands, in Russian)

Deinekin stated: *'At 18:45 on 26 December we stopped operating on military targets in Grozny.'*²⁷

On the evening of 27 December 1994, President of the Russian Federation Boris N. Yeltsin, in a speech on ORT, said: 'For the sake of saving people's lives, I have ordered that bombing attacks that could lead to casualties among the civilian population of Grozny not be undertaken.'

However, airstrikes continued, including those hitting residential areas. For instance, on the night of 28 December, the Kovalev group witnessed six missile and bomb attacks on Grozny. Early in the morning, three rockets destroyed a four-storey boarding school for orphans. The children were in the basement at the time of the strike. A private house was destroyed (the owner, a woman, went missing). At 15:00 on 28 December, the area adjacent to Minutka Square was subjected to a missile attack. This continued until the storming of the city on 31 December 1994.

It is possible that for some time (after 24 or 27 December), aviation hit the city not with bombs, but exclusively with missiles. However, civilians still died. Following reports of continuing airstrikes on Grozny after 24 December, Secretary of the Security Council O. I. Lobov, speaking on television, said: 'A special commission should be created, which will establish the truth.'²⁸ However, no such commission was created.

²⁷ Kolpakov A. 'General'y prosyat ognya,' *Moskovsky Komsomolets*. 10/12/1995. ['Generals request fire,' in Russian]

²⁸ Interview with Russian television. 14/01/1995.

From the end of December, artillery had been shelling Grozny. While the city centre was hit fewer times, the outskirts were under intensive and regular fire. On 29 December 1994, during a visit to the Central Republican Hospital in Grozny by the Kovalev group, doctors reported that ten wounded civilians, including two children and three women, had been admitted that day, most of them from Staraya Sunzha,²⁹ and the bodies of eight dead, including two children and two women, were brought to the morgue.

In general, indiscriminate airstrikes and the shelling of Grozny led to heavy losses among the civilian population even before the assault began.

Second Chechen War

From the very start of the fighting in Chechnya in the fall of 1999, Russian Federation officials and the media, relying mainly on the statements of officials, emphasized the differences between what was happening then and the first campaign of 1994–1996: selective, not indiscriminate actions of the federal troops and the use of high-precision weapons to destroy terrorists with minimal civilian casualties.

First Deputy Prime Minister and Minister of Internal Affairs of the Russian Federation Sergei Stepashin said: ‘... the main task for today, which the army units, the Internal Troops have been set along with the destruction

²⁹ A north-eastern suburb of Grozny.

of paramilitary bases, is [the use of] mostly high-precision weapons, artillery, aviation and special operations...³⁰

Prime Minister **Vladimir Putin** ‘... expressed his sincere admiration for the training and skill of the pilots and spoke with particular warmth about the Russian weapons engineers who had created [...] high-precision weapons, which now make it possible to strike directly at the bases of paramilitary groups and avoid unnecessary civilian casualties.’³¹

However, the same Stepashin, realizing that high-precision weapons were, in fact, clearly lacking, at the same time expressed scepticism, blaming his predecessors: ‘We keep talking of precision weapons, space intelligence... Over the past 5–7 years, these high-tech projects have not been funded, not by a single penny, I beg your pardon.’³²

In fact, during the first months of the Second Chechen Campaign, federal troops used massive and indiscriminate bombing and shelling in all large-scale combat actions. To destroy several militants, tens and hundreds of civilians were often sacrificed. Just as in the First Chechen War, the federal forces used weapons that were obviously not intended for selective, targeted strikes.

Here are some examples.

³⁰ TV6 Television Channel, *Obozrevatel'* (Observer), 10/10/99; 19:55.

³¹ *Obshestvennoye Rossiyskoye Televidenie* (Russia's Public Television) Channel, News, 20/10/1999, 12:00.

³² NTV Channel, *Geroy dn'a* (Hero of the Day) 05/10/1999 г., 19:40.

The attack on the centre of Grozny on 21 October 1999 by Tochka-U tactical missiles with cluster warheads stuffed with ball bombs received wide publicity. Warheads exploded over the central market, where there was the largest number of victims, near the mosque, near the maternity hospital and near the Main Post Office. More than a hundred people were killed and several hundred were injured. The vast majority of the dead and wounded were civilians.³³

Around 18:10 on 21 October 1999, explosions were heard in several places in the city of Grozny.³⁴ Grozny resident **Natalya Estemirova** (who from December 1999 until her assassination in 2009 worked at Memorial Human Rights Centre) was at that time boarding a number seven bus not far from the former post office. After hearing an explosion from the maternity hospital and seeing a brown cloud of brick dust approaching from there, the passengers rushed to hide from the bombs in the ruins of the post office.³⁵ Hardly had they taken cover when more explosions thundered right above them. The ruins held, but those who were not protected from above by ceilings received multiple shrapnel wounds.³⁶

Tochka-U missiles, parts of which were later found, struck neighbourhoods near the only maternity hospital in the city, and the former post office, as well as at the

³³ This case, as well as several other examples of indiscriminate bombing and missile strikes, is described in detail in Memorial Human Rights Centre's report 'Precision Strikes. The non-selective use of force by the federal troops in the course of the armed conflict in Chechnya in September – October 1999' (in Russian) <https://memohrc.org/ru/reports/tochechnye-udary-neizbiratelnoe-primeneniye-sily-federalnymi-voyskami-sentyabr-oktyabr-1999-g>; In English : <http://old.memo.ru/eng/memhrc/texts/bom.shtml>.

³⁴ *Ibid.*

³⁵ It was destroyed during the assault on Grozny by federal forces in January 1994.

³⁶ Interview with H. Estimirova by M. Zamyatin and A. Cherkasov, Moscow, Memorial. 25/10/1999.

central market. The market attack is most widely known due to the largest number of victims.

Radio Liberty correspondent Khasin Raduev said that *'... all the rockets exploded in the central part of the city and 61 people were killed in the Central Market. About 60 people gathered in the mosque of Kalinin settlement during evening prayers. 41 of them died. One of the rockets exploded in the yard of Grozny's only operating maternity hospital. The casualties were 13 women and 15 new-born babies. Another seven people were killed by shrapnel in the parking lot in front of the maternity hospital. Many were injured near the Central Post Office, where several buses with passengers were waiting in the parking lot at the time of the explosion.'*³⁷

According to the head of the Accident & Emergency Department of City Hospital No. 9 in Grozny, only *'... 65–70 people were admitted at about 17:15–17:20.'*³⁸

The lists of those killed were incomplete, as relatives immediately took many bodies from hospitals and morgues for burial. On the next day, the head of the operational department of the Chechen armed forces, Mumadi Saidayev, mentioned 137 people killed and over 250 wounded.³⁹ According to Associated Press correspondent Maria Eismont, 118 people were killed and more than 400 injured.

³⁷ Radio Liberty, 22/10/1999, Liberty Live.

³⁸ NTV Channel, *Segodnya* (Today), 22/10/1999.

³⁹ Interfax

Radio Liberty correspondent Andrei Babitsky reported that the strike hit the part of the market where clothes, utensils and household appliances are sold: *‘A whole block of stalls, booths and sheds was demolished by an explosion.’* In City Hospital No. 9, he witnessed the following picture: *‘floors flooded by blood and a huge number of wounded. Wounded, dead, and dying were brought in every second, right in front of our own eyes. On buses, minibuses, cars. The entire courtyard of the hospital was full of cars with seriously wounded people; they did not have time to carry them inside. I will say that I counted about thirty people, and it was not always clear who was just wounded and who was already dead.’*⁴⁰

During the day of 22 October, responding to reports of a strike that resulted in heavy civilian casualties, Russian officials of various ranks made at least five significantly different comments. These comments and the situation as a whole can be considered a standard pattern, a model for Russia’s actions in other similar cases.

The head of the Russian Information Centre, Aleksandr Mikhailov, in an interview with the morning news programme on the NTV television channel, said that federal aircraft had not made a single raid on Grozny the day before, and tactical ground-to-ground missiles had not been used. Mikhailov did not rule out that the explosion in Grozny was the result of a terrorist act prepared by the militants themselves. **The head of the FSB Public Relations Centre Aleksandr Zdanovich**, in an interview

⁴⁰ Radio Liberty 22/10/1999, Liberty Live.

on Radio Russia, said that the Federal Security Service of the Russian Federation had nothing to do with explosions in the centre of Grozny, including the one in the city market, noting that the FSB *‘had evidence that weapons, ammunition and explosives were stockpiled at the market, ammunition, explosives. Moreover, the militants, believing that neither aircraft nor artillery would hit the crowd of civilians, stored a large amount of ammunition there. Therefore, we do not rule out that a spontaneous explosion of ammunition could occur, leading to the death of people.’*⁴¹

Aleksandr Veklich, head of the joint press centre of the federal Task Force in the North Caucasus, in an interview with the ORT television channel, said that on Thursday a special operation against arms dealers was carried out in the market area in Grozny: *‘According to intelligence, yesterday there was a market where weapons and ammunition were sold to terrorists in Birzha (stock market) area in Grozny. As a result of a special operation, the market, along with weapons and ammunition, as well as arms dealers, was destroyed. I especially want to emphasize that the operation was carried out by non-regular combat methods and without the use of artillery and aviation.’* Answering a question as to whether civilians were injured during the ‘special operation,’ Veklich said: *‘You know, at night, civilians do not go around a market where weapons are sold to bandits and terrorists, they stay at home. Therefore, if*

⁴¹ Memorial Human Rights Centre report, ‘Pinpoint Strikes. The non-selective use of force by the federal troops in the course of the armed conflict in Chechnya in September – October 1999’ (in Russian) <https://memohrc.org/ru/reports/tochechnye-udary-neizbiratelnoe-primenenie-sily-federalnymi-voyskami-sentyabr-oktyabr-1999-g>; In English: <http://old.memo.ru/eng/memhrc/texts/bom.shtml>.

*there were victims, the victims are those who sell weapons and ammunition to bandits, supply them.*⁴²

However, **the head of the organizational and mobilization department of the General Staff of the Russian Federation, Colonel General Putilin**, denied any involvement of the armed forces in the events:

*‘No strikes were made on Grozny at that time, and the armed forces were not involved in this matter. Due to the fact that Grozny is currently not controlled by the Russian armed forces, it is not yet possible to confirm the correctness of the first statement that has been made.’*⁴³

The same was said at a press conference in Helsinki following the Russia-EU summit, by **Russian Prime Minister Vladimir Putin**:

‘I can confirm that there really was some kind of explosion in Grozny at the market. But I would like to draw the attention of representatives of the press to the fact that we mean not just a market in the generally accepted sense of the word, but also an arms market – that’s what this place in Grozny is called. This is a weapons base, a weapons depot. And this place is a gang headquarters. We do not rule out that the explosion that occurred there was the result of clashes between opposing factions. [...] There is information about some kind of special operation carried out by the federal forces. Yes, such operations are carried out regularly, there is reason to believe that such an operation was also carried out

⁴² Ibid.

⁴³ Ibid.

yesterday, but this has nothing to do with the events that took place in Grozny.’⁴⁴

Nevertheless, on the next day (23 October) the ‘last word’ of the federal side appeared, and that version incorporated all of the above three; it was delivered by **Valery Manilov**, First Deputy Chief of the General Staff of the Armed Forces:

‘Speaking about the most recent operations, including the one that was carried out on the 21st, this was a special, not regular troop operation, and it was carried out in Grozny. As a result of this swift special operation, there was a clash between two large, opposing bandit units that had long been at enmity with each other, and the most acute phase, the culmination of this battle between these two gangs, was near one of the very large weapons and ammunition depots. This warehouse is located, or rather was located, next to the area in which arms and ammunition were traded for a long time. In this warehouse, as operational intelligence data shows, a huge amount of a wide variety of ammunition and various types of weapons, including missiles, was concentrated. So, as we reported earlier, because of this intense firefight, apparently one of the volleys or tracers ... there was a hit in this warehouse of ammunition and weapons, and there was a powerful explosion.’⁴⁵

However, according to eyewitnesses, the explosions did not occur on the ground, they happened in the air. *‘Three shells came from there, three times, like it*

⁴⁴ Ibid.

⁴⁵ NTV Channel, *Segodnya* (Today), 23/10/1999. 19:00.

explodes in the air, and then these fragments fly. [...] I don't know, they seemed to explode in the air,' said one woman who survived in the market.⁴⁶ In fact, **Colonel-General Putilin** confirmed the words of the witnesses in his statement quoted above: *'If these missiles had fallen there or the market had been hit by three ground-to-ground missiles, the casualties would have been absolutely different.'*⁴⁷

Indeed, in this case the explosion of one or more powerful explosive devices at ground level, or not far above ground, is excluded. Although it was possible to buy weapons in one corner of the market – ‘on the Stock Exchange’ if desired – that was a retail trade operation – there was no ‘weapons and ammunition depot,’ the detonation of which could have had such terrible consequences.⁴⁸

It is possible to draw several conclusions about the nature of the damage to the Grozny market just from television reports:

- all the vertical elements (stands, etc.) in the stalls survived, while the horizontal ones (canopies and ceilings) were demolished, split, pierced by fragments.⁴⁹
- close-ups show characteristic traces of ball-shaped fragments used in cluster munitions in both aviation bombs and missile warheads; the blast effect of

⁴⁶ NTV Channel, *Segodnya* (Today), 22/10/1999.

⁴⁷ RTR Television Channel, *Vesty* (News), 22/10/1999. 19:00.

⁴⁸ A. Evtushenko ‘Cherny rynek’ v Groznom... (‘Black market’ in Grozny) // *Komsomolskaya pravda*, 23 October 1999.

⁴⁹ See: <https://www.youtube.com/watch?v=OJDwG63XPK4>; https://www.youtube.com/watch?v=ykZ89_17n14; <https://www.youtube.com/watch?v=Aq4HJM3OEBQ>; https://vk.com/video88150498_169568578.

the explosion was insignificant and the buildings visible on the screen survived it.

- The metal fragments that were shown in the reports look like fragments of tactical missiles that can be loaded with cluster submunitions.

Witnesses⁵⁰ also reported numerous explosions in the air and described being hit by shrapnel. Not far from the market was the office of the General Staff of the self-proclaimed Chechen Republic of Ichkeria [CRI], where a meeting of field commanders was taking place that day. A strike with cluster munitions, exploding above the ground to destroy manpower with fragmentation elements would be effective if it targeted the vicinity of this building at the time the commanders gathered for this meeting, or left it. However, completely different targets were hit. All evidence corresponds to the use of Tochka-U missiles.

Tochka-U tactical missiles, the very name of which ('tochka' being 'point' in Russian), hints at the high-precision nature of the weapon, are not accurate. The missile can be accurately aimed at a certain target only with a passive radar guidance system installed, and if the target emits a radio signal (if it is a radar, for the destruction of which this version of the missile was created – or a 'radio beacon'). In other cases, the inertial guidance system creates a probability deviation of 200–

⁵⁰ In particular, Natalya Estemirova, who was in the vicinity of the post office at the time of the attack.

250 m at ranges of 35–70 km. Such inaccuracy is compensated by the design of the warhead: the fragmentation-blast version 9N123F contains 162.5 kg of high explosives and 14,500 ready-made fragments; exploding at a height of 20 m, it strikes targets on an area of up to three hectares. The cluster warhead 9N123K has 50 9N24 fragmentation submunitions, each containing 1.45 kg of explosive and 316 fragments. At an altitude of 2,250 m, the cluster munition opens automatically, ‘sowing’ up to 7 hectares with fragments. Both versions of the warhead are designed ‘to destroy manpower and unarmoured vehicles located in open areas,’ and are essentially weapons of indiscriminate action. This non-selectivity is exacerbated by the fact that in practice the deviation from the target can be even greater: according to experts, an error in ‘hanging out’ (vertical alignment) of the missile by half a degree at the launch position gives a deviation of half a kilometre at the maximum range. Indeed, in the photographs taken in the vicinity of the market shortly after this attack, the launch module of the Tochka-U missile was visible.

Finally, on 26 October 1999, **Major General Vladimir Shamanov**, commander of the Group West of federal forces, admitted on the television programme *Voice of the People* (NTV channel) that the explosions in Grozny on 21 October were the result of a rocket attack inflicted by federal troops. At the same time, he claimed that he himself did not give such an order, it came from his ‘superior officer’ (that is, the commander of the Joint Task Force General Viktor Kazantsev).

Summing up, it can be stated that on 21 October 1999 several missiles hit the centre of Grozny. The explosions of the warheads and submunitions occurred above ground, striking hundreds of civilians. Russian officials, regardless of whether they acknowledged or denied the involvement of federal troops, were unanimous in one thing: they called the Grozny Central Market a 'market (or warehouse) of weapons, a 'headquarters of militants,' etc. Attempts to pass off a civilian object as a military one, and thereby justify a potential deliberate attack on civilians, were plain to see.

The efforts by human rights activists and victims to initiate criminal proceedings over the civilian deaths were unsuccessful. In 2007, the All-Russian Movement For Human Rights received a response from the Military Prosecutor's Office of the Joint Task Force for the Counter-Terrorist Operation in the North Caucasus Region of the Russian Federation (OGV(s)) signed by the First Deputy Military Prosecutor, Colonel of Justice Kalita V.I. (ref. 3/3029, 28 May 2007). In this response, referring to '*a large number of initial checks in various regions of the Russian Federation,*' he reported that '*any data confirming the infliction of an air, missile, bomb or artillery strike on the sales area by the Federal Forces of the Russian Federation have not been revealed.*' On 22 January 2007, based on the results of the initial investigation, a decision was made refusing to open a criminal investigation under Article 24, Part 1 (1) of the Russian Code of Criminal Procedure. The reason for '*the*

events that took place on 21/10/1999 in the central market of Grozny’ was given as follows: ‘The examination reliably established that on 21 October 1999, a powerful explosion occurred on the premises of an illegal warehouse of weapons and ammunition located in the central market of Grozny, where weapons and ammunition were sold to individuals belonging to illegal armed groups.’

In the spring of 2008, Natalya Estemirova, who then briefly held the post of chair of the Grozny Civil Society Council, again tried to initiate a criminal investigation into the events of 21 October 1999 by the military prosecutor’s office in Khankala. The young military prosecutor answered her with surprise: ‘What do you mean? What missiles, what destruction? The city is there, standing untouched!’

As of 2022, the Zavodskoy Interdistrict Investigation Office of Grozny is still investigating this case, according to statements by the victims. The case was not transferred to the military investigative authorities, since, according to the official version, there was no bombing of the city on 21 October 1999.

* * *

Airstrikes and shelling of populated areas throughout Chechnya continued until the end of 1999⁵¹ and during the first months of 2000.

⁵¹ Memorial Human Rights Centre, the report “‘Precision Strikes’”: a brief chronicle of the bombing and shelling. November – December 1999’ (in Russian), <https://memohrc.org/ru/reports/tochechnye-udary-kratkaya-hronika-bombardirovok-i-obstrelov-noyabr-dekabr-1999-g>.

Here is just one example of a case when insurgents were the target of the strike, but the safety of the civilian population was simply not taken into account. On 27 October 1999, Russian television reported that the house of the well-known Chechen commander and terrorist **Shamil Basayev** on Lenin Street in Grozny was hit by a missile. The media did not report that the neighbouring house was also totally destroyed, Basayev was not injured,⁵² and the subsequent bombardment destroyed the surrounding neighbourhood. In total, at least five two-storey, 12-apartment buildings, one five-storey building and many one-storey private houses were wrecked; a market, taxi stand with cars, drivers and passengers were destroyed. It is not possible to establish how many civilians died in this attack.

Another striking example of the indifference of the federal command to the safety of the civilian population is the so-called ‘Operation Wolf Hunt,’ about which, starting from February 2000, representatives of the command of the federal forces repeatedly reported. According to them,⁵³ in complete secrecy, at the end of January 2000, the federal forces command carried out an operation designed to lure Chechen paramilitaries out of the besieged city of Grozny. Chechen commanders were deliberately informed about the possibility of simply buying a safe exit from Grozny to the mountains via a certain route. They paid for the corridor, but minefields had been laid on the supposed ‘safe path,’ so the Chechen

⁵² Basayev’s house was damaged, and four militants were killed, but Basayev himself was not injured..

⁵³ In particular, this was stated to correspondents of the First and Second Russian TV channels by the generals who led this operation, primarily by the commander of the Group West, Major General V. Shamanov.

units suffered significant losses.⁵⁴ However, this version of events raises serious doubts.⁵⁵

The exit route from Grozny ran through the villages of Zakan-Yurt, Shaami-Yurt, Katyr-Yurt, and Gekhi-Chu. Hundreds of civilians were killed during that ‘operation.’ As the militant units entered these villages, federal troops tried to block them, artillery opened fire on both militants and civilians inside the settlements, villages were bombed by aircraft, and the residents were not provided with ‘humanitarian corridors’ for evacuation. The whole operation was planned and commanded by Generals Vladimir Shamanov and Yakov Nedobitko who were in charge of federal troops. Federal troops and Chechen detachments engaged in battles that led to extremely high civilian casualties. **Both sides acted as if in a desert, not caring in the least about the protection of civilians: militant groups took positions in villages full of civilians and refugees, and federal forces bombed and fired at these settlements.** This tactic of the federal troops led to the mass deaths of civilians but, despite significant losses among the militants, did not stop their withdrawal to the mountains. The events in the large village of Katyr-Yurt in the Achkhei-Martan district are

⁵⁴ This was stated to the correspondents of the First and Second Russian TV channels by the generals who led this operation, primarily by the commander of the Group West, Major General V. Shamanov.

⁵⁵ Chechen militants numbering about 5,000–6,000 left Grozny in two waves, on the night of 31 January – 1 February, covertly concentrating in the Zavodskoy district of the city, and then passing through the floodplain of the river Sunzha towards Alkhan-Kala. The federal forces discovered this post factum, and only on 2 February, on the third day of the breakout, did they advance to Alkhan-Kala and begin pursuit. The onward route of the militants’ breakout from Grozny to the mountains ran through the villages of Zakan-Yurt, Shaami-Yurt, Katyr-Yurt, Gekhi-Chu, where they slept during the day, and marched at night. Attempts to intercept them began only to the south of the Kavkaz highway; the actions of the federal forces in Katyr-Yurt were involved. The interception action looked like ‘situational design,’ and the claims of a ‘pre-planned operation’ and its success (repeated many times in the memoirs of military leaders) were supposed to hide the obvious failure. The ‘planned special operation’ narrative is repeated in many generals’ memoirs (for example, in G. N. Troshev’s book, *Notes of a Trench General*), which, however, does not increase the version’s reliability.

best documented. The militants entered this village, previously declared a ‘safe zone’ by Russian Army, on the night of 3–4 February 2000. On the morning of 4 February, artillery bombardment of the village began. Residents were not given the opportunity to leave the settlement before the shelling began, and after that ‘humanitarian corridors’ were not properly organized. As a result, between a few dozen and more than a hundred civilians were killed in the village according to various estimates.

Staff of Memorial Human Rights Centre assisted residents of Katyr-Yurt in filing their applications. Criminal cases were opened by the military prosecutor’s office into the deaths of civilians, but only after the applications had been communicated by the European Court of Human Rights (hereafter ECtHR, or the Court). The investigation was then terminated for lack of evidence. **The ECtHR has handed down several judgments regarding civilian deaths from indiscriminate strikes during this ‘operation.’** In the case of *Isaeva v. Russia*⁵⁶ (application No. 57950/00) in 2005, the ECtHR found violations of Article 2 in view of the failure of the state to protect the right to life and conduct an effective investigation of the circumstances of the military operation. In 2010, the Court made a ruling in the case *Abuyeva and Others v. Russia*⁵⁷ (application No. 27065/05), drawing attention to the fact that all the main

⁵⁶ <https://hudoc.echr.coe.int/eng/?i=001-68381> During the bombardment and shelling of the village of Katyr-Yurt, the son and three nieces of the applicant Zara Isayeva were killed.

⁵⁷ The applicants in the case were 29 residents of the village of Katyr-Yurt in the Chechen Republic, both relatives of the dead and survivors.

shortcomings of the investigation indicated in *Isayeva v. Russia* had still not been resolved.

The ECtHR pointed out that the military operation in Katyr-Yurt, while pursuing a legitimate aim, had not been planned and carried out with appropriate precautions. The Russian authorities failed to properly notify civilians about the impending military action, did not organize humanitarian evacuation corridors, and indiscriminately used deadly weapons. Thus, the Russian Federation violated its obligation to protect the lives of civilians, who eventually died during the military operation in Katyr-Yurt. Moreover, the Russian Federation failed to conduct an effective and independent investigation to determine whether the use of armed force of this magnitude was strictly necessary and to bring to justice those responsible for the deaths of civilians. The Court noted that the criminal investigation was full of significant omissions and errors. In 2015, the Court delivered a third judgment on Katyr-Yurt (*Abakarova v. Russia*, application No. 16664/07), once again pointing out that none of the issues raised in the previous two cases had been resolved by the national authorities.

In April 2017, the Committee of Ministers published its tenth annual monitoring report on the implementation of ECtHR judgments, pointing out the continued lack of progress in the investigation into the case. Finally, in 2018, the application in the case *Abuyeva Marusya v. Russia* was communicated (No. 63329/14).⁵⁸ The applicant stated that, in accordance with Article 2 of the

⁵⁸ The European Court of Human Rights has not yet ruled on this case.

Convention, the authorities failed to carry out an effective investigation into the circumstances of the Katyr-Yurt bombing and, in accordance with Article 13 of the Convention, complained about the lack of effective remedy in respect of the alleged violation of the procedural aspect of Article 2.

The story of the applications by the residents of the village of Katyr-Yurt proves that the Russian authorities did not and do not want to investigate the actions of the Russian military, having caused unjustified deaths of civilians because of deliberately indiscriminate artillery fire and airstrikes.

In none of the cases mentioned, nor in many similar cases, were any of the servicemen prosecuted or punished.

* * *

Federal forces carried out indiscriminate strikes against populated areas in subsequent years. Here is one example: on 8 April 2004, a bombing attack was carried out on the remote high-mountain farm of Riga-khoy in the Vedeno district, the bomb hitting the house of Imar-Ali Damaev. Almost all of his family died: wife – Maidat Kudusovna Tsintsaeva, born in 1975, children – Janasi, born in 1999, Zharadat, born in 2000, Umar-Khazhi, born in 2002, Zara, born in 2003, and Zura, born in 2003.⁵⁹ The

⁵⁹ The perpetrators have not been held accountable. The military prosecutor's office closed the case claiming that the house was destroyed, and people were killed after an improvised explosive device exploded. On 29 May 2012, the European Court of Human Rights ruled in the case of *Damayev v. Russia* (application No. 36150/04, <https://hudoc.echr.coe.int/eng/?i=001-110944>). The ECtHR found a violation by the Russian authorities of Article 2 (right to life) of the European Convention for the Protection of Human Rights and Fundamental Freedoms in respect of the applicant's relatives. The applicant was represented by lawyers of Memorial Human Rights Centre and the

Russian side initially claimed that there was no bombardment or shelling, but an explosive device that Damaev himself hid went off. Russia completely abstained from cooperation with the ECtHR on this case.

Russian military operations in Syria.

During the war in Syria, government and Russian forces carried out massive and systematic indiscriminate rocket, artillery and aerial attacks on populated areas. Such strikes were recorded in the provinces of Homs, Idlib, Aleppo, Dara'a and others, where the Russian air force were actively engaged. Hundreds of civilians were killed, and critical civilian infrastructure was destroyed. According to the Airwars research project, civilian casualties of Russian strikes range from 4,300 to 6,400 dead and from 6,500 to 10,200 wounded.⁶⁰

Reports of civilian deaths as a result of indiscriminate use of weaponry appeared as early as 30 September 2015, the day the air operation in Syria officially began.

At about 10:30 a.m., Russian aircraft attacked the town of Tell Bisa in the northern part of Homs province, which at that time was controlled by opposition groups, including those associated with the Jabhat al-Nusra

European Human Rights Advocacy Centre (EHRAC, London). In its judgment, the European Court ruled that the Government of the Russian Federation did not provide the materials of this criminal case requested by the Court. In the absence of any reasonable explanation from the Russian Government, the Court concluded that Imar-Ali Damayev's wife and children had been killed in an attack by the federal air force and found a violation of Article 2 of the Convention. The Court further held that, in violation of Article 2, the authorities had failed to carry out a proper and effective investigation into the circumstances of the death of members of the applicant's family.

⁶⁰ Airwars.Org, data 24/11/2022, <https://airwars.org/conflict/russian-military-in-syria/>.

terrorist organization banned in the Russian Federation. The school and post office buildings were seriously damaged – the latter was not used for its intended purpose: bread was baked on the premises and distributed to the starving population. The front line was two kilometres from this location. According to local activists and rescue workers, there were no military targets nearby. First responders reported 17 civilian dead (including three children and four women) and 72 wounded.

Two local activists were confident that they had identified planes as Russian. The strikes were delivered from a greater height than during the raids of the Syrian air force. Sources monitoring radio communication heard Russian speech in conversations among the crews. In addition, at a briefing on the results of the first day of the air operation, the official representative of the Russian Ministry of Defence, Major General Igor Konashenkov announced: *‘The Su-24M strikes destroyed a control centre of terrorist formations of the same group⁶¹ and an ammunition depot near Tell Bis.’*

On the same day, reports were received of alleged Russian airstrikes in the city of Zaafarana, where eight civilians had been killed and 36 were injured, and in the city of El-Rastan, where, according to local civil defence, nine civilians had been killed.⁶²

⁶¹ Meaning the international terrorist group ‘Islamic State’ (IS) banned in the Russian Federation.

⁶² Human Rights Watch, 09/10/2015, <https://www.hrw.org/ru/news/2015/10/09/282165>.

On 15 October 2015, two more airstrikes were carried out in the northern part of Homs province, which locals believed to be by Russian planes. According to observers, *‘the sound of the planes was different from that of Syrian ones, and they flew at a significantly higher altitude,’*⁶³ and the aerial support provided by Russian aviation to the Syrian offensive in Homs that day was reported by the Interfax news agency.⁶⁴

The village of Gantu was hit by an airstrike at 06:00, the target being the house of the Asaf family, to which Abu al-Abbas, commander of the Al-Sumud Brigade of the Movement for the Liberation of Homs, associated with the opposition Free Syrian Army (FSA), belongs. At that moment he was in the field. The strike killed 46 civilians, including 32 children and 12 women, most of them relatives of Abu al-Abbas. According to residents, the closest combat positions were two kilometres north-west of the impact site.

Around 06:00, a lively market in Ter Maala was hit. 12 people were killed on the spot, including one child; another person died of their wounds later. One of the dead was identified as having previously served in the Syrian government army and defected to the anti-government forces. It is not known if he was the target of the strike.

The battle for the city of Aleppo, the economic capital of Syria, lasted with varying degrees of success

⁶³ Human Rights Watch, 25/10/2015, <https://www.hrw.org/ru/news/2015/10/25/282674>.

⁶⁴ Interfax, 15/10/2015, <http://www.interfax.ru/world/473545>.

from July 2012 to December 2016. On **22 September 2016**, a decisive offensive by government troops began. The air over the city was controlled by Syrian and Russian air forces. According to the UN Independent International Commission of Inquiry on Syria, *‘since the capabilities of the Syrian air force to conduct operations at night are limited, most night flights were carried out by Russian aircraft, which have more extensive capabilities.’*⁶⁵

On 23 September, Russian aircraft flew ‘42 combat sorties and carried out at least 28 confirmed strikes against the eastern part of the city of Aleppo.’ As far as the UN Commission was able to establish, ‘only unguided airborne munitions were used,’⁶⁶ which led to the destruction of civilian facilities and the death of civilians. According to the Syrian Observatory for Human Rights, 1,244 civilians were killed in eastern Aleppo between July and December 2016.⁶⁷ According to the UN Commission, in just 4 days, from 23–27 September, about 300 people were killed as a result of the bombing.⁶⁸

Aleppo resident’s testimony:

On 25 September 2016, Russian aircraft bombed the city with cluster bombs. When the first strike happened, I took the camera and ran to the place. But the bombers used the tactic of dropping a bomb, and when people come running to the place of impact to help the wounded,

⁶⁵ HRC. Commission of Inquiry // <https://undocs.org/ru/A/HRC/34/64>, section 14.

⁶⁶ Ibid.

⁶⁷ Amnesty International, 13/11/2017, <https://www.amnesty.org/download/Documents/MDE2473092017ENGLISH.pdf>.

⁶⁸ HRC. Commission of Inquiry // <https://undocs.org/ru/A/HRC/34/64>, section 14.

the plane returns and strikes again. To hit as many people as possible. Therefore, at a certain point, people became afraid to help. I was wounded in the stomach after the second strike, when the plane returned. Unfortunately, no one helped me, and I went myself to the hospital. As I was walking, I saw several adult men who, because of their injuries, could not move. When I came to the hospital, there were a lot of wounded, and those with the most severe injuries were taken to the hospital. I saw a girl about seven years old who was wounded in the chest area, and I saw how the doctor took her to the operating room, and then I don't remember anything, because I lost consciousness. I woke up in the hospital room.⁶⁹

This story is an example of a ‘two-touch attack’⁷⁰: a strike, and when rescuers arrive, another one follows, targeting both those who arrived later and those who suffered from the first attack. In general, this follows a common tactics of terrorists, when, after the first explosive device goes off, they leave some time for the arrival of law enforcement, rescuers, onlookers, etc., and detonate the second one, not just increasing the number of victims, but sometimes deliberately targeting rescue workers and victims of the first attack, who should be protected in any circumstances.

⁶⁹ *Ten terrible years. Violations of human rights and humanitarian law during the war in Syria*, a report by Memorial Human Rights Centre (in Russian) <https://memohrc.org/ru/announcements/desyat-strashnyh-let-narusheniya-prav-cheloveka-i-gumanitarnogo-prava-vo-vremya-voyny>.

⁷⁰ The term is used, for example, in the *Report on Violations of International Humanitarian Law and Human Rights, War Crimes and Crimes against Humanity Committed in Ukraine since February 24, 2022*, OSCE/ODIHR, 12/04/2022, <https://www.osce.org/files/f/documents/4/f/517812.pdf>.

This tactic is not uncommon. On **22 July 2019**, from 8:00 to 8:30 a.m., a market and nearby houses in a densely populated area inside the city of Maarat al-Numan in Idlib province were hit by several airstrikes. There were dead and wounded, and local residents and rescuers rushed to the market. Around 8:35 a.m. the same place was attacked again from the air. As a result, at least 43 civilians were killed, including four children, and at least 109 were injured, including 18 children and 15 women. At least two four-storey residential buildings and 25 shops were destroyed and a school was damaged. According to witnesses, there were no military objects near the market.⁷¹

Based on witness testimonies, video footage, aerial observation reports, and early warning systems data, the commission believes that Russian aviation was involved in each of these attacks.⁷² The Russian Defence Ministry denied that Russian aircraft were operating near Maarat al-Numan that day.

During the offensive operations of the Syrian-Russian forces in **April 2019–March 2020**, Human Rights Watch documented in detail 46 air and artillery strikes that damaged homes and markets, schools and hospitals, and killed hundreds of civilians. In none of these cases were the organisation's analysts able to find evidence of any

⁷¹ UN Commission of Inquiry in Syria report, 02/03/2020, <https://www.ohchr.org/en/press-releases/2020/03/un-commission-inquiry-syria-unprecedented-levels-displacement-and-dire?LangID=E&NewsID=25638>.

⁷² UN Commission of Inquiry in Syria report, 02/03/2020, <https://www.ohchr.org/en/press-releases/2020/03/un-commission-inquiry-syria-unprecedented-levels-displacement-and-dire?LangID=E&NewsID=25638>.

military targets in the immediate vicinity of the strike sites.⁷³

War in Ukraine

Although the Russian authorities claimed to be conducting a ‘special military operation’ using exclusively high-precision weapons and only against military targets,⁷⁴ indiscriminate strikes on settlements in Ukraine began from the very first day of the large-scale invasion. Reports of shelling, rocket and bomb attacks have been and are being received almost every day, and their number grows or falls, but they never stop. Above all, strikes fall on large cities, the country’s administrative centres and its regions, industrial centres, transport hubs, and settlements in the immediate vicinity of the front line.

The T4P initiative to document war crimes committed by Russia on the territory of Ukraine brought together more than two dozen Ukrainian human rights organisations. As of **28 November 2022**, they recorded almost 21,000 episodes of shelling and bombing, which could allegedly be qualified as war crimes, or violations of the laws and customs of warfare.⁷⁵

During the first nine months of the war, artillery, rocket and airstrikes were recorded in Kyiv and settlements of the Kyiv region; in Kharkiv and in the

⁷³ <https://www.hrw.org/ru/news/2020/10/15/376533>.

⁷⁴ See TASS 01/03/2022, <https://tass.ru/politika/13913567>, <https://tass.ru/politika/13976695>.

⁷⁵ T4P, <https://t4pua.org/ru/stats/event/5>.

Kharkiv region: Chuguev, Iziium, Balakliya, Kozacha Lopan and others; in Chernihiv, Odesa, Mykolaiv and settlements in those regions; in Kherson (before and after its occupation) and settlements of the Kherson region; Zaporozhzhia, Kamyshevakha, and Orekhov in the Zaporozhzhia region; in the cities of Dnipro, Kryvyi Rih, Pavlograd, Sinelnikovo, Manganets, Nikopol, and Pokrov in the Dnipropetrovsk region; in Poltava and Kremenchuk in the Poltava region; in Sumy and Krasnopol in the Sumy region. In the front-line Luhansk and Donetsk regions, cities such as Lysychansk, Severodonetsk, Rubizhne, Popasnoe, Mariupol, Kramatorsk, Bakhmut, Druzhkovka, Lyman, Slovyansk, Toretsk, Chasiv Yar and many others were shelled multiple times. Cities in the central and western regions of Ukraine remote from the front line – Vinnitsiya, Lviv, Zhytomyr, Volynsky in the Zhytomyr region, and settlements in the Rivne and Khmelnytsky regions were subjected to rocket attacks. This list is obviously substantially incomplete.

Thus, from **24 February** to **5 March 2022**, Human Rights Watch documented the indiscriminate use of artillery and airstrikes in densely populated areas of Kharkiv. Residential buildings, schools, market stalls, churches, shops, hospitals, universities, and other objects of civilian infrastructure were damaged or destroyed. According to the Main Directorate of the National Police in the Kharkiv region, from **24 February 24** to **7 March 2022**, 133 civilians were killed (including five children) and 319 were injured. The HRW study showed that in

most cases there were no military targets in the immediate vicinity of the affected objects.⁷⁶

From **3–17 March**, Russian troops launched at least eight attacks on Chernihiv, as a result, according to the regional health department, at least 98 civilians were killed and at least 123 were injured. HRW concluded that, in one case, the Ukrainian side created a threat to the civilian population by placing the headquarters of the Territorial Defence Forces in a school building. Attacks on neighbouring buildings are qualified as indiscriminate use of force. In four more cases, HRW noted the presence of Ukrainian military personnel near the attacked facilities but considered the use of force to be deliberately excessive. In the remaining cases, military targets were not discovered.⁷⁷

On 1 March 2022, a Kalibr cruise missile hit the building of the Kharkiv regional government. About five or seven minutes after the arrival of rescue services, a second rocket struck. As a result of the ‘two-touch attack,’ 24 people were killed and nearly a dozen were injured.⁷⁸

On 9 March 2022, a powerful airstrike was delivered on Mariupol’s City Hospital No. 3. The buildings of the maternity hospital and the children’s department were the

⁷⁶ Human Rights Watch, 20/03/2022, <https://www.hrw.org/ru/news/2022/03/20/ukraine-deadly-attacks-kill-injure-civilians-destroy-homes>.

⁷⁷ Human Rights Watch, 09/06/2022, <https://www.hrw.org/ru/news/2022/06/09/ukraine-russian-strikes-killed-scores-civilians-chernihiv>.

⁷⁸ *Report On Violations Of International Humanitarian And Human Rights Law, War Crimes And Crimes Against Humanity Committed In Ukraine Since 24 February 2022*, OSCE 12/04/2022, <https://www.osce.org/files/f/documents/4/f/517812.pdf>.

most damaged, while three people died on the spot and at least 17 were injured (at least one woman and the child to whom she gave birth later died of wounds).⁷⁹ The hospital buildings were seriously damaged, and patients had to be evacuated to other medical facilities in the city.

The OSCE-sponsored *Report on Violations of International Humanitarian Law and Human Rights during the War in Ukraine* noted that all non-Russian sources indicated that the hospital was clearly and unambiguously marked and was operating at the time of the strike. This is confirmed by the UN Human Rights Monitoring Mission in Ukraine (HRMMU), and several testimonies on social networks and the media, as it is by the geolocation of the photographs attached to them. Photographs taken immediately before and after the attack prove that the hospital was in full operation and was severely damaged by the attack.

At first, the Russian side qualified this episode as ‘fake news’ and accused Ukraine of ‘staging’ the attack. Russia then claimed that the building was used by the Azov battalion and patients had been evacuated earlier.⁸⁰ As confirmation, the media and several pro-Russian channels showed photographs of military equipment and armed people in front of a building, presumably a former maternity hospital,⁸¹ but these pictures do not match the hospital buildings or neighbouring ones. In addition, the Russian side claimed that it had warned of a possible

⁷⁹ OHCHR UN, 12/03/2022, <https://www.ohchr.org/en/press-briefing-notes/2022/03/ukraine-grave-concerns>.

⁸⁰ BBC Russian Service, 09/03/2022, <https://www.bbc.com/russian/news-60683076>.

⁸¹ *Komsomolskaya pravda*, 09/03/2022, <https://www.kp.ru/daily/27374/4556142/>, WarGonzo, https://www.youtube.com/watch?v=s4-zYV_6Tgk.

attack, referring to the statement of the Russian representative to the UN **Vasily Nebenzya** at the meeting of the Security Council on 7 March 2022.⁸² Meanwhile, Nebenzya spoke about another medical institution – Maternity Hospital No. 1.

The authors of the report concluded: the hospital was destroyed because of the Russian attack.⁸³

On 8 April 2022, at about 10:30 a.m., a Russian Tochka-U missile (the ‘high-precision’ qualities of which were discussed above in the subsection on the Second Chechen War) hit the railway station in Kramatorsk, Donetsk region, where at that time numerous civilians were awaiting evacuation. The local authorities had asked them to leave the city in view of the advance of Russian troops and evacuation trains departed from 10:00 on. The use of a cluster warhead missile against a crowd led to the death of 60 people and the injury of at least 110 people.⁸⁴

At 10:10 a.m. local time, the Russian Ministry of Defence announced: ‘*High-precision air missile strikes in the Donetsk region at the railway stations of Pokrovsk, Slovyansk, and Barvenkovo. Weapons and military equipment belonging to the reserves of Ukrainian troops that had arrived in Donbas were destroyed.*’ At the same time, there were no reports of a strike on Slovyansk,⁸⁵ but

⁸² Permanent Mission of the Russian Federation to the UN, 07/03/2022 <https://russiaun.ru/ru/news/070322n>.

⁸³ *Report On Violations Of International Humanitarian And Human Rights Law, War Crimes And Crimes Against Humanity Committed In Ukraine Since 24 February 2022* OSCE 12/04/2022, <https://www.osce.org/files/f/documents/4/f/517812.pdf#page=64>.

⁸⁴ *The situation of human rights in Ukraine in the context of the armed attack by the Russian Federation*, OHCHR, <https://ukraine.un.org/en/188379-situation-human-rights-ukraine-context-armed-attack-russian-federation>.

⁸⁵ BBC, 13/04/2022, <https://www.bbc.com/russian/news-60980889>.

several pro-government Russian Telegram channels published footage of the shelling of Kramatorsk with the commentary: ‘Working on a concentration of Ukrainian armed forces militants.’⁸⁶

When the civilian deaths became public, these posts were deleted and the Russian Ministry of Defence stated: no fire missions were planned in Kramatorsk for that day.⁸⁷ The Russian side blamed the shelling of Kramatorsk on the Ukrainian military, pointing out that the Tochka-U missiles in the Russian armed forces had been replaced by the Iskander system. This claim is contradicted by numerous reports from Ukrainian authorities, media, Amnesty International, and HRW, proving that Russian forces are using Tochka-U missiles.⁸⁸ In February 2022, the Russian Ministry of Defence reported on the combat launches of Tochka-U missiles at joint Russian-Belarusian exercises.⁸⁹

2.1.2 Artillery and aerial strikes on the roads

The First Chechen War

With the outbreak of hostilities, bombs and shells forced hundreds of thousands of people to leave

⁸⁶ Mediazona, 08/04/2022, <https://zona.media/article/2022/04/08/kramatorsk>.

⁸⁷ Zvezda TV channel 08/04/2022, <https://tvzvezda.ru/news/2022481242-0MqIF.html>.

⁸⁸ Meduza, 08/04/2022, <https://meduza.io/feature/2022/04/08/po-vokzalu-kramatorska-udarili-raketoy-s-nadpisyu-za-detey-pogibli-39-chelovek-v-tom-chisle-chetyre-rebenka>, HRW, 25/02/2022, <https://www.hrw.org/news/2022/02/25/ukraine-russian-cluster-munition-hits-hospital>.

⁸⁹ Zvezda TV channel 15/02/2022, <https://tvzvezda.ru/news/20222151813-0szlM.html>.

dangerous areas. Streams of refugees, mostly unorganized, moved from Grozny to rural areas and neighbouring Dagestan and Ingushetia, using any possible means of transportation – buses, private cars, trucks. Subsequently, each new outbreak of fighting generated new flows of people across the territory that the federal troops did not control, and where they began a real hunt for vehicles. Since the Chechen formations had practically no military vehicles and did not use them for transportation, the federal troops looked for insurgents in any civilian vehicle, and behaved accordingly – i.e., carried out indiscriminate attacks.

Perhaps the most cynical testimony was given in an article describing the successful behind-the-lines operation conducted by the GRU special forces in the first days of January 1995: ‘A group of Siberian special forces⁹⁰ (officers and contract soldiers) successfully accomplished the mission. They built a roadblock on a mountain road and, when a solid traffic jam of various Chechen vehicles formed, they called in attack aircraft, which successfully eliminated this traffic jam. After that, the Siberians were evacuated by helicopters.’⁹¹

It was at that time that the flow of refugees from Grozny, where the fighting was taking place was especially large. Aviation destroyed cars indiscriminately, and the special forces operators were bound to have realized this and seen it happening.

⁹⁰ Military unit 64655 – 67th Separate Brigade of the GRU special forces of the Main Intelligence Directorate of the General Staff of the Russian Federation.

⁹¹ P. Felgengauer, ‘Istoriya desanta, ne pogibshogo v gorakh’ (A story of paratroopers who did not perish in the mountains) // *Segodnya*. 18/04/1995.

In the winter of 1994–95 airstrikes on roads were systematic. The members of the group under the Commissioner for Human Rights in the Russian Federation who were in Chechnya at that time were able to record only a very small part of all such cases. For example, in December 1994, in Western Chechnya, near the village of Novy Sharoi, four cars were destroyed by rockets fired from helicopters, including an ambulance.⁹² In the second half of December, on the road between the cities of Argun and Grozny, vehicles in which residents were trying to leave bombed Argun were repeatedly fired upon.⁹³

There are many reports by journalists of deliberate fire directed at the cars in which they themselves were travelling. Here are just three examples:

On 3 January 1995, near Shali on the Rostov-Baku highway, a car with journalists James Meek (*The Guardian*), David Filippov (*Boston Globe*), Nikolai Zagnoiko (ITAR-TASS) and Marina Perevozkina (*Russian Thought*), came under rocket fire from an aircraft that dived specifically to fire at their vehicle.⁹⁴

On 18 January 1995, five kilometres from the village of Achkhai-Martan, a military helicopter fired at a car carrying Radio Rossiya correspondent Nadezhda Chaikova and two other civilians. According to the

⁹² On 13 December 1994, on the Rostov-Baku highway, these destroyed cars were seen by V. V. Kurochkin, a deputy of the Federation Council of the Russian Federation. On 19 December Commissioner for Human Rights in the Russian Federation S. A. Kovalev, and members of his group V. V. Borshchev and O. P. Orlov, examined the remnants of the cars and interviewed witnesses.

⁹³ Members of the group of the Commissioner for Human Rights in the Russian Federation talked with the victims in the hospital.

⁹⁴ NTV Channel 03/01/1995; Testimony of journalist M. Yu. Perevozkina.

journalist, when they left the car, the helicopter continued to shoot at the fleeing people and fired two rockets.

It is obvious that there were many more such cases in which ordinary civilians were injured.

There is evidence of deliberate air attacks in the spring of 1995 on vehicles in which civilians tried to leave the villages that had become a war zone.

We present just one of them:⁹⁵

Tamara Taramova, resident of Shali:

‘My husband, Sergei Taramov, evacuated refugees out of the villages in his GAZ-53 truck. He had already taken people out twice and did not want to drive there a third time. But a woman came to him – said she must go. They had surrounded Mesker-Yurt, but he still went. It was 22–23 March, on the road between Mesker-Yurt and Tsotsin-Yurt. There were three passengers in the car: a man in the cabin, the woman who was going to get her child, and another man in the back. [...] A helicopter shot at them with a heavy machine gun. The petrol tank exploded. Sergei and the passenger in the cab died. The man who was in the back jumped out; the woman was wounded and she was taken into the helicopter by soldiers. His car still stands there, burnt out.’⁹⁶

⁹⁵ For other witnesses’ testimonies see *Rossiya-Chechnya: tsep’ oshibok i prestuplenii. 1994–1996* (Russia-Chechnya: a chain of mistakes and crimes). M.: Memorial Society, 2010. Second edition. https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rossia-chechnia_2edition.pdf.

⁹⁶ Interviews with refugees from Chechnya by representatives of Memorial Human Rights Centre and Human Rights Watch/Helsinki O. I. Cherepova and A. B. Petrov, conducted on 23–28 April 1995 in Khasav-yurt and the Khasav-yurt district of Dagestan.

In the summer of 1995, when the fighting moved to the mountains, the airstrikes on roads on the plain stopped, but continued in the mountainous regions. On 30 June 1995, on the road between the villages of Vedeno and Dargo, small-arms fire was opened from a post of federal troops at a car belonging to the *Vremya* TV news programme film crew from Russian Public Television. In the car, in addition to the driver, were correspondent S. Zenin, cameraman D. Akinfeev and *Segodnya* newspaper reporter M. Eismont. Fortunately, no one was hurt. Later, at a checkpoint, when asked to explain the reason for the shooting, an officer who did not identify himself told reporters there was a ‘secret order to shoot at all vehicles moving along the road.’⁹⁷

Sometimes the commanders of the federal forces provided an exit corridor for the civilian population to prevent the death of civilians. But as a rule, the corridors were extremely poorly organized. The local population was informed about them in an unsatisfactory manner or not at all and there was little time to leave the dangerous area before the shelling began. Cases have been reported when civilians were shot just as they were leaving via such corridors. An example is the so-called Shatoy corridor in May 1995.⁹⁸

⁹⁷ Panfilov O., ed. *Zhurnalisti na chechenskoy voine: fakty, dokumenty, svidetelstva. Noyabr' 1994–Dekabr' 1995.* (Journalists in the Chechen War: facts, documents, evidence. November 1994–December 1995)./ Fond Zashity Glasnosty M.: Prava cheloveka, 1995. It is important to point out that in the second half of June 1995, a truce was agreed between the opposing sides. On 27–30 June in Grozny a second round of talks between Russian and Chechen delegations took place under the auspices of the OSCE. A principal agreement was reached on the questions of POW exchange in the form of an ‘all-for-all swap,’ the disarmament of the CRI units, the withdrawal of federal troops and the holding of free elections. And yet, the order to shoot at the roads was still in force.

⁹⁸ See *Rossiia-Chechnya: tsep' oshibok i prestuplenii. 1994–1996* (Russia-Chechnya: a chain of mistakes and crimes). M.: Memorial Society, 2010. Second edition.

https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rossia-chechnia_2edition.pdf

This continued until the end of the First Chechen War. In August 1996, when the forces of the self-proclaimed Chechen Republic of Ichkeria [CRI] again took Grozny under their control, and the federal forces tried to blockade it, a mass exodus of the population began from the city, people feared a repetition of the horrors of a city assault. The vehicles in which the refugees left the city were repeatedly hit by airstrikes. For example, in the vicinity of Goyty village on 20 August, a helicopter fired at a convoy consisting of several buses and cars, and 12 people were killed.⁹⁹

Second Chechen War

Attacks on everything that moves on the road, followed by deaths of civilians trying to leave the combat zone, were also carried out at the beginning of the Second Chechen War. In September 1999, the bombing and shelling of the territory of Chechnya began. In October, federal troops went into the republic. The tragic situation was aggravated by the fact that on 29 September the ministries and departments of internal affairs of several territories and republics received telephone messages from the Group West headquarters with an order to close the administrative borders for everyone leaving the Chechen Republic. Only the President of the Republic of Ingushetia (RI) Ruslan Aushev refused to follow the

⁹⁹ Testimony of witnesses gathered by representatives of Memorial Human Rights Centre, Urus-Martan, 22/08/1996; interview with the deputy head of the administration of Urus-Martan district Lema Gaisultanov by a representative of Memorial Human Rights Centre, A. V. Cherkasov.

order. As a result, a flood of refugees fleeing from fighting in Chechnya rushed to the Republic of Ingushetia. But on 22 October 1999, federal forces completely blocked the administrative border between Ingushetia and Chechnya, forbidding civilians to cross.

On 29 October, two incidents occurred in different districts of Chechnya, resulting in mass fatalities.

On 26 October 1999, Russian media reported that on 29 October, a ‘humanitarian corridor’ would be open from the Chechen Republic westward to the Republic of Ingushetia, through the Kavkaz-1 checkpoint on the Rostov-Baku highway. Thousands of people and hundreds of cars gathered on the highway on 29 October, but that day the checkpoint was not open.¹⁰⁰ The cars began to turn back towards Grozny. Near the village of Shaami-Yurt in western Chechnya, the caravan of cars was suddenly attacked from the air, dozens of people were killed and wounded.¹⁰¹ Some of the victims were children.

Medka Isaeva, Zina Yusupova and Libkan Bazayeva filed applications against the actions of the Russian air force with the European Court of Human Rights with the help of lawyers from Memorial Human Rights Centre. On 29 October, two children and the daughter-in-law of Medka Isaeva were killed, and she herself was wounded. Zina Yusupova was seriously wounded. Libkan Bazayeva

¹⁰⁰ The departure of people and the passage of cars from Chechnya was resumed only on 2 November 1999.

¹⁰¹ Some first-hand evidence from the survivors can be found here: <https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/bombing.pdf>.

complained of the infliction of emotional distress and destruction of property belonging to her family.

On 24 February 2005 the ECtHR ruled in favour of the applicants in the case of *Isayeva, Yusupova and Bazayeva v. Russia* (Applications Nos. 57947/00, 57948/00 and 57949/00),¹⁰² finding Russia guilty of violating Article 2 (right to life) and Article 13 (right to an effective remedy) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.¹⁰³

The Court admitted that the situation in Chechnya required emergency measures, including the use of military aircraft equipped with heavy combat weapons, and was prepared to accept that if the aircraft were attacked by illegal armed groups, this could justify the use of lethal force, thereby falling under paragraph 2 of Article 2.

However, the Court found that the Government had not presented convincing evidence to support such conclusions. The testimonies given by the pilots and an air traffic control officer were the only ones that mentioned such an attack made by armed insurgents and were collected more than a year after the attack. Their statements were incomplete. They were written in almost identical terms and contained a very brief description of the attack. The court quite naturally doubted their

¹⁰² Nos. 57947/00, 57948/00 and 57949/00 *Isayeva, Yusupova and Bazayeva v. Russia*, <https://hudoc.echr.coe.int/eng?i=001-68379>.

¹⁰³ And in relation to L. Bazayeva, Article 1 of Protocol 1 to the ECtHR (protection of property) was violated.

authenticity. The Russian government did not provide any other evidence capable of justifying the attack.

The Court held that the attack was not necessary to achieve the objectives set out in Article 2. In particular, the military authorities should have been aware of the opening of a humanitarian corridor for refugees leaving Grozny and the presence of civilians in the area. Consequently, they should have been warned of the need for extreme caution when using deadly military force. Neither the air traffic control officer nor the pilots who carried out the attack were aware of the existence of a humanitarian corridor or the presence of refugees in the area and, as a result, did not know of the need for extreme caution.

In view of this and some other facts, namely the absence of a forward air controller capable of independently assessing the targets on the ground, the duration of the attack for four hours and the power of the weapons used, the Court concluded that the operation was planned and carried out without due regard for the lives of the civilian population. Consequently, the Court held that the applicants' rights under Article 2 were violated both by the failure to protect their lives and the lives of their children, and by the failure to investigate the circumstances of the attack after it occurred.

On the same day, an artillery strike was launched against another convoy of refugees in the north of Chechnya.

On the morning of 29 October 1999, a convoy of vehicles with refugees left the city of Argun in a northerly direction. People were hurrying to leave the territories where fighting could soon take place, and which by this time had already been subjected to systematic bombing and missile attacks. During the previous weeks, Russian troops, having taken control of the northern regions of Chechnya (Nadterechny, Naursky and Shelkovskoy), slowly moved south towards Grozny.

On 26 October, Russian mass media spread the message that from 29 October humanitarian corridors would be opened for the departure of civilians from Chechnya either to Ingushetia or to the northern regions of the Chechen Republic. For many refugees, it seemed preferable to go to the northern regions, already occupied by Russian troops.

On 29 October, at about nine o'clock in the morning, a column of refugees passed through Petropavlovskoye and headed along the highway towards the Goryacheistochenskaya settlement, adjacent to the regional centre – the large town of Tolstoy-Yurt. On the outskirts of these two settlements, Russian troops had already established their positions. When the convoy of motor vehicles approached Goryacheistochenskaya, it was hit without warning by an artillery strike. The artillery apparently fired from the positions of the federal troops on the heights near the village of Vinogradnoye, about five kilometres north-east of Goryacheistochenskaya.

For four hours, the military denied the residents, who wanted to help those in distress, access to the place where the column was hit. Only after the head of the Goryacheistochenskaya administration managed to negotiate with the military was a truck with young people from the village of Tolstoy-Yurt let through to help the victims and managed to take out the wounded and some bodies of the dead.

However, a group of five frightened children, led by a seventeen-year-old youth, hid from shelling in the hills for another five days without food or warm clothes. Only on 3 November did they reach the village of Goryacheistochenskaya, where they were given first aid.

At least 23 refugees died because of the shelling, and seven more people died of their wounds in the hospital. Among the dead were at least five children. Several dozen people were injured. Perhaps there were more deaths; it has not been possible to accurately determine their number. Some of the dead were buried by residents in the cemetery of the village of Tolstoy-Yurt, and some bodies were taken by relatives for burial in other settlements of Chechnya. Bodies which could not immediately be removed from the scene of the tragedy, were buried by the military along with the wrecked vehicles. Only on 2–3 June 2000 one such 'burial' was discovered by relatives of the victims.

Interviews with eyewitnesses and victims were conducted by staff of Memorial Human Rights Centre in the summer of 2000.¹⁰⁴

The fact that strikes on refugee columns happened almost simultaneously in different regions of Chechnya proves that these were not accidental, excessive acts, but the result of the systematic unwillingness of the command of the Russian armed forces to take any measures to ensure the safety of the civilian population.

Similar events, albeit smaller in scale, happened later in other regions of Chechnya. For example, in early February 2000 when people tried to leave the village of Katyr-Yurt that was being blockaded and shelled by federal troops.

Russian military operation in Syria

On the morning of **19 September 2016**, a convoy of the UN and the Syrian Red Crescent Society (SRCS), consisting of 31 trucks, left the part of Aleppo controlled by the Syrian authorities with a cargo of humanitarian aid: hygiene products, medicines, food, and other items intended for 78,000 people. The column crossed the front line in the morning and proceeded to the settlement of Urum al-Kubra, controlled by Assad's opponents, situated

¹⁰⁴ <http://old.memo.ru/hr/hotpoints/caucas1/msg/2005/03/m32956.htm>.

approximately 10 kilometres west of the city. According to a statement by the UN representative, the passage of the convoy was agreed with the Syrian authorities and the Russian military and all parties involved in the hostilities, including the United States, Russia, and Damascus, were notified about the route of the humanitarian convoy. Around 19:15, while unloading at the warehouse, the convoy was attacked from the air, and 20 people were killed, including the head of the local branch of the SRCs, Omar Barakat.¹⁰⁵ 18 vehicles were destroyed.

US officials stated that aviation of the Russian air force or Assad's supporters struck the convoy. Two unnamed US officials, speaking on condition of anonymity, told Reuters that two Russian Su-24 bombers were in the area at the time of the airstrikes. Paired sorties were typical for the Russian air force. Syrian aviation – although it also had planes of this type – made only single sorties. In addition, the Syrian air force avoided night flights, having neither the necessary equipment nor suitably trained pilots. Furthermore, the participation of the Russian air force in the airstrike was indicated by a video made during the raid and by the publications of Assad's supporters on social networks.¹⁰⁶

The versions of what happened, voiced by the Russian side, have repeatedly changed.

On **20 September**, Russian Defence Ministry Spokesman Major General **Igor Konashenkov** said neither Russian nor Syrian planes were flying in the area

¹⁰⁵ Conflict Intelligence Team, 21/09/2016, <https://citeam.org/aleppo-convoy-ru/>.

¹⁰⁶ Conflict Intelligence Team, 21/09/2016, <https://citeam.org/aleppo-convoy-ru/>.

at the time of the attack on the convoy, and there were no signs of an airstrike. According to him, there are no craters in the videos of the scene and no damage to the trucks. However, records show ‘the direct consequences of a fire inside cargo compartments, which strangely began at the same time as the large-scale insurgents’ offensive against Aleppo.’ This statement was disproved by photographs and videos taken later by representatives of the humanitarian mission and journalists. Before the meeting of the UN Security Council, Russian Foreign Minister **Sergei Lavrov** said that the convoy was hit by rockets and artillery shells. However, the remnants of a barrel bomb used by the Syrian air force and fragments of the OFAB-250-270 bomb, widely used by Russian aviation, were found at the site of the attack. Later the Russian Ministry of Defence released a video¹⁰⁷ showing a Jeep with an artillery mount driving alongside the humanitarian convoy and claimed that militants accompanied the convoy. On the video, however, the convoy is standing by the side of the road, and a pickup truck with what looks like a mortar is driving past it. The recording itself was made a few hours before the attack, in daylight, while the attack took place after nightfall.

Soon Moscow presented another version: **Igor Konashenkov** claimed that a U.S. unmanned aerial vehicle had been sighted near the site shortly before the attack.

After analysing the data presented in open sources, the research group Conflict Intelligence Team concluded

¹⁰⁷ <https://www.youtube.com/watch?v=ZUMJ2vm4vgU>.

that the humanitarian convoy was destroyed as a result of airstrikes by both the Assad air force and the Russian air force.¹⁰⁸

War in Ukraine

In early **May 2022**, HRW staff visited the Kyiv and Chernihiv regions and documented in detail three episodes in which the Russian military opened fire on civilian vehicles. At the same time, HRW employees noted that there were many abandoned cars along the roads with traces of bullets, burnt or otherwise damaged, which suggested there could be many more similar cases.

Two of the three cases mentioned took place in Hostomel, Kyiv region, about 20 kilometres north-west of Kyiv. From the first day of the invasion, Russian troops tried to capture Hostomel, and the military airfield located there. They controlled the outskirts of the city for almost all of March. On **28 February**, the military opened fire on two vehicles carrying nine civilians who were trying to escape from the war zone. On **3 March**, the military opened fire on a car with four men who were on their way to negotiate the delivery of humanitarian aid. In Nova Basan, Chernihiv region, the military opened fire on a minibus in which two men were travelling. One of them was wounded but managed to escape, the second was dragged out of the minibus and shot on the spot.

¹⁰⁸ CIT, 21/09/2022, <https://citeam.org/aleppo-convoy-ru/>.

Below is a detailed description of one of these incidents, compiled by HRW staff from the words of victims and witnesses.

On 28 February, the family of Maksim Maksimenko, a resident of the city of Hostomel, and his neighbours, also named Maksimenko (not related), decided to leave together in the direction of Kyiv. They set off in the afternoon: Maksim was driving his car, his mother Lyubov was in the front passenger seat, his wife Jeanne, their little son, and Jeanne's mother were in the back seat. Oleksandr Maksimenko and his wife, son, and Maksim's father Volodymyr were driving in a second car.

They passed first three Russian checkpoints in Hostomel without any problems, but when they arrived at the fourth checkpoint on the southern outskirts of the town, the soldiers suddenly opened fire on them from several directions. Maksim's mother was immediately hit in the head by a bullet – 'she only had part of the back of her head and one ear left.' Maxim stopped the car and tried to take cover under the dashboard, but a bullet hit him in the right side of the neck and stuck in his right shoulder blade. As a result, Maksim lost one eye, and metal fragments remained in his head. Another bullet hit and passed through his wife's left leg. Maksim jumped out of the car and started shouting: 'Don't shoot! There are only women and a child in the car!' Maksim's son was covered in blood and screaming in fear. Maksim feared that his son was also wounded, but it turned out that it was his grandmother's blood. Maksim helped his wife, son and mother-in-law run into the courtyard of the

nearest house, he then returned and helped his father get out of the second car, which had also been hit by bullets. Half an hour later, his father died in Maksim's arms from multiple wounds in the stomach and head. Andriy, the son of Oleksandr Maksimenko, who was in the second car, was mortally wounded. Bullets hit him in the left eye, ear, shoulder and chest.

Valeria and Oleksandr Savchenko, who live nearby, said that four Russian armoured vehicles and at least ten soldiers were standing on the road near their house. They did not see what happened, but they heard the shots and helped the survivors take shelter in their basement.

The Russian military did not allow these families to evacuate to Kyiv until at least 10 March. All this time, Maksim and his wife, both wounded, remained with their son in the basement, without access to medical care. The soldiers went into the yard several times, talked to them, saw that they were injured, but did not offer any medical assistance.

Until 6 March, the soldiers did not allow Maksim's family to take his mother's body out of the car. As a result, she and Volodymyr were buried in the courtyard of the house where they took refuge, and Oleksandr loaded Andriy's body onto a wheelbarrow and took it back to the area of Hostomel where they had lived.¹⁰⁹

¹⁰⁹ Human Rights Watch, 03/05/2022, <https://www.hrw.org/ru/news/2022/05/03/ukraine-russian-forces-fired-civilian-vehicles>.

After the railway tracks were damaged during the fighting on 5 March, the P30 highway leading from the north-west of Ukraine through the city of Irpin to Kyiv became the main route for hundreds of refugees heading to the capital. According to eyewitnesses, from 6 March, people were walking in an endless stream across the wreckage of a destroyed bridge across the river Irpin. Then they proceeded to a crossroads located six kilometres from the outskirts of Kyiv, opposite the Ukrainian Orthodox Church of St. George, where they boarded buses or cars heading to Kyiv, or continued on foot.

According to an eyewitness, there were several Ukrainian soldiers and two military trucks near the intersection, but no other significant military equipment. Another refugee said he saw two armoured vehicles, one of which had a machine gun, and eight Ukrainian soldiers. Several Ukrainian soldiers helped civilians carry luggage and children.

From about 09:30am to 14:00 local time, the intersection came under continuous fire from Russian forces. At the crossroads or in its immediate vicinity, every 10 minutes, shells that were fired from Irpin and Stoyanka, where Russian troops were stationed, exploded. As a result, at least eight civilians were killed. According to *New York Times* journalists present at the scene, the target of the Russian strikes may have been Ukrainian soldiers, firing mortars from positions about 180 metres from the intersection, but many Russian shells landed on the intersection.

HRW's analysis indicates that it was highly likely the Russian military were able to track the trajectory of the projectiles or observe where they landed and had at their disposal enough data to adjust the fire. The incessant shelling, which led to civilian casualties, and not to the destruction of military facilities, located at some distance from the intersection, is the result of irresponsible and deliberate actions.¹¹⁰

On **30 September 2022**, at 7:30 a.m. local time, a humanitarian convoy came under fire in Zaporozhzhia. A convoy of civilian vehicles was formed at the Avtorynok car parts market, about 27.5 kilometres from the front line, near the checkpoint in Vasylivka, the only checkpoint through which civilians could enter the occupied territory of Zaporozhzhia. People were waiting in line to pick up their relatives, and to bring them help.

As a result of the shelling, 32 people were killed and about 50 injured, all of them civilians. According to the deputy head of the Office of the President of Ukraine **Kyrylo Tymoshenko**, the strike was carried out by 16 S-300 air defence missiles converted to fire at ground targets.¹¹¹

Vladymyr Rogov, a member of the occupation authorities in the Zaporozhzhia region, claims that the 'terrorist act' was committed by the Ukrainian military.

¹¹⁰ Human Rights Watch, 18/03/2022, <https://www.hrw.org/ru/news/2022/03/18/381363>.

¹¹¹ Meduza, 30/09/2022, <https://meduza.io/feature/2022/09/30/v-zaporozhie-pod-obstrel-popala-gumanitarnaya-kolonna-pogibli-bolee-20-chelovek>, Radio Svoboda, 08/10/2022, <https://www.radiosvoboda.org/a/news-obstril-kolony-zaporizhzhia-pomer-poranenyi/32071284.html>, BBC, 30/09/2022, <https://www.bbc.com/russian/news-63087675>.

*‘Seeing how the population was migrating en masse to the liberated part of the Zaporozhzhia region, they hit a convoy with dozens of civilian cars queuing in the market area on the Orekhovo highway in order to keep that part of the region under their control,’ he said. Rogov also said that two days previously, the citizens who formed the column had blocked the road, demanding to be allowed into the occupied territory.*¹¹²

A study conducted by Amnesty International concluded that the attack was almost certainly carried out by the Russian military.¹¹³

2.1.3 Assaults on populated areas

First Chechen War

During the First Chechen War the largest number of civilian casualties seems to have been in Grozny between the start of the assault in late December 1994 and the end of February, when fighting ceased. This conclusion is based on the results of field work by Memorial staff in the combat zone¹¹⁴ and on interviews with refugees leaving the city from December to March 1995.

¹¹² RIA Novosti, 30/09/2022, <https://ria.ru/20220930/kolonna-1820503085.html>.

¹¹³ Amnesty International, 30/09/2022, <https://eurasia.amnesty.org/2022/09/30/raketnyj-udar-po-kolonne-s-gumanitarnoj-pomoshhyu-v-zaporozhe-eshhyo-odno-dokazatelstvo-polnogo-prenebrezheniya-rossiej-k-zhizni-mirnyh-zhitelej-amnesty-international/>.

¹¹⁴ *Rossiya-Chechnya: tsep' oshibok i prestupleniy. 1994–1996* (Russia-Chechnya: a chain of mistakes and crimes). M.: Memorial Society, 2010. Second edition
https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rossia-chechnia_2edition.pdf

Federal forces began the assault on Grozny on 31 December 1994. Fighting inside the city limits continued until the end of February 1995, and the southern neighbourhood, Chernorechye, was occupied in March. During the battle, both belligerents used all the weapons at their disposal, but the Chechen side had single pieces of artillery, anti-aircraft, and multiple launch rocket systems, which were almost immediately destroyed. Federal artillery and multiple rocket launchers fired indiscriminately at residential areas. Federal aviation inflicted rocket and bomb strikes on the city. Federal forces personnel took positions in residential buildings and fired at the positions of the Chechen militants. Neither side considered the safety of civilians, who for the most part did not have time to leave the city and were hiding in the basements of those same buildings.¹¹⁵

The units of the Chechen Republic of Ichkeria repeatedly, although on a much smaller scale than the federal forces, deployed indiscriminate fire, from which the civilian population suffered. But, most importantly, they provoked the federal side into launching indiscriminate attacks by systematically placing positions near and in the middle of civilian objects, including residential buildings. At the same time, citizens were often not warned, and thereby denied the opportunity to evacuate before the start of shelling and fighting. As a

¹¹⁵ Commissioner for Human Rights in the Russian Federation S. A. Kovalev and members of his group, deputies of the State Duma of the Russian Federation V. V. Borshchev, M. M. Molostov and Yu. A. Rybakov witnessed this in early January 1995 near the Central Railway Station, and then near Krasnykh Frontovikov street, where they, along with the residents, stayed in the basement of a residential building. S. A. Kovalev repeatedly appealed to the parties to the conflict to agree to a ceasefire in the city to withdraw civilians and collect bodies from the streets. Negotiations on a ceasefire began several times but broke down due to the federal side.

result, the strikes by federal troops on these positions led to collateral casualties among the civilian population.

Possessing overwhelming fire superiority, the federal troops fired much more intensively, often shelling those areas where there were no significant Chechen forces or military installations present. So, for example, on 26 January 1995, a representative of Memorial Human Rights Centre, O. P. Orlov, who on this day was in Chernorechye (the southern outskirts of Grozny), witnessed artillery strikes on multi-storey residential buildings in this area, where there were neither Chechen detachments, nor military facilities, but a significant number of residents remained.

General Rokhlin's unit used the 'tank carousel' tactic: a tank drove out to a street intersection, without any pause fired all its ammunition in the direction of the enemy, who took cover in the surviving buildings, and then retreated to the rear to replenish its ammunition, freeing up the position for the next tank. The emphasis was on continuity of fire, not accuracy or even targeting, so the residents who remained in the buildings simply had no chance of survival.

It should be noted that the reports about the carpet-bombing of Grozny, which appeared in some media, were confirmed.

From the witness account of Pavel, sergeant, squad leader:

‘We were taught how to fight in the city: before you enter a room, you throw a grenade inside. Better two. So we threw them everywhere. [...] We went completely bonkers. Because of this roar, the sight of corpses, blood, lice. [...] Urban combat is hell. We all got drunk, stoned – otherwise you couldn’t cope.

‘There was no other way. And if I speak of it with a smile now, that’s because then it seemed funny to us. It was fun when houses with civilians were bombarded with depth charges, which are used against submarines. The effect it has is like this: a bomb goes through nine ceilings and explodes after a while. Everything comes down in dust, only the outer frame remains: four walls.’¹¹⁶



Grozny. In February–March 1995, the bodies of dead residents, picked up on the streets and removed from the ruins, were taken by funeral teams to the Central

¹¹⁶ Yu. Kazakov, ‘Voina zakonchilas’, no mir ne nastupil’ (War is over, but peace hasn’t come) // *Nezavisimaya gazeta*, 25/06/1997

Cemetery and buried in specially dug trenches. From the spring of 1995, the Commission for the Search for Missing Persons, which included representatives of the Prosecutor's Office of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation and the Chechen Committee of the Red Cross and Crescent, exhumed and identified the bodies from these and many other burials. Photograph by Tomasz Kizny.

* * *

The state agencies of the Russian Federation did not count the number of civilians killed in Chechnya; the only estimates were made by Memorial Human Rights Centre and were later used by Rosstat. In the winter and spring of 1995, at the places of accommodation for migrants who left Chechnya (in Ingushetia, Dagestan, and Central Russia), a survey based on the methodology adapted by E. A. Gelman was conducted. Subsequent processing and extrapolation gave not only the number of casualties categorised by cause of death, but also the dynamics of people leaving the city. Estimates of the number of deaths based on the results of the separate processing of each group of questionnaires turned out to be relatively close: the overall estimate ranges from 25,000 to 29,000 deaths for the period December 1994–March 1995.¹¹⁷

* * *

During the fighting in rural areas, neither the federal nor the Chechen (separatist) side, nor NGOs, kept a

¹¹⁷ With 95 percent confidence. The estimate of the total number of casualties in the First Chechen War gives a wider range: from 30,000–50,000 people killed.

constant or centralized count of civilian casualties. Usually, when summing up the results of an operation, the federal command reported huge losses of insurgents, saying nothing about civilian casualties. Meanwhile, it was civilians who most often died and suffered. How misleading the official figures were can be judged by the events in the village of Samashki.

On 7–8 April 1995, the actions of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation in the village of Samashki, situated in the plains of western Chechnya, led to numerous casualties among the residents and great destruction, even though a detachment of Chechen armed forces had left the village a month earlier at the insistence of its inhabitants. Samashki was occupied by servicemen of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation, OMON and SOBR of the Ministry of Internal Affairs of the Russian Federation after suppressing the unorganized resistance of a small self-defence unit. Civilian casualties appeared to be both a result of indiscriminate fire, and because the civilian population became the target of deliberate attacks during the subsequent ‘cleansing’ of the village. What happened at Samashki is the most evident and investigated example of the way the federal military command assessed the losses of the enemy and of civilians. On 11 April, a representative of the Ministry of Internal Affairs at a meeting of the government commission on Chechnya told an NTV reporter that, according to official information, 120 militants were killed in the village and the civilian population had left

before the assault. The next day, the Public Relations Centre of the Ministry of Internal Affairs reported that during the operation in Samashki, 130 ‘Dudaevites’ were killed.¹¹⁸

This means that senior staff of the Ministry of Internal Affairs acknowledged that on 7–8 April 1995 more than a hundred people from the Chechen side had been killed in Samashki but counted them all as enemy forces. Later, contrary to the statement cited, the commander of federal troops in Chechnya, Colonel-General A.S. Kulikov, chief of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation, in a response to a request from Deputy of the State Duma of the Russian Federation T.V. Zlotnikova, said on 12 May that in Samashki ‘no one provided an account of the losses of the illegal armed groups.’ Representatives of the International Committee of the Red Cross, assessing the total number of casualties in the village, concluded that there was a large proportion of civilians among the dead. In several interviews, they protested against violations of the laws and customs of warfare by personnel of the Internal Troops of the Ministry of Internal Affairs, in the form of indiscriminate attacks during a military operation.

In April-June and August 1995, representatives of the Observatory Mission of Human Rights Civil Society Organizations were working in Samashki. As a result, a list, although perhaps incomplete, of villagers who died on 7–8 April was compiled. The list included 103 people; among them were 20 men over 61 and 13 women. The

¹¹⁸ Militants, supporting the first president of the self-proclaimed Chechen Republic of Ichkeria, Dudaev.

youngest of the victims was 15 years old. Only four residents of the village are known to have died holding weapons, and the circumstances of the deaths of another 10 people allow a similar explanation for their deaths. It should be noted that up to half of the total number of victims died not because of indiscriminate fire but were deliberately shot or otherwise killed.¹¹⁹

* * *

Sometimes the same units of the Russian Ministry of Defence behaved in completely different ways when operating in different settlements. For example, during the advance along the Argun River valley (11 May – 14 June 1995), the army forces, in contrast to the Internal Troops, OMON and SOBR of the Ministry of Internal Affairs, operating in other areas, did not show deliberate cruelty towards civilians. However, even in this case the principles of international humanitarian law – ‘constant care shall be taken, when conducting military operations, to spare the civilian population, civilians and civilian objects’ – were not always followed.

The village and settlement of Chiri-Yurt suffered little damage during the fighting, but four civilians were killed because of the shelling. Regular contacts between village leaders and commanders of the Chechen unit, which consisted of residents, with commanders of federal units made it possible to avoid mass casualties among the civilian population. The detachment took up a defensive

¹¹⁹ *Vsemy imeyushimis'a sredstvami...Operatziya MVD RF v sele Samashki 7–8 April'a 1995* ('By all means available...operation of the Russian Ministry of Internal Affairs at Samashki 7–8 April 1995'), an independent investigative report by the Observation Mission of Human Rights Public Organizations in the Zone of Armed Conflict in Chechnya. M.: Memorial Society, 1995.

position at a cement plant located on the outskirts of the village. The plant was severely damaged during the week-long shelling and bombing.

In the village of Chishki, located higher on the Argun river, there were no positions of the Chechen armed forces, which was brought to the attention of the commanders of the advancing federal units. However, the village was surrounded and heavily shelled. The buildings suffered significant damage, and the inhabitants at that time took refuge in the basements.

During the offensive further up the valley towards the next village, Zony, its outskirts were bombarded, after which the residents left the village. Fierce fighting between federal units and Chechen detachments ensued in Zony, during which the village was destroyed.

In all three cases, the same federal units and Chechen detachments were active. Fortunately, the number of civilian casualties in each of these villages was small. However, during the final stage of advance on the regional centre Shatoi, when the offensive encountered serious resistance from militants, the town of Shatoy and the surrounding villages were bombed, and there were numerous casualties among the civilian population. These brutal bombardments, in turn, led to the execution of several Russian prisoners of war by militants.¹²⁰

¹²⁰ *Rossiya-Chechnya: tsep' oshibok i prestupleniy. 1994–1996* («Russia-Chechnya: a chain of mistakes and crimes»). M.: Memorial Society, 2010. Second edition, p. 379.
https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rossia-chechnia_2edition.pdf

* * *

Gudermes, the second largest city in Chechnya, was occupied by federal troops on 30 March 1995 without a fight – the Chechen forces left the city. However, in December of the same year, fierce battles took place in the city, causing civilian deaths and significant destruction. Militants of the Chechen Republic of Ichkeria infiltrated Gudermes in small groups, aiming to disrupt the elections of the head of the Chechen Republic and deputies to the State Duma of the Russian Federation. The federal units stationed in the city were blocked in around the commandant's office and the station. By 13 December 1995, the city was surrounded by approaching federal units. At dawn on 14 December, intense skirmishes began between the militants and federal troops, both besieged inside the city and surrounding it.

The question of evacuating the civilian population was not even raised. The firefight did not cease and in the first half of the day artillery began to shell the city. A tank column of federal forces approaching the city also opened fire on residential areas. Federal snipers fired at any moving targets on the streets of Gudermes.

According to residents, the fire was so dense that people could not run from their houses to shelters. Wounded lay in the streets, and it was not possible to approach them to render assistance. Eyewitnesses reported small children lying next to their dead parents, and it was not possible to rescue them because of the shelling. The supply of water, gas, and electricity was cut

off. Those who managed to hide in cellars stayed there for several days, in cold and crowded spaces, without food or water. During the fighting and bombing, residential areas adjacent to the railway station, the commandant's office, and the city police headquarters were destroyed. Moreover, those parts of the city where there was no combat between militants and federal forces were also shelled, for example the area of City Hospital No. 2, where the wounded began to arrive on 14 December. On 15 December, the patients were evacuated under artillery fire, but residents who were wounded in the following days still tried to get to the hospital by themselves or with the help from others, despite the ongoing shelling. On 17 December, a rocket attack from helicopters destroyed the surgical department of the hospital. A hospital on Kuibyshev Street and a nearby mosque were bombed, killing more than 30 people.

On 15 December, federal forces began firing at the city with Grad multiple rocket launchers. On the same day, a mass exodus of residents began.

On 18 December, the city was bombarded from the air. Although by this time most of the militants had already left the city, many civilians remained, mostly the elderly, the sick and the wounded, who had remained in cellars and had not been helped to leave the city. On 19 December, troops entered Gudermes and the 'cleansing' began. Witnesses reported grenades being thrown into basements where people who had not had time to leave

the city were hiding.¹²¹ The commander of the federal task force in Chechnya, Lieutenant-General A. A. Shkirko, reported that 267 residents of Gudermes were killed. When compared with data collected about the number of victims in various areas of the city, this figure seems to be significantly underestimated.

* * *

Federal forces acted in a similar way during the assaults on other towns and villages. At the end of the First Chechen War, in August 1996, Grozny was again captured by militants of the self-proclaimed Chechen Republic of Ichkeria. Federal troops made unsuccessful attempts to regain control of the city, leading to mass civilian casualties.

Below are some examples.

On 7 August, at 1 p.m., City Hospital No. 4 was attacked from the air. The surgical department in which operations were carried out was destroyed, several patients and seven medics were killed.¹²²

On 30 August, a representative of Memorial Human Rights Centre, A. N. Mironov, saw burned corpses, including those of children, in the basement of residential building No. 40 on Abakanskaya Street. The basement had been burning from the inside. There were no traces of bullets, shell or grenade fragments on the outer walls of

¹²¹ In January 1996, in an interview with the Russian ORT television channel, the mayor of Gudermes Ramzan Bashaev (appointed by the pro-Moscow government of the Chechen Republic), admitted the deaths of civilians who were hiding in the basements and became victims of the 'cleansing operation.'

¹²² The testimony of the chief surgeon of the hospital, A. Magomedov, was recorded on video by a representative of the Women's Union of the North Caucasus.

the house, therefore, there had been no firing positions in the building, and it was not stormed. The used tube of a Shmel disposable rocket-assisted flamethrower was found nearby on the ground. The same weapon, but with a rocket, lay 200 metres away, next to the buildings, the walls of which bore traces of combat. Residents of the building – Muslim Khasuev, Magomed Khasuev and others – said that civilians, including their close relatives, had been hiding in the basement: forty-year-old Sultan Khasuev (Muslim's father), his wife Mariam Khasueva, Ruslan (31 years old), his wife Zarina (23 years old), their children (three and four years old), Maria Pereverbekova (85 years old), her son Merzhoy (55 years old) with his wife Lutara (44 years old), their sons Tamerlan (24 years old) and Ruslan (21 years old) and daughter Bella (19 years old). According to local residents, on 10 August, federal troops, while occupying the area, fired rocket flamethrowers into the basements of residential buildings, without checking if there were civilians there. This is how people died in the basement of residential building No. 40.

On 19 August, at about 13:50, representatives of Memorial Human Rights Centre A. N. Mironov, O. P. Orlov and A. V. Cherkasov were in the Chernorechye region, which was shelled by the federal forces. In total, about thirty high-explosive fragmentation artillery shells were fired, of which not even one hit the headquarters of the Chechen unit located in this area. Shells exploded in a residential area. A single-storey residential building was destroyed, and an elderly woman died. On the night of 21

August, a series of single-storey residential buildings on Griboyedov Street were fired at with heavy 152-mm artillery shells, destroying several houses. Memorial Human Rights Centre representative A. N. Mironov, who lived there at that time, personally checked that there were no military facilities in the area.

On 21 August, blocks of five-storey houses on Saykhanov and Ulyanov streets were bombarded with incendiary bombs from a great height. The next day, Memorial Human Rights Centre representative A. N. Mironov saw the consequences: the buildings had burned out from inside. Residents who hid in the basements and therefore remained alive reported that there were no militant units in the area. The probable purpose of the bombardment was to destroy assumed positions of grenade launchers on the routes planned for the advance of federal armoured convoys into the city.

Second Chechen War

Russian federal forces moved deep into Chechnya in early October 1999, and by early December had approached Grozny, surrounding the city.

On 6 December 1999, leaflets addressed to ‘those who defend Grozny’ were scattered over the city. The leaflets contained an ultimatum signed by the command of the Joint Task Force in Chechnya. People who remained in the city were called on to leave Grozny by 11 December. *‘Individuals remaining in the city will be considered terrorists and bandits. They will be destroyed*

by artillery and aircraft. [...] Everyone who has not left the city will be destroyed.' The Interfax news agency, citing the headquarters of the Joint Task Force, reported that Tu22M3 (Backfire) long-range bombers carrying 'vacuum' (i.e., fuel-air explosion) bombs would be used. Since the autumn of 1999, the leaders of the Russian Federation repeatedly stated that there was no armed conflict in Chechnya, just a 'counter-terrorist operation.' In this case, the main goal of such operations should be seen as saving the lives of civilians, the destruction of terrorists being secondary. The main principle of conducting anti-terrorist operations is selectivity. By issuing this ultimatum, the federal command publicly refused to comply with the norms of humanitarian law rejecting the implementation of targeted actions in Grozny after the expiration of the ultimatum. The numerous deliberate attacks by Russian military on the civilian population of Grozny and its suburbs during the entry of troops in January-February 2000 prove that such an approach had been adopted (see Section 2.2.2. of this report). At the same time, on 6 December, the opening of humanitarian or security corridors for the exit of the civilian population was announced. There were two exit directions: from the northern part of the city to the north-west towards Pervomaiskaya, and from the southern part of the city in the direction of Alkhan-Yurt. Pervomaiskaya is located 21 km north-west of the city, involving a drive or walk along the Staropromyslovskoe highway. Alkhan-Yurt is located 18 km to the south-west of the city.

On 7 December, Russian television aired a story about the Minister of Internal Affairs V. Rushailo visiting a checkpoint in Pervomaiskaya. It was said that the capacity of the ‘corridor’ would be up to 3,000 people a day. At that time, at least tens of thousands of civilians remained in the city. A simple calculation shows that even if civilians rushed out of the city at once, it would take up to two weeks for them all to get out. The concept of a ‘humanitarian corridor’ in the strict sense includes a system of safe routes that are not fired on or bombed. Residents must be made aware of such routes. Those who cannot get out on their own should be assisted by transport if possible. None of these conditions were met. No additional explanation or guarantees of safe routes to the checkpoints were given to residents. In the best case, a ‘window’ was opened slightly, without any safe access to it. Measures to assist people to leave who could not otherwise do so were practically non-existent. The only known case of such assistance occurred in December 1999, through the efforts of the Ministry of Internal Affairs of Ingushetia, when a shelter for the elderly and mentally ill, located in the Tashkala city district, was evacuated.

In the meantime, in bad weather conditions, and hence poor visibility, Grozny continued to be attacked from the air.

As a result, women, the elderly, and children had to make their own way to the checkpoint, walking tens of kilometres through the city under bombardment, and then along a road exposed to fire. In such conditions, many

people did not dare to leave the basements where they were hiding from shells and bombs, and remained there until the arrival of the Russian military. This sometimes led to tragic consequences.

Memorial's representatives interviewed people who left Grozny in Ingushetia on 12–14 December 1999.¹²³ According to these interviewees, many civilians remained in the city out of fear of coming under fire or because of physical disability. The most acute problem in the city was water. There was no light or gas. People ate canned food, which was in short supply. None of the respondents found out about the possibility of leaving the city from the leaflets. Almost all the leaflets fell on the Zavodskoy district which consists of uninhabited factories. As a rule, those who did find out about the exit routes learned from random people who, in turn, said they had heard about the exit routes from radio broadcasts which gave no details about the route or its safety, only the locations of the checkpoints. Everyone said leaving Grozny was very difficult because of the shelling and bombing. The northern route proved to be most dangerous, as it was longer and came under more intense fire. According to the interviews, the Chechen militants did not prevent civilians from leaving the city. They informed civilians about possible routes, warned them of dangerous areas, and drove many of them to the outskirts or helped transport their possessions. At the same time, armed looting began in the city.

¹²³ A summary of interviews conducted by representatives of Memorial Human Rights Centre T. Kasatkina, M. Zamyatin and D. Grushkin with people who left Grozny: https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/gum_koridor.pdf

In the second half of December 1999 and in January 2000, Russian troops advanced on the city from the north-west, along the Staropromyslovskoe highway, taking the villages of Katayama and Tashkala, where they encountered stubborn resistance. Fighting took place where the humanitarian corridor was supposed to pass, and crimes against civilians were witnessed there (see Section 2.2.2. of the report).

On the specifics of the Russian military operation in Syria

Regarding Russia's participation in the civil war in Syria, with rare exceptions we do not have sufficient and reliable information about the episodes in which the Russian forces could have committed acts of direct violence against civilians (murders, 'cleansing operations,' enforced disappearances, secret prisons, torture, extrajudicial executions, etc.). This is not only a result of subjective factors, such as the impossibility of Russian human rights activists working in the field, but also of objective circumstances.

The Russian military presence in Syria was mainly aviation (including long-range) and naval forces, which launched strikes against ground targets with both long-range missiles and bombs. Ground forces were also present, in the form of artillery units, engineering troops and 'RKhBZ' (chemical protection) troops.

The latter is not necessarily connected with the use of chemical weapons. Some powerful weapon systems formally belonged to the RKhBZ troops, such as the heavy flamethrower system TOS-1 Buratino and, its further development, the Solntsepyok system. These multiple launch rocket systems, capable of destroying both enemy positions and residential areas, cover large areas with thermobaric (colloquially, ‘vacuum’) ammunition, leaving no chance for those located there to survive. In this regard, their use in populated areas is strictly prohibited (however, in the Second Chechen War, Russian troops used Buratino on Prigorodnoye and Gekhi-chu villages; see Section 2.1.4 of this report). Formally, these systems were designed to destroy chemical and bacteriological contamination by using high temperatures, which explains why they belong to the RKhBZ troops. They were used, of course, against enemy positions, including in settlements.

Another powerful weapon system, the UR-77 Zmey Gorynych, formally belongs to the engineering troops, being a ‘self-propelled mine-clearing rocket launcher.’ The rocket pulls a thick explosive cord nearly a hundred metres long, weighing about 700 kg, which, when used for its intended purpose, causes mines in the ground to detonate, creating a passage in the minefield. The military also used it against enemy positions in Chechnya during the assaults on the Katyr-Yurt and Komsomolskoye (see Sections 2.1.4, 2.5 of this report). However, neither the specialists from these units, nor artillerymen or aviation

spotters who operated on the ground, took part in contact combat or in sweep operations.

In ground operations, ‘private military companies,’ primarily the Wagner Group, were used. However, their presence was minor compared to the units of the Syrian army (where Russian officers acted as instructors), Iranian units and pro-Iranian militias.

Finally, the ‘special operations forces’ operating behind enemy lines apparently acted in accordance with the authorized and established instructions, manuals, and traditions (it is enough to recall the story of the ‘Ulman group’ in the Chechen mountains in January 2002, see Section 2.6 of this report). But for obvious reasons, we do not have reliable evidence of this: special forces do not leave witnesses.

War in Ukraine

During the full-scale invasion of Ukraine, which began on 24 February 2022, Russian troops and Russian-controlled forces (hereinafter designated as Russian troops for simplicity) assaulted a number of cities, towns and villages. The largest was the assault on the city of Mariupol, but there were also several smaller operations, both successful (Volnovakha, Severodonetsk, Lysychansk) and unsuccessful (Kyiv and Kharkiv).

In all the above operations, Russian troops conducted indiscriminate shelling and bombing of residential areas in the offensive zone (examples are given in previous sections). The longest, heaviest, and bloodiest was the assault on the city of Mariupol in the Donetsk region of Ukraine. Other similar operations were carried out by the same methods, with the same disregard for the lives and safety of the civilian population. For example, the head of the military-civilian administration of Lysychansk reported that up to 60 percent of civilian infrastructure and residential buildings were destroyed in the city during the fighting.¹²⁴ But these cities that were stormed were smaller and were not so quickly and unexpectedly surrounded as happened with Mariupol. As a result, it was possible to evacuate most of the population, and the resulting losses were much smaller.

Mariupol is a strategically important industrial and port city in the south-east of Ukraine. As of the beginning of 2020, its population was estimated at 457,000 people.¹²⁵ Attempts to reach and capture Mariupol were made in the summer of 2014. With the start of a full-scale invasion of Russian troops into Ukraine, the city became one of the main targets of the operation. A frontal offensive from the territory of the self-proclaimed Donetsk People's Republic (hereinafter referred to as the 'DPR') was unsuccessful, but the city was quickly cut off

¹²⁴ UNIAN 02/06/2022, <https://www.unian.net/war/lisichansk-razrushen-na-60-rukovoditel-gorodskoy-vga-novosti-vmorzheniya-rossii-na-ukrainu-11851884.html>.

¹²⁵ 'The actual population of Ukraine as of 1 January 2020' – Kyiv, State Statistics Service of Ukraine, 2020, http://ukrstat.gov.ua/druk/publicat/kat_u/2020/zb/05/zb_chuselnist%202019.pdf.

from the rest of Ukraine by troops advancing from the territory of the occupied Crimea. On **2 March**, Russian troops encircled the city and launched an assault. Urban fighting continued with varying intensity until **16 May** when the Ukrainian military defending the Azovstal steel plant surrendered, and Russia declared full control of the city.

From the very beginning, the civilian population was unable to leave the city. Almost immediately, electricity and water supplies, heating, mobile communications and the Internet began to break down. In conditions of continuous assault, the residents had to survive in sub-zero temperatures. Many hid in cellars for weeks, lacking food, water, and medicine, and unable to leave the city safely.

Throughout the hostilities, Russian artillery and aviation dealt massive blows to the city. Satellite photographs and media reports showed widespread destruction of residential buildings and civilian infrastructure.¹²⁶ According to the UN, as a result of the fighting in the city, up to 90 percent of multi-apartment residential buildings and up to 60 percent of detached private houses were damaged or destroyed.¹²⁷ In April the gathering of evidence of the destruction of the city with the participation of city residents began, with the results recorded in the form of an interactive map on Google

¹²⁶ Space.Com, 10/03/2022, <https://www.space.com/mariupol-ukraine-damage-satellite-photos>, BBC, 02/03/2022, <https://www.bbc.com/news/world-europe-60585603>, 15/03/2022, <https://www.bbc.com/news/world-europe-60736845>.

¹²⁷ OHCHR UN, 16/06/2022, <https://www.ohchr.org/en/statements/2022/06/high-commissioner-updates-human-rights-council-mariupol-ukraine>.

Maps with photographs and videos from 1,100 locations.¹²⁸

The indiscriminate strikes against apparently civilian targets – the maternity ward of City Hospital No. 3 (see Chapter 2.1.1) and the Donetsk Regional Drama Theatre, where 1,000–1,200 civilians, including children, were hiding – were widely publicized. As a result, about 300 people died.¹²⁹ ‘Conventional’ strikes on residential buildings were so routine, that, as a rule, they did not become news.

The BBC cites the story of Olga Sagirova, a resident of Mariupol. In early March, regular artillery strikes began. In the residential area where Olga and her husband lived in their own two-storey house, it was relatively calm, but at night they went to sleep in the basement. After two weeks of daily shelling, on the evening of **10 March**, Olga’s parents came to them and said that a shell had hit their house and a fire had broken out. Olga tried to persuade her parents to spend the night with her in the basement, but they refused, and she had to put them in her own bedroom. At half past four in the morning, Olga was woken by the sound of an aeroplane, and almost immediately the walls collapsed on her: *‘The whole house fell right on me. My legs were under the rubble – so that I could not move.’* She saw her husband two metres away. He had been injured more seriously by falling rubble. She could only talk to him. Soon he died. In the morning,

¹²⁸ Radio Liberty, 07/08/2022, <https://www.svoboda.org/a/31974032.html>.

¹²⁹ ‘Deadly Mariupol theatre strike “a clear war crime” by Russian forces,’ Amnesty International, 30/06/2022, <https://www.amnesty.org/en/latest/news/2022/06/ukraine-deadly-mariupol-theatre-strike-a-clear-war-crime-by-russian-forces-new-investigation/>, Meduza, 25/03/2022, <https://meduza.io/news/2022/03/25/gorodskoy-sovet-mariupolya-soobschil-o-gibeli-pochti-300-chelovek-v-rezultate-bombardirovki-dramaticheskogo-teatra>.

Olga was pulled out from under the ruins by neighbours. Freeing her took six hours. She had multiple fractures of both legs, and for five months she could not move without assistance. Her parents, who had stayed in the house, were killed.¹³⁰

The exact number of civilians killed in Mariupol is not known. According to the Ukrainian authorities, at least 25,000 people died, of which 5,000–7,000 perished under the ruins of their own houses.¹³¹ The Associated Press, after analysing satellite imagery from early March to December, noted at least 10,300 new graves in and around Mariupol. Some graves are marked with more than one number, indicating that more than one person is buried there.¹³² Several months after the end of the fighting, as the rubble is cleared, satellite images keep revealing new places of burial.¹³³

The Russian authorities created obstacles for the evacuation of civilians from Mariupol, which they had encircled, to territory controlled by the Ukrainian authorities. The Ukrainian authorities state that, during the entire period of fighting, they tried repeatedly to negotiate a ceasefire and the organization of humanitarian corridors for the evacuation of the civilian population. In both March and April, these attempts failed because the Russian military refused to allow buses sent by the

¹³⁰ BBC, 07/11/2022, <https://www.bbc.com/russian/features-63542323>.

¹³¹ BBC, 07/11/2022, <https://www.bbc.com/russian/features-63542323>.

¹³² Associated Press, 22/12/2022, <https://apnews.com/article/russia-ukraine-war-erasing-mariupol-methodology-f74b28016b8dea4b82811655f14931f2>.

¹³³ Institute for the Study of War, 14/05/2022, <https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-may-14>, Krym. Realii, 24/05/2022, <https://ru.krymr.com/a/news-mariupol-zavalypogibshie/31865494.html>, BBC, 05/12/2022, <https://www.bbc.com/russian/news-63861073>.

Ukrainian authorities to evacuate civilians to Ukrainian-controlled territory.

In March, the UN Human Rights Monitoring Mission in Ukraine noted that two routes proposed by the Russian Ministry of Defence for the evacuation of civilians from Mariupol were open: the route to Rostov-on-Don through territory controlled by the ‘DPR’ (from **5 March**), and the route to Zaporozhzhia (declared open from **14 March**, this route became effectively operational only from **30 April**). Residents were leaving the city in private cars, by bus and on foot. Cases of organized evacuation to Ukrainian-controlled areas were rare exceptions. Russian troops provided buses only to those heading deep into Russian-controlled territory.¹³⁴

2.1.4 Use of indiscriminate weapons systems, unavoidably causing heavy civilian casualties

First and Second Chechen Wars

During the Chechen wars, the Russian Army repeatedly found itself in a situation in which Chechen forces took up positions in populated areas. When planning operations in cities and villages, it was necessary to provide measures to protect the civilian population, limiting the use of weapons, especially systems of great

¹³⁴ Human Rights Watch, 01/09/2022, <https://www.hrw.org/ru/report/2022/09/01/382706>.

power and indiscriminate action. Meanwhile, the experience of the Second World War, the subsequent institutional development of the army and the very recent practices of the war in Afghanistan, in which many active Russian officers had taken part, did not contribute to the exercise of self-restraint.

The first target was Grozny, a city of about 400,000 inhabitants, about the size of Mariupol, slightly larger than eastern Aleppo.

During both the first and second Chechen wars, indiscriminate use of force consisted not only in the method of combat, but also in the use of weapon systems and types of ammunition of deliberately indiscriminate impact, which inevitably led to heavy casualties among the civilian population whenever they were used in settlements that had not been abandoned by residents.

Russian Federation officials of various levels have repeatedly stated that, to prevent the death of civilians, troops used only modern high-precision weapons, and only on military targets. However, if such weapons were really used, they were clearly incapable of significantly increasing the level of accuracy and excluding indiscriminate fire and bombing.

Quite often the said officials contradicted themselves in public statements. For example, on 21 March 1995, commander of the Russian air force P. S. Deinekin said in an interview with the *Moskovsky Komsomolets* newspaper that until 29 December 1994 the use of weapons with laser or televisual guidance in the Grozny region was

impossible because of harsh weather conditions. Meanwhile, it has been established that there were numerous bombardments of the city before this date. The commander acknowledged the use of free-falling bombs and unguided aircraft missiles on a densely populated city in conditions when, in his own words, ‘the ground was not visible at all,’ and bombing raids were carried out from a height of 5,000–7,000 m.





Grozny, 1995

Photographs by Sergei Sirotkin and Yuli Rybakov

During the first and second Chechen wars the federal troops systematically launched strikes on settlements (for example, on Grozny in the winter of 1995, in August 1996, in December 1999, in January 2000; on Gudermes in December 1995; on Samashki and Sernovodsk in March 1996, on settlements in western Chechnya in February 2000 during the so-called Operation Wolf Hunt, in particular, the village of Katyr-Yurt, etc.) using Grad and Uragan multiple rocket launchers, weapons designed to impact large areas (a salvo covers 14.5 and 42.6 hectares, respectively), and therefore whose use is dubious from the point of view of humanitarian law when fighting in a populated area. Representatives from Memorial Human Rights Centre have on many occasions witnessed explosions of Grad rockets in the districts of Grozny and Argun not controlled by federal troops; and

strikes on Sernovodsk were witnessed with the same weapon.

The ruling of the ECtHR in the case of *Isaeva v. Russia* (No. 57950/00)¹³⁵ cites the testimonies of residents of Katyr-Yurt village hit by missiles from a Grad multiple rocket launcher; at that time not only local residents were present at the location, but also many persons seeking refuge from other settlements. Below are the quotes from an interview with Major General Barsukov, Deputy Commander of the North Caucasian District of the Troops of the Ministry of Internal Affairs, who oversaw the operation in Katyr-Yurt:¹³⁶

‘Some bandits broke through our positions [...] The remnants of their forces broke through to Katyr-Yurt. By that time, it was also blocked. We allowed them to enter Katyr-Yurt and started a special operation there with the forces of the 7th and 12th special forces detachments. Again, we faced fierce resistance. The 7th detachment suffered significant losses. We were forced to withdraw it... We again used fire support – Grad, Uragan, Buratino.’¹³⁷

Within the boundaries of settlements (Grozny, Shali, Gudermes, etc.), cluster munitions containing

¹³⁵ <https://hudoc.echr.coe.int/eng?i=001-68381>

¹³⁶ Karpov B.V- *Vnutrenniye voiska: Kavkazsky Krest-2. (Internal Troops: Cross of Caucasus-2)* – M.: Delovoy express, 2000. – p. 112–113.

¹³⁷ The TOS-1 Buratino heavy flamethrower system is a multiple launch rocket system that fires thermobaric (‘vacuum,’ ‘fuel-air explosion’) ammunition, impacting manpower and equipment over a large area (a salvo covers 40 hectares) with high temperatures and a blast wave. The high pressure and low frequency component make the blast wave especially deadly both at some distance from the detonation and in field or long-term fortifications. Systems of this type provide only indiscriminate fire, which, when used in populated areas leads to indiscriminate deaths and injuries among the civilian population.

submunitions filled with balls or needles (arrows) were used. The command of the federal forces denied the use of such weapons or blamed the Chechen formations.

Representatives of human rights organizations found the killing components of such submunitions – the unexploded submunitions themselves, and their means of delivery – on territories controlled by Chechen fighters. Hospitals located in these territories received people wounded by such weapons. Memorial Human Rights Centre has collected samples of needle-shaped and ball bomb fragments, which the federal forces used on the settlements of Chechnya.

There is reason to believe that in 1996 the federal forces used volume explosion bombs (also called vacuum or fuel-air bombs, see the footnote above on Buratino) in the settlements of Chechnya. This is proved by the nature of the destruction of some buildings in the village of Samashki in March 1996, discovered by representatives of Memorial Human Rights Centre A. N. Mironov, O. P. Orlov and A. V. Cherkasov caused by a powerful blast wave in the absence of fragments. The remains of a bomb of this type, ODAB-250, were found in the village. The testimony of the head of the surgical department of Znamenskoye village hospital Lema Rasuev given to Memorial representative A. Mironov, corresponds to the use of such ammunition. The doctor explained that the nature of the injuries suffered by people admitted to the hospital from several mountain villages (in particular, from Shatoisky and Vedensky districts) – rupture of the pleura and other organs in the absence of shrapnel

wounds – indicates the use of this type of weapon. Similar testimony was given to Mironov by Umar Khambiev, head of the military hospital of the Chechen Republic of Ichkeria.

* * *

In concluding this section, we note the episodes of actual counter-terrorist operations in the narrow sense of the word – in Budennovsk (June 1995), Pervomaiskoye (January 1996) and Beslan (September 2004) – where, as a result of the indiscriminate actions of federal forces and special services, operations to release hostages actually turned into operations to eliminate terrorists at the cost of the lives of the hostages. For example, on **17 June 1995** in Budennovsk (Stavropolsky region), during the storming of a hospital, three terrorists and ten times as many hostages – about 30 – were killed by indiscriminate fire from the attackers.¹³⁸ Firing on the hospital buildings, including the maternity ward, was conducted not only by snipers, but also by machine guns and the guns of armoured personnel carriers and infantry fighting vehicles.

On **10 January 1996**, when a convoy of buses with terrorists and a ‘human shield’ of hostages en route from Kizlyar (Republic of Dagestan) crossed the administrative border between Dagestan and Chechnya, helicopters struck the front of the convoy with unguided missiles. The special forces unit that landed nearby had an order to kill

¹³⁸ Numerous testimonies by hostages; information gathered by S.A. Kovalev’s group when they visited the hospital the day after the assault; V. V. Kurochkin, *Missiya v Chechne* (Mission in Chechnya). Moscow: Pomatur, 1997.

any terrorists who survived the strike.¹³⁹ However, the very first missile hit the police car accompanying the convoy (by a lucky chance, the policemen survived), and others missed their target. After that, the convoy returned to the territory of Dagestan, where the terrorists entrenched themselves in Pervomaiskoye. On **15–18 January 1996**, during the ‘hostage release operation,’ i.e., the assault on the village of Pervomaiskoye by federal troops, Grad launchers were used,¹⁴⁰ which, as noted above, are not designed for targeted fire. On **3 September 2004**, in the city of Beslan (North Ossetia), during the storming of School No. 1, in which Chechen terrorists held about 1,100 hostages (mostly children, their parents and school employees), servicemen of the FSB Special Forces Centre fired at the building using rocket-assisted flamethrowers, machine guns, grenade launchers and tank guns. The use of RPO-A Shmel flamethrowers with thermobaric munitions that create high pressure and a cloud of fire in an entire space, is fundamentally incompatible with hostage rescue operations. As a result, 314 hostages died, including 186 children. On **13 April 2017**, the ECtHR issued a joint judgment *Tagayeva and Others v. Russia*¹⁴¹ on seven applications on behalf of 409 applicants over the actions of the Russian security forces during the hostage release operation at the school in Beslan. Some of the applicants were represented by lawyers from Memorial Human Rights Centre and the

¹³⁹ Testimony of *Izvestia* correspondent V. Yakov, who spoke with special forces officers and helicopter pilots. The same order was also in effect in June 1995, when a convoy of buses with terrorists and hostages was leaving Budennovsk, but was not actioned at that time.

¹⁴⁰ See *Rossiia-Chechnya: tsep' oshibok i prestuplenii. 1994–1996* (Russia-Chechnya: a chain of mistakes and crimes). M.: Memorial Society, 2010. Second edition.

https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rossia-chechnia_2edition.pdf

¹⁴¹ <https://hudoc.echr.coe.int/eng?i=001-172660>.

European Human Rights Advocacy Centre (EHRAC, London). The court found that the actions of the security forces violated the right to life of the applicants and their relatives (Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms). In particular, the ECtHR determined that the widespread use of heavy weapons during the operation by servicemen of the Russian law enforcement agencies was a violation which posed a risk to the lives of the hostages.

Russian military operation in Syria

During the armed conflict in Syria, the Russian armed forces used indiscriminate weapons systems, primarily cluster and incendiary munitions.

The international human rights organization Human Rights Watch cites dozens of documented cases of the use of cluster and incendiary munitions by Russian and Syrian government forces during joint operations.

By 2015–2016 there had been recorded cases of cluster munitions hitting areas where hostilities were fought with no, or almost no, civilian population left, as well as cities, towns, or villages, in particular in the provinces of Damascus, Idlib and Aleppo. On at least two occasions, displaced persons camps in the province of Idlib were attacked by cluster munitions: in Younsyeh where seven civilians were killed and 43 were injured,

and in the village An-Nakir, where at least three people were killed and many were injured.¹⁴²

It is not always possible to establish who exactly used these weapons in each specific case – the Russians or the Syrians. However, according to Amnesty International, after the official beginning of the Russian military operation in Syria on **30 September 2015**, the number of reports of the use of cluster munitions increased rapidly, precisely in those areas where Russian troops were operating.¹⁴³ HRW has documented flights of Russian aircraft in areas affected by cluster munitions around the time of the respective strikes.¹⁴⁴

On 11 July 2016, at least three aircraft carried out airstrikes using cluster and conventional munitions on fuel trucks on the outskirts of Termanin village in Idlib province. At least 10 people were killed, including a child, and more than 30 were injured, all of them, according to local residents, were civilians.

Fuel supply, if used for military purposes, may be a legitimate military target. However, according to residents, the location outside Termanin village was considered a fuel market and was actively visited by the local population. As a result of the presence of civilians in the affected area, the initial use of indiscriminate cluster munitions and the continuation of strikes even after the

¹⁴² Human Rights Watch, 20/12/2015, <https://www.hrw.org/ru/news/2015/12/20/284722>, 28/07/2016, <https://www.hrw.org/ru/news/2016/07/28/292387>, Amnesty International, “‘Civilian objects were not damaged’: Russia’s statements on its attacks in Syria unmasked,” 23/12/2015, <https://www.amnesty.org/en/documents/mde24/3113/2015/en/>.

¹⁴³ Amnesty International, “‘Civilian objects were not damaged’: Russia’s statements on its attacks in Syria unmasked,” 23/12/2015, <https://www.amnesty.org/en/documents/mde24/3113/2015/en/>.

¹⁴⁴ Human Rights Watch, 08/02/2016, <https://www.hrw.org/news/2016/02/08/russia/syria-daily-cluster-munition-attacks>.

arrival of emergency workers, the situation should be qualified as an unlawful attack, HRW experts said. According to witnesses, at least three aeroplanes carried out strikes on the outskirts of Termanin: two SU-34 fighter-bombers (only in service with the Russian air force) and one SU-24 tactical bomber. It was not possible to establish the affiliation of the SU-24 and the type of aircraft from which cluster munitions were dropped.¹⁴⁵

The use of incendiary ammunition by Russian troops and the Syrian government army has also been repeatedly recorded. The combustible mixture used in incendiary weapons causes extremely severe burns that are difficult to treat, and also causes fires that are difficult to extinguish. They destroy civilian objects and infrastructure.¹⁴⁶

Russia denied using cluster munitions in Syria. According to Russian Defence Ministry spokesman **Igor Konashenkov**, there were no such munitions at the Khmeimim base.¹⁴⁷

However, on 18 June 2016, a Russia Today TV report on the visit of the Russian Defence Minister to the Khmeimim base showed a Russian military pilot inspecting a Su-34 fighter-bomber with suspended cluster bombs with an RBK-500 ZAB-2.5SM incendiary warhead. When public attention was drawn to this sequence, the TV channel cut it out, but this attracted even more media attention. Then Russia Today returned

¹⁴⁵ Human Rights Watch, 28/07/2016, <https://www.hrw.org/ru/news/2016/07/28/292387>.

¹⁴⁶ Human Rights Watch, 16/08/2016, <https://www.hrw.org/ru/news/2016/08/16/293025>.

¹⁴⁷ Russia Today, 23/12/2015, <https://russian.rt.com/article/138439>.

the clip, explaining that it had been cut for security reasons: the video showed a close-up of the pilot.¹⁴⁸ Researchers from the Bellingcat project noted that before the start of the Russian military operation, there was no evidence of the use of the RBK-500 ZAB-2.5SM in Syria, although Syrian aviation has been widely using incendiary weapons since 2012.¹⁴⁹

After 2016, the number of reports of the use of cluster munitions by the Russian-Syrian coalition decreased, but the practice continued. HRW documented the use of cluster munitions in an attack by Syrian-Russian forces on Sarmin in Idlib province in January 2020.

War in Ukraine

The use of cluster munitions by the Russian Army during the invasion of Ukraine has truly been on a massive scale. According to HRW, since the beginning of the war, the Russian side has used cluster munitions hundreds of times: from February to July 2022, at least 689 civilians were killed as a result of cluster munition attacks.¹⁵⁰ According to the Cluster Munition Coalition organization, the use of cluster munitions was recorded in the Dnipropetrovsk, Donetsk, Zaporozhzhia, Luhansk,

¹⁴⁸ BBC, 20/06/2016, https://www.bbc.com/russian/features/2016/06/160620_syria_russia_cluster_munitions_marcus, Bellingcat, 10/08/2016, <https://ru.bellingcat.com/novosti/mena/2016/08/10/incendiary-bombs-ru/>.

¹⁴⁹ Bellingcat, 10/08/2016, <https://ru.bellingcat.com/novosti/mena/2016/08/10/incendiary-bombs-ru/>.

¹⁵⁰ Human Rights Watch, 25/08/2022, <https://www.hrw.org/ru/news/2022/08/25/growing-civilian-toll-russian-cluster-munition-attacks>.

Mykolaiv, Odesa, Sumy, Kharkiv, Kherson and Chernihiv regions.¹⁵¹

On 24 February, the first day of the full-scale Russian invasion, a Russian tactical missile with a cluster warhead exploded in the immediate vicinity of the Central City Hospital in the city of Vuhledar, Donetsk region. As a result, four civilians were killed and ten were injured. Based on a photograph of a missile fragment, HRW identified the nose cone and altimeter antenna of the 9N123K cluster warhead of the Tochka-U series tactical missile that has 50 fragmentation submunitions (see Section 2.1.1).¹⁵²

The international human rights organizations Human Rights Watch and Amnesty International have documented many instances of the use of cluster weapons in many settlements of Ukraine. Kharkiv, the second most populous city in Ukraine, was intensively bombed with these types of ammunition. Russian troops repeatedly used cluster munitions in densely populated urban areas. As a result, a large number of civilians were killed or injured, and many medical institutions and residential buildings were damaged.¹⁵³ Below is one example.

¹⁵¹ Cluster Munition Coalition, 01/07/2022, http://www.the-monitor.org/media/3348257/Cluster-Munition-Monitor-2022-Web_HR.pdf, see also Human Rights Watch, https://www.hrw.org/sites/default/files/news_attachments/ukraine_clusters_briefing_note_final.pdf, 04/04/2022, <https://www.hrw.org/ru/news/2022/04/04/ukraine-ensure-safe-passage-aid-mariupol-civilians>, Bellingcat, 14/03/2022, <https://ru.bellingcat.com/novosti/ukraine/2022/03/14/these-are-the-cluster-munitions-documented-by-ukrainian-civilians-ru/>.

¹⁵² Human Rights Watch, 01/03/2022, <https://www.hrw.org/ru/news/2022/03/01/381265>.

¹⁵³ Human Rights Watch, 17/08/2022, <https://www.hrw.org/ru/news/2022/08/17/ukraine-unlawful-russian-attacks-kharkiv>.

On the afternoon of **15 April**, Russian troops fired cluster munitions at the Mir Street area in the Industrialny district of Kharkiv. At least nine civilians were killed and more than 35 injured, including several children. Doctors from Kharkiv City Clinical Hospital No. 25 showed Amnesty International metal fragments recovered from the bodies of patients, including distinctive pieces of steel rods contained in 9N210 / 9N235 cluster sub-warheads, used in the Uragan and Smerch multiple-launch rocket systems.

Tatyana Agayeva, a 53-year-old nurse, was at the entrance to her house when several cluster bombs hit the neighbourhood. She said: *‘Suddenly, noise was heard from everywhere, like from firecrackers, a lot, everywhere. I saw clouds of black smoke at the sites of the explosions. We fell to the ground and tried to find cover. The son of our neighbour, a 16-year-old boy named Artyom Savchenko, was killed on the spot... His father had a crushed thigh and a shrapnel wound to his leg. It’s hard to tell how long the explosions went on, a minute seemed to last an eternity.’*

Several sub-warheads exploded on a nearby playground where **Ivan and Oksana Litvinenko** were walking with their four-year-old daughter. As a result of the strike, Oksana was seriously wounded. Ivan told Amnesty International at the end of April: *‘Suddenly I saw a flash... I grabbed my daughter, pushed her against a tree and hugged this tree so that she was protected, between the tree and my body. There was a lot of smoke, and I didn’t see anything... Then the smoke cleared*

around me and I saw people on the ground... my wife Oksana was lying on the ground. When my daughter saw her mother on the ground in a pool of blood, she told me: "Let's go home, my mother died, and these people died." She was shocked and so was I. I still don't know if my wife will get better. Doctors cannot say if she will be able to talk and walk again. Our world has been turned upside down.' Oksana spent more than a month in intensive care and died on 11 June.

Amnesty International researchers found stabilizers, metal balls and other characteristic fragments of 9N210/9N235 cluster submunitions in the playground. They also found several small craters in the concrete pavement, consistent with the damage characteristic of the explosion of such munitions.¹⁵⁴

2.2. Deliberate attacks on civilian objects and the civilian population

2.2.1. Artillery, aerial and rocket strikes on civilian targets.

First Chechen War

Throughout the first and second Chechen Wars, the civilian population suffered not only from indiscriminate

¹⁵⁴ Amnesty International, 13/06/2022, <https://eurasia.amnesty.org/2022/06/13/amnesty-international-provela-rassledovanie-gibeli-soten-lyudej-iz-za-postoyannyh-rossijskih-obstrelov-v-harkove/>.

fire, but also from deliberate attacks on civilian objects and residential areas that were known not to contain military installations.

During the First Chechen War, one of the first airstrikes on a peaceful village was carried out on territory where no military operations had taken place. On **3 January 1995**, federal aviation launched a missile and bomb attack on the mountain village of Arshty on the territory of the Republic of Ingushetia,¹⁵⁵ near the border with Chechnya. At the time of the raid, more than 2,000 refugees from Chechnya had gathered in the village. Fifty-five-year-old P. S. Firzauli and a mother and daughter from the Sultanov family were killed; seven people were seriously injured. On **6 January**, Memorial representative A. V. Sokolov and Deputy of the State Duma of the Russian Federation K. D. Arakchaa questioned residents and examined the destruction inflicted. It could be assumed that the bombing was punishment for the fact that a group of volunteers from other republics of the North Caucasus, who were going to fight in Chechnya on the side of the separatists, had stopped in the village the day before.

The air attack on Arshty was repeated on **18 April 1995** when two aircraft launched a missile and bomb attack on the outskirts of the village. On the same day, employees of the Prosecutor's Office of the Republic of

¹⁵⁵ The authorities and the population of the Republic of Ingushetia did not support the separatist aspirations that prevailed in the Chechen Republic in 1991, declaring they would remain part of the Russian Federation. Since then, the republican executive system, including enforcement agencies, has been built and operated within the framework of the Constitution of the Russian Federation in accordance with the legislation of the Russian Federation.

Ingushetia, Deputy of the State Duma of the Russian Federation V. V. Borshchev and members of the Observatory Mission of Human Rights Organizations A. Yu. Blinushov and V. V. Loyinsky recorded the testimony of local residents. During the raid, cluster bombs with ball submunitions were used. There were no military installations in the village or in the immediate vicinity.

* * *

On **3 January 1995**, bombs were dropped on the city of Shali (Chechen Republic). According to information from the city hospital, of the local residents alone 55 people were killed and 186 were injured. Deputy of the State Duma of the Russian Federation **A. E. Shabad** arrived in Shali two hours after the end of the bombardment:

‘I saw three bomb sites. One was the car market, where there was a large crowd, mostly male. This is a suburban market. It was located separately from the city, at the entrance to it, so that the crowd of people was clearly visible. Another place is the food market, inside the city of Shali itself, the usual bazaar, like everywhere. The bomb was dropped in the centre of this market, there was a fresh crater. About 50 people were killed immediately. And the third place is the regional hospital. According to the testimony of the chief physician, 25 people were killed there from among those undergoing treatment and the staff. [...]

This bombing was aimed simply at killing people. In this case, ball bombs were used. They explode in the air, and the shrapnel flies down. I say this because I saw how people who were in ditches, in holes, were still struck by this fire. The cars that were in the auto parts market were peppered with these fragments [ball shrapnel] looked like a sieve. The planes made several bombing runs – they bombed several times. I saw dead people even at 100 metres from the epicentre. Everything around was covered in blood.’¹⁵⁶

The testimony of A. E. Shabad is confirmed by that of eyewitnesses among the residents of Shali and journalists.¹⁵⁷ The planes made several bombing runs, and the attack continued for a period of between one and a half and two hours. The second strike on the car market was inflicted after people had run to the site of the first explosions to help the victims. Numerous witnesses, including hospital doctors, testified that cluster ball bombs were used.

On 4 January 1995, the information service of the Joint Task Force in Chechnya stated that the strike had been launched on an armoured personnel carrier three kilometres from Shali. Subsequently, leaflets scattered over the settlements stated something different, namely that the alleged cause of the bombing was an anti-aircraft gun located in the courtyard of the hospital, and the text

¹⁵⁶ *War in Chechnya: International Tribunal: Witness Interview Materials: First Session*. M.: Glasnost Foundation, 1996.

¹⁵⁷ D. Mik (*The Guardian*), D. Filippov (*Boston Globe*), N. Zagnoyko (ITAR-TASS), M. Yu. Perevozkina (*Russian Thought*).

proposed that the militants be expelled from the villages under fear of a repetition of such bombing.

The death of people in these cases cannot be attributed to non-targeted bombing. Civilian objects were the target. The prevailing opinion of the Shali residents was that the attacks were demonstrative, aiming to intimidate the population of districts loyal to the president of the self-proclaimed Chechen Republic of Ichkeria, D. Dudayev.

* * *

In the spring and summer of 1996, during the ‘peace protocols’ campaign in the villages,¹⁵⁸ some settlements (Shali, Urus-Martan, Valerik, etc.) were hit from the air, causing deaths and injuries among civilians. After that, the villages participated more actively in the signing of ‘peace protocols.’¹⁵⁹

* * *

According to local residents, federal troops repeatedly fired upon many villages in response to fire from Chechen detachments located outside the villages. *Nezavisimaya Gazeta* published the story of a sergeant

¹⁵⁸ The campaign for the signing of ‘peace protocols’ or ‘agreements,’ completely meaningless at first glance, was part of the legitimization of Doku Zavgayev’s government. These ‘agreements’ were signed with settlements, the heads of administrations taking on an obligation to maintain the ceasefire, something which they definitely were not able to do. In fact, they, together with the village residents became hostages of the actions of militants, for whom, obviously, they could not be held responsible. At the same time, the federal authorities refused to negotiate with the other side of the conflict. In fact, at the local level, with reference to local customs, a practice of creating false entities and treating them as actors with agency, while simultaneously depriving the real actors of agency, was applied. Of course, in the end, no ‘peace agreements’ helped the Russian authorities to establish control over Chechnya.

¹⁵⁹ See *Rossiia-Chechnya: tsep’ oshibok i prestuplenii. 1994–1996* (Russia-Chechnya: a chain of mistakes and crimes). M.: Memorial Society, 2010. Second edition.

https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rossia-chechnia_2edition.pdf.

and squad leader, Pavel,¹⁶⁰ who confirmed the use of such tactics in Chechnya:

‘As soon as the mortar shelling begins, we turn all the guns we have, including anti-aircraft, towards a village, the closest one, and we give it a go. Immediately it stops incoming fire from behind the mountains.’

Russian military operation in Syria

Throughout the entire Syrian operation of the Russian armed forces, international observers have repeatedly recorded strikes on obviously civilian targets – hospitals, markets, schools and mosques, etc.

Many of the locations attacked by Russian aircraft were on a list created under the UN’s approved ‘conflict resolution mechanism’ (hereinafter referred to as the ‘UN list’). The coordinates of the locations on this list had been shared with the authorities of Russia, Turkey and the US-led coalition in Syria to rule out accidental or supposedly accidental attacks. In **May 2019**, UN officials said that the Russian and Syrian governments deliberately bombed eight hospitals in Idlib whose coordinates were on the list.¹⁶¹

Between December 2015 and February 2016, Russian air force and Syrian government forces

¹⁶⁰ Yu. Kazakov, ‘Voina zakonchilas’, no mir ne nastupil.’ (War is over, but peace hasn’t come) // *Nezavisimaya gazeta* 25/06/1997.

¹⁶¹ *The Daily Telegraph*, 30/05/2019, <https://www.telegraph.co.uk/news/2019/05/30/syria-russia-bomb-hospitals-idlib-given-coordinates-hope-preventing/>.

deliberately targeted hospitals, medical centres and clinics in the north of Aleppo province at least six times, killing at least three civilians.¹⁶²

On 5 and 6 May 2019, Russian aircraft launched a series of strikes in north-western Syria on areas controlled by anti-government forces. Among others, Nabad al-Hayat, Kafr Nabl, Kafr Zita and Al-Amar hospitals in the Idlib province were attacked.

The Russian side was almost immediately blamed for airstrikes on hospitals.

In **July**, in connection with these incidents, a closed meeting was held at the UN Security Council on the initiative of Germany, Belgium, and Kuwait at which the Permanent Representative of the Russian Federation to the UN, Vasily Nebenzya, voiced the official position of Russia: *‘Our Ministry of Defence investigation showed that in nine of the 11 reported cases, there were no strikes.’* The remaining two buildings, according to Nebenzya, were partially damaged, *‘but they were not damaged by the Russian air force.’*¹⁶³

In **October 2019**, *The New York Times* published the results of a journalistic investigation showing that strikes on hospitals happened and were launched from Russian aircraft. The investigation was based on data from various sources: eyewitness accounts and video recordings from the impact sites, messages on social networks, records of ‘spotters,’ services that register plane

¹⁶² RBK, 03/03/2016, <http://www.rbc.ru/politics/03/03/2016/56d852839a7947e27568841f>.

¹⁶³ RIA Novosti 18/07/2019, <https://ria.ru/20190718/1556673121.html>.

flights over Syria, and transcripts of conversations between Russian military pilots and ground services.

On **5 May, at 2:32 p.m.** local time, the Russian air control officer transmitted to the pilot the coordinates that correspond to the location of the hospital in Nabad al-Khayyat. At 14:38, the pilot replied that he saw the target and had entered the appropriate correction code into the computer. The air control gives permission to open fire (signal ‘Three sevens’). At 14:40 spotters report the appearance of Russian aircraft in the sky. At the same time, a strike occurs, and the pilot reports that the target has been ‘worked over,’ the publication says.

All four hospitals were on the UN list but target coordinates could have been taken straight from it.¹⁶⁴

The Russian Ministry of Defence categorically denied there had been any airstrikes on hospitals: ‘*All the alleged evidence presented is not even worth the paper on which it was printed,*’ said Russian Defence Ministry spokesman **Igor Konashenkov**.¹⁶⁵

According to an Amnesty International (AI) report, between **30 April 2019 and 29 February 2020**, Russian and Syrian troops attacked 53 medical facilities and 95 schools. Most of the strikes were from the air. Some attacks by the Syrian army took place on the ground. Many of the targeted objects were included on the UN

¹⁶⁴ The New York Times, 13/10/2022, <https://www.nytimes.com/2019/10/13/world/middleeast/russia-bombing-syrian-hospitals.html>; Meduza, 13/10/2019, <https://meduza.io/feature/2019/10/13/chetyre-gospitalya-za-12-chasov>.

¹⁶⁵ Interfax, 14/10/2019, <https://www.interfax.ru/world/680267>.

list. In **January and February 2020**, according to the Syrian Child Protection Network, Russian and Syrian forces attacked 28 schools, many of which had been continuing educational activities. In one day on **25 February**, 10 schools were destroyed at once.

In total, human rights activists documented in detail 18 of these attacks, which occurred in three provinces – in Idlib, in the western part of Aleppo, and in part of Hama province. The data obtained confirms that some of the actions by the Russia military and Bashar al-Assad's army were war crimes.¹⁶⁶

On 29 January 2020, between 10:30 p.m. and 11:00 p.m., three airstrikes were carried out in the city of Ariha in Idlib province, allegedly targeting the Al-Shami hospital, but also damaging nearby residential buildings. The Al-Shami hospital was on the UN list.

According to Amnesty International, which analysed data from ground-based observations within Ariha airspace, at the indicated time only Russian aircraft were in the air in this area.

Two doctors and an administrative staff member who were present at the hospital at the time of the attack, and another doctor who visited the hospital the next day, testified that military aircraft hit the building several times, causing extensive damage and destroying at least two adjacent residential buildings. One doctor in the

¹⁶⁶ Meduza, 11/05/2020, <https://meduza.io/feature/2020/05/11/rossiyskie-voyska-namerenno-bombili-shkoly-i-bolnitsy-v-sirii-glavnoe-iz-novogo-doklada-amnesty-international>.

hospital and at least 10 civilians living in nearby houses were killed and at least 35 civilians were injured.

Al-Shami hospital was closed after the attack as a result of damage to equipment and the advance of government troops on Ariha.¹⁶⁷

In **October 2020**, HRW published a report summarizing the 11 months of offensive operations by the Syrian-Russian forces aimed at returning Idlib to the control of Bashar al-Assad. Forty-six attacks in violation of the laws and customs of war, resulting in direct or indirect damage to civilian objects and infrastructure, were documented. At least 224 civilians were killed and 561 injured. HRW claims the Syrian-Russian attacks on hospitals, schools, and markets in Idlib appear to have been part of a deliberate military strategy to destroy civilian infrastructure and force residents to leave in order to make it easier for the government to reclaim the area. As a result of the offensive, 1.4 million people were forced to flee from their homes.¹⁶⁸

War in Ukraine

¹⁶⁷ Amnesty International, 11/05/2020, <https://eurasia.amnesty.org/2020/05/11/doklad-rossiya-i-pravitelstvo-bashara-asada-sovershili-voennye-prestupleniya-na-severo-zapade-sirii-oon-ne-dolzha-pozvolit-svernut-tam-gumanitarnuyu-pomoshh/>.

¹⁶⁸ Human Rights Watch, 15/10/2020, <https://www.hrw.org/ru/news/2020/10/15/376471>, text of the report: <https://www.hrw.org/ru/report/2020/10/15/376415>.

The most massive, systematic, and targeted missile strikes on Ukraine's energy infrastructure facilities took place at the end of 2022.

Energy infrastructure facilities have a dual purpose, ensuring the operation of both civilian and military objects, as well as transportation, primarily railways, which plays an important role in supplying the army. But attacks against Ukraine's energy facilities – and the disruptions to water and heat supplies they cause – hit civilians first without affecting strategically important military installations, which in most cases have independent power supplies. This is especially noticeable when one considers that massive strikes, which disable the Ukrainian energy sector, began in the autumn, and increased in the early winter.

The motives for these strikes, voiced by Russian officials, are clearly retaliation for military failures and an attempt to force the Ukrainian authorities to comply with Russian conditions by terrorizing the civilian population.

Systematic attacks on the energy infrastructure of Ukraine began after the successful offensive of Ukrainian troops in the Kharkiv region in **early September 2022**.

On **11 September**, Zmievskaya thermal power plant [TPP] in the Kharkiv region, Kharkivskaya TPP-5 and several substations were targeted. Many households in Kharkiv, Poltava, Dnipropetrovsk, Sumy and Donetsk

regions were left without electricity.¹⁶⁹ A dam in Kryvyi Rih was shelled, which led to the flooding of residential areas.

On **16 September, Vladimir Putin**, talking about attempts to damage Russian civilian infrastructure, said: *‘Most recently, the Russian armed forces inflicted a couple of sensitive blows there. Well, let’s assume that these are warning strikes. If the situation continues to develop in this way, then the answer will be more serious.’* Which of the attacks were meant by ‘a couple of blows,’ Putin did not specify.¹⁷⁰

On **10 October**, Russia launched a massive attack against Ukrainian territory with rockets and loitering ammunition. Strikes hit not only energy facilities, but also residential buildings, roads, bridges, including pedestrian walkways, and objects of cultural significance. Twenty-three people were killed and at least 100 were injured. Energy facilities were also important targets. As a result, the Lviv, Poltava, Sumy, Kharkiv, and Ternopil regions and the cities of Lviv, Khmelnytsky, Zhytomyr, and Kharkiv were left without electricity and heating, and 30 percent of the electric power production system in Ukraine was damaged.¹⁷¹

Officially, these strikes were declared revenge for the blowing-up of the Crimean bridge on 8 October.

¹⁶⁹ Deutsche Welle, 16/09/2022, <https://p.dw.com/p/4GvYp>.

¹⁷⁰ BBC, 16/09/2022, <https://www.bbc.com/russian/news-62933833>.

¹⁷¹ Meduza, 12/10/2022, <https://meduza.io/news/2022/10/12/rossiyskimi-raketnymi-udarami-povrezhdena-tret-ob-ektov-energetiki-ukrainy>.

‘This morning, at the suggestion of the Ministry of Defence and according to the plan of the Russian General Staff, a massive strike was carried out with high-precision long-range air, sea and land-based weapons on energy, military command and communications objects of Ukraine,’ Putin said at a meeting with permanent members of the Russian Security Council. *‘If attempts to carry out terrorist attacks on our territory continue, Russia’s responses will be tough and will match by their scale the level of threats posed to the Russian Federation.’*¹⁷²

However, an investigation jointly conducted by *The Insider*, Bellingcat and *Der Spiegel* shows that planning for the strike took approximately a week and began days before the Crimean bridge was blown up.¹⁷³ Therefore, the purposeful implementation of a previously developed and adopted strategy can be established.

After **10 October** strikes followed almost every day, although with less intensity.

On **20 October** the Minister for Energy of Ukraine, Herman Galushchenko, said that as a result of Russian attacks, 30 to 40 percent of the country’s energy infrastructure had been damaged.¹⁷⁴

On **15 November** a new blow to the energy sector followed. On 18 November the Prime Minister of Ukraine, Denys Shmyhal, announced that almost 50

¹⁷² BBC, 10/10/2022, <https://www.bbc.com/russian/news-63198743>.

¹⁷³ *The Insider*, 24/10/2022. *The Insider* has been declared an undesirable organization in Russia.

¹⁷⁴ Voice of America, 22/10/2022, <https://www.golosameriki.com/a/russian-missile-attack-on-ukraine/6800881.html>.

percent of the entire energy infrastructure of the country was incapacitated.

On **23 November**, after another massive rocket attack, an emergency shutdown of all power units of the South Ukrainian nuclear power plants [NPPs] occurred, and emergency protection was operating at the Rivne and Khmelnytsky NPPs. Most people throughout Ukraine were left without electricity. All nuclear power stations and most thermal and hydroelectric power stations were temporarily disconnected from the grid. Kyiv and Kyiv region, Kharkiv and Kharkiv region, Odesa, Lviv, Mykolaiv, Zaporozhzhia, Chernihiv and Dnipro regions, and most districts of the Khmelnytsky region, as well as some regions of the Republic of Moldova were completely without energy supply. For the first time in its history, Ukraine experienced a complete shutdown of its energy system.¹⁷⁵

Press Secretary of the President of the Russian Federation **Dmitry Peskov** claimed that there were no strikes on civil facilities, and that all targets directly or indirectly related to the military potential of Ukraine were subject to destruction. As for the question of how Russian attacks are affecting the lives of ordinary Ukrainians, Peskov replied: *‘The authorities of Ukraine have every opportunity to bring the situation back to normal, have every opportunity to resolve the situation in such a way as to fulfil the requirements of the Russian side and,*

¹⁷⁵ BBC, 23/11/2022, <https://www.bbc.com/russian/news-63732021>, 24/11/2022, <https://www.bbc.com/russian/news-63749583>.

*accordingly, stop all possible suffering of the local population.*¹⁷⁶

Amnesty International said Russia's strategy was to strike at Ukraine's critical civilian infrastructure to undermine industrial production, disrupt transport, sow fear and despair by depriving Ukrainian civilians of heat, electricity, and water as the winter cold approaches: *'Russia's targeting of Ukrainian civilian infrastructure is unlawful. The morale of the civilian population is not a lawful target, and carrying out these attacks with the sole purpose of terrorizing civilians is a war crime.'*¹⁷⁷

2.2.2 Deliberate attacks on civilians.

First Chechen War

Numerous deliberate attacks on civilians were committed in Samashki village on 7–8 April 1995.¹⁷⁸

The village was seized by a combined force of troops of the Ministry of Internal Affairs [MVD]¹⁷⁹ with attached

¹⁷⁶ Interfax, 24/11/2022, <https://www.interfax-russia.ru/specoperaciya-na-ukraine/peskov-rf-ne-nanosit-udarov-po-socialnym-obektam-na-ukraine>.

¹⁷⁷ Amnesty International, 20/10/2022, <https://eurasia.amnesty.org/2022/10/20/ataki-rossii-na-ukrainskuyu-energeticheskuyu-infrastrukturu-priravnivayutsya-k-voennym-prestupleniyam-amnesty-international/>.

¹⁷⁸ *Vsemy imeyushimis'a sredstvami... Operatziya MVD RF v sele Samashki 7–8 April'a 1995.* ('By all means available ... operation of the Russian Ministry of Internal Affairs at Samashki 7–8 of April 1995'). Independent investigation report by the Observation Mission of Human Rights Public Organizations in the Zone of Armed Conflict in Chechnya. M.: Memorial Society, 1995. <https://memohrc.org/ru/reports/vsemi-imeyushchimisya-sredstvami-operaciya-mvd-rf-v-sele-samashki-7-8-aprelya-1995-goda>
<http://old.memo.ru/hr/hotpoints/chechen/samashki/engl/>.

¹⁷⁹ Military unit 3641 – 22nd Sofrino operational brigade.

servicemen of the Moscow and Moscow Region OMON¹⁸⁰ and the Orenburg SOBR.¹⁸¹

An ultimatum was delivered demanding that 264 assault rifles, two machine guns and one infantry fighting vehicle¹⁸² be handed over, and the MVD troops be allowed into the village. The ultimatum was delivered by Lieutenant General of the Ministry of Internal Affairs A. A. Romanov, who at that time was acting under the name A. A. Antonov.

A unit of the armed forces of the Chechen Republic of Ichkeria had left Samashki a month before and the leaders of the village could not possibly hand over so many weapons. Nor was there an infantry fighting vehicle in the village.

Apparently Major General of the Ministry of Internal Affairs N. V. Skrypnik oversaw the operation.

After suppressing the unorganized resistance of a small detachment of a rural self-defence unit, the village was occupied by MVD military personnel and special police units. During the subsequent ‘cleansing operation,’¹⁸³ grenades were thrown inside houses, in yards and cellars where civilians were present, and no signs of militants were seen. The military shot unarmed

¹⁸⁰ OMON – in 1995, Special Police Unit of the Ministry of Internal Affairs.

¹⁸¹ SOBR – in 1995, Special Rapid Response Police Unit of the Ministry of Internal Affairs

¹⁸² BMP – infantry fighting vehicle.

¹⁸³ ‘Cleansing’ or ‘zachistka’ is a slang word used by both the federal forces and local residents, meaning an operation during which a settlement is blocked off and then a house-to-house search is conducted without a warrant or witnesses to the search, and all those considered suspicious persons are detained. Officially, ‘cleansing operations’ were called ‘special checks of the registration of people at their place of residence and identification of members of illegal armed groups.’

residents, including women and the elderly, and set fire to houses with people inside.

In general, the actions in Samashki were not so much a military operation as a punitive action.

Representatives of the Observatory Mission of Human Rights Organizations reliably established the death of 103 villagers, including 13 girls and women and 20 men over 61 years old. At least half of them were deliberately killed by the military, and not by indiscriminate fire.¹⁸⁴

For instance, on 8 April, when there was no more combat action, 18-year-old Khava Gunasheva, 61-year-old Abdul-Rashid Khuseinov and 16-year-old Rezvan Khuseinov were shot dead from passing armoured vehicles. Doga Tsatishaev, 62, was wounded in the head when he was walking away after talking to servicemen sitting on a tank. He was finished off in his house on the same day by machine gun fire at point-blank range.

The same day, six people were killed or mortally wounded by gunshots fired from a distance while they were in their yards or on the street next to their houses.

The most common cause of death on 7–8 April was execution right after detention, as a rule immediately after the servicemen entered the house or yard. Sometimes executions followed beatings. Thirty such killings have been documented.

¹⁸⁴ For the methods used to compile a list of the dead and establish the reliability of information about the circumstances of their death, see: *Vsemy imeyushimis'a sredstvami ...*



Samashki, Vygonnaya St., 53. The bodies of Isa Borshigov and Khizir Khazhbekarov, who were shot on 8 April 1995. The villagers had to bury the dead in their courtyards.

Photograph by Ludmila Vakhnina. 12 April 1995.

Here is the testimony of a survivor of such an execution. Abdurakhman Chindigaev, born in 1952, who lived at 46 Sharipov Street, and Salavdi Umakhanov, an elderly man living at 41 Sharipova Street, reported that on the evening of 7 April, together with Musait Isaev, born in 1924, and Nasruddin Bazuev, born in 1948, they were inside the house at 45 Sharipova Street. As federal servicemen approached, all four of them crowded into a storeroom located on the ground floor. Entering the yard, the servicemen immediately threw a grenade into a room adjoining the storeroom.

According to Umakhanov, further events unfolded as follows: *‘In a minute, maybe less, they open the door: “Anyone alive?” There are. We go out [into the yard].*

There were four of them. “Bitch, get down! Bitches, get down!” We got down. They searched us. Then one shouts from behind, he says to me: “Who is left there?” I say “No one”. “Take hostages!” someone shouts from behind. They take me back inside. Nobody’s there.

We leave. “Bitch, in the pit! Bitches, in the pit!” We are pushed there [in the garage pit for car repairs]. The car stands as it was then. Nasruddin climbed down first. He stood there, there, against the wall. The three of us are standing here. I say: “They’re putting us here to kill us.” Well, I say a prayer there. Musa says: “Guys, don’t shoot. We have to feed the cattle... Don’t shoot.” [...] Isaev stepped down on the third step. Two soldiers... Pointed machine guns at him. They pushed him down there. He didn’t have time to get down. In a moment, they fired point blank into him. We had just got down there and ducked – they shot for a second time.’¹⁸⁵ After that, the soldiers left. Isaev was killed, Bazuev and Umakhanov were wounded (Bazuev died the next day). The house was later set on fire by other soldiers.¹⁸⁶

Many people were injured by fragments of grenades thrown into the rooms and basements of residential buildings. Their wounds proved lethal for Zaluba Yavmirzayeva, 96-year-old Movsar Ospanov and 66-year-old Junid Shuipov. Father and daughter, Nasruddin Bazuev and Raisa Masaeva, wounded by grenade fragments, were then finished off.

¹⁸⁵ Testimony recorded by O. P. Orlov, 04/08/1995.

¹⁸⁶ In the house where the shooting took place, representatives of Memorial Human Rights Centre found no traces of combat on the walls. Only in the garage and on the cement walls of the pit were there traces of bullets, and in the neighbouring room there were signs of a grenade explosion. There were no traces of combat on the walls of most of the burnt-out houses.

As the soldiers were escorting the Samashki residents who had been detained out of the village for ‘filtration,’ three people were shot dead.

The Special Rapporteurs on extrajudicial or arbitrary executions and torture, appointed by the UN Commission on Human Rights, expressed concern in their appeal to the Russian government about the military operation carried out by federal forces in the village of Samashki.

* * *

A year later, in March 1996, federal troops again tried to establish control over Samashki, but met with stubborn resistance from a large group of militants from the Chechen Republic of Ichkeria. The fighting in the village continued for more than a week. On 17 March, the military, during a ‘cleansing operation’ in the area they controlled on the southern outskirts of the village, deliberately attacked civilians. About 40 residents hiding in the basement of Mukhaddin Alachiev’s house (16 Kalinin Street) were taken out into the yard. After checking the house, the military left the yard and threw three grenades back into it. As a result, 17 people were injured (among them, nine women and two children whose names Memorial has established). For Bakisat Elsanova and Shaiman Gichieva, their wounds proved fatal.¹⁸⁷

Second Chechen War

¹⁸⁷ The information was gathered by representatives of Memorial Human Rights Centre from victims and witnesses, checked and verified during the visit to Samashki.

In January-February 2000, the Russian military (hereinafter, these words also refer to servicemen of the troops and various special units of the Ministry of Internal Affairs) carried out numerous attacks on the civilian population as they took control of Grozny. The events in the Staropromyslovsky district of Grozny and in the village of Novye Aldy are the most well-known.

In the Staropromyslovsky district, the military, apparently embittered by the stubborn resistance of the militants, after their retreat carried out unmotivated attacks on, and killings of, persons who were obviously civilians. In most cases, these incidents were not even investigated. In several cases, survivors and relatives of victims received legal support from human rights activists, after which they managed to open criminal cases and, as a result, bring these cases to the European Court of Human Rights. There follow two examples.

Khedi Mahauri,¹⁸⁸ who lived in the village of Tashkala in the Staropromyslovsky district of Grozny, left for Ingushetia following the outbreak of hostilities. On 21 January 2000, she and two other women returned to Tashkala to check on her house and collect her documents. She found the house destroyed and the documents missing. Walking through the neighbourhood, the women came across a group of 30–40 soldiers loading the property of one of their neighbours into armoured vehicles. The soldiers noticed them, detained them, accused them of being ‘spotters,’ and seized all their

¹⁸⁸ *Makhauri v. Russia* case <https://hudoc.echr.coe.int/eng?i=001-82546>. On 4 October 2007 the Court ruled that the Russian Federation had violated Article 2 (right to life) and Article 13 (right to an effective remedy) of the Convention.

belongings and documents. They were blindfolded and taken to the courtyard of a house that had been destroyed, fifty metres from the place of detention. Suspecting the worst, Mahauri pulled off her blindfold and saw machine guns pointed at them. She was saved by the body of another woman, who shielded her. Falling, Khedi hit her head and lost consciousness. She woke up from a pain in her ear when a soldier ripped out her earring. He then took a ring and watch. Khedi lost consciousness again. When she came to, she realized she had been covered with a burning mattress and only with difficulty was she able to push it away. She then lost consciousness again. When she regained consciousness, she saw that both her companions had been killed. Khedi Mahauri reached a nearby basement, where she was given first aid by elderly women hiding there.

The ECtHR noted that the investigation of the criminal case had been conducted with numerous omissions. First, there was an inexplicable gap of three months between the authorities being notified of a crime being committed and the launch of the investigation. Secondly, even though the applicant had given a detailed description of the attackers, no steps had been taken to identify persons matching that description. Thirdly, state authorities refused to order a ballistics examination, which could have been important in identifying the attackers. Fourthly, the applicant's participation in the investigation was inadequate, as she was not appropriately informed about the progress of the investigation. And fifthly, the investigation was not even able to establish

which military units were present and what operations had been carried out in this area at the time in question.

Helena Goncharuk¹⁸⁹ lived in the village of Katayama in the Staropromyslovsky district of Grozny. In January 2000, fighting began. On 19 January she and five other people hid from shelling in a basement. When the shelling stopped, several soldiers approached the entrance to the basement and ordered everyone to get out. The soldiers told them they had been ordered to kill everyone, since everyone remaining in the city was an accomplice to the insurgents. They ordered everyone to go back to the basement, after which they threw tear gas grenades into it. When people began to leave the basement, soldiers opened fire on them. The applicant was injured and lost consciousness. When she woke up, she realized the others were dead. When night fell, the applicant was able to get to the house in the next street, where she received help. Later, she was able to go to a Russian checkpoint with a white flag. There, the soldiers checked her papers and allowed her to pass. The next day a woman who had been looking for her relatives took the applicant to Ingushetia. There Goncharuk was admitted to hospital.

Although the authorities were aware of this attack, they did not open an investigation until 2004. From that point on, an investigation was carried out with numerous omissions and was unable to reconstruct the events or identify the persons responsible. Several other ECtHR

¹⁸⁹ *Goncharuk v. Russia*, No. 58643/00, <https://hudoc.echr.coe.int/eng/?i=001-82544>. On 4 October 2007 the Court ruled that the Russian Federation had violated Article 2 and Article 13 of the Convention.

rulings also concern the killings of civilians in the Staropromyslovsky district in January 2000.¹⁹⁰

On 5 February 2000 in the village of Novye Aldy and the adjacent district of Grozny a massacre of civilians was committed during a ‘cleansing operation.’ In most cases, people were shot inside or near their homes. In total, 56 civilians were shot, including six women and 11 elderly people aged over 60 (the oldest was born in 1924). A one-year-old baby and a woman nine months pregnant were among the victims. Witnesses claimed there would have been more victims if the village doctor, Aset Chadayeva, had not run through the yards and forced people to go out into the street and gather in a crowd. The results of an independent investigation of this tragedy were presented in a report by Memorial Human Rights Centre.¹⁹¹

There had never been any military installations or militants of the self-proclaimed Chechen Republic of Ichkeria in the village. There was no fire directed in the direction of the Russian troops from the village. However, despite this, from the beginning of December 1999 up to the end of January 2000, during the siege of Grozny, the village came under massive artillery and bomb attacks, causing destruction of property and numerous fatalities.

¹⁹⁰ In *Khashiyev v. Russia*, No. 57942/00, *Akayeva v. Russia*, No. 57945/00, *Goygova v. Russia*, No. 74240/01 the ECtHR found in all cases a violation of Article 2 and Article 13 of the Convention and, in the applications of Khashiev and Akayeva, also violations of Article 3 (prohibition of torture), <https://hudoc.echr.coe.int/eng?i=001-82548>.

¹⁹¹ *Zachystka: Posyolok Novie Ald'I, 5 Fevral'a, 2000: prednamerennye prestupleniya protiv mirnogo naseleniya* (“‘Cleansing’: Novye Aldy settlement, 5 February 2000: Deliberate crimes against civilians”) eds.: U. Baisaev, O. Orlov, A. Cherkasov, N. Estemirova; Memorial Human Rights Centre. – M: Links, 2000. – 71 p.: ill. – (Memorial Society Publishing Programme), https://web.archive.org/web/20070926233902/http://www.memo.ru/about/biblio/book_103.htm.

On 3 February a deputation of local residents met with the Russian colonel Lukashev, who was assured that there were no militants in the village and gave a promise to stop the shelling. The shelling was stopped the next day, 4 February. On the same day, the military entered the village for the first time, checked residents' passports, behaved civilly, and did not commit any unlawful acts. They warned residents about the danger of a 'cleansing operation' planned for the next day, but the villagers did not take their words seriously. On 5 February units of the 245th Motorized Rifle Regiment and servicemen of the St. Petersburg OMON jointly conducted the cleansing operation in Novye Aldy. The unit that cleared the southern part of the village robbed houses but did not commit any murders. All the murders were committed in the northern part of the village during the 'cleansing operation.'

After the mass killings were made public by human rights activists from Memorial and Human Rights Watch, the prosecutor's office was forced to open a criminal case in April 2000. In the second half of April, at the request of the residents, the bodies of the victims were exhumed.

Subsequently, on suspicion of involvement in the commission of crimes, one officer of the St. Petersburg OMON was detained, but later managed to escape.

The prosecutor's office acknowledged the facts of murders and robberies having been committed on 5 February in Novye Aldy and admitted that the 'cleansing operation' was carried out by OMON officers from St.

Petersburg and Ryazan (and this was a false trail: the Ryazan OMON was there on 10 February, but on 5 February the ‘cleansing operation’ was carried out by military personnel of the Russian Defence Ministry). However, the investigators could not find any individuals to be charged as defendants. In fact, the investigative bodies of the prosecutor’s office were directly sabotaging the investigation. Based on applications by relatives of the murdered residents of Novye Aldy and adjacent areas of Grozny, the European Court of Human Rights made several rulings in the cases of *Estamirova and Others v. Russia*,¹⁹² *Musayev and others v. Russia*,¹⁹³ *Khadzhimuradov v. Russia* and 16 other applications.¹⁹⁴

* * *

Demonstrative ‘acts of retaliation’ aimed at the civilian population took place regularly: artillery strikes on residential areas, kidnapping of residents, mass robberies, etc. In fact, one could talk of a policy of terror against the civilian population. Below are a few examples.

On 21 November 2000, on the road near Davydenko village, a military vehicle blew up on a mine. One soldier died and two were injured. Soon, not far from the site of the explosion, the military detained a resident of Davydenko village, Khusein Gaziev, in front of the

¹⁹² *Estamirova and Others v. Russia* № 60272/00, <https://hudoc.echr.coe.int/eng?i=001-77396>, On 12 October 2006, the ECtHR ruled that Russia had violated Article 2 (right to life) and Article 13 (right to an effective remedy) of the Convention.

¹⁹³ Applications No. 57941/00, 58699/00 and 60403/00, *Musayev and others v. Russia*, <https://hudoc.echr.coe.int/eng?i=001-81908>. On 26 July 2007, the ECtHR ruled that Russia had violated Article 2, Article 3 (prohibition of torture), Article 5 (right to liberty and security of person) and Article 13 of the Convention.

¹⁹⁴ *Khadzhimuradov v. Russia*: No. 21194/09, <https://hudoc.echr.coe.int/eng?i=001-177396>, On 10 October 2017, the ECtHR ruled that Russia had violated Article 2 and Article 13 of the Convention, as well as Article 1 of Protocol No. 1 (protection of property).

passengers of a regular bus. They put a bag over his head, put him in an armoured personnel carrier and drove him away in an unknown direction. On 24 November Gaziev's body was found on the outskirts of the village. His nose had been cut off and his eyes gouged out, there was a deep mark from a knife wound on his neck, the upper part of his head had been turned into pulp, and his hands and fingers were broken.

On **11 December 2000**, a military convoy came under fire near the village of Mesker-Yurt. The military opened fire on the market located by the road, then shelled the village. Civilians were killed and wounded. Several dozen people were detained at random by the military and taken away. Later, some of them were found dead.

On **15 March 2001**, after an armoured car blew up near Novogroznensky settlement, the military started a pogrom in the village, killing eight civilians.

This list can be extended. No one has ever been punished for such 'acts of retaliation.'

Often 'cleansing operations' served as such acts of retaliation, as in the village of Borozdinovskaya.

On **4 June 2005**, officers of the Vostok battalion, formed of ethnic Chechens and formally subordinate to the GRU of the Ministry of Defence, carried out a 'cleansing operation' in Borozdinovskaya, a village inhabited by Dargins.¹⁹⁵ This was in fact a punitive action

¹⁹⁵ An ethnic group, mostly living in Dagestan.

following the murder of the father of one of the battalion's fighters. Vostok officers broke into houses and took all the men to the local school. In the school yard, the 'detainees' were ordered to lie face down on the ground. Everyone, including the elderly, teenagers, and the disabled, was kicked and beaten with rifle butts. People were kept on the ground for more than seven hours, despite the heavy rain. During the 'cleansing operation,' four houses were burned down, one elderly person was burned (possibly alive), and 11 people were taken away in an unknown direction. Their fate remains unknown.

With regard to the facts of arson, murder and kidnapping, the prosecutor's office opened criminal case No. 34/00/0013-05 and a special joint investigation team went to the scene. Only a few months later, weapons of the soldiers of the Vostok battalion were confiscated for ballistic examination. The fate of the abducted residents of Borozdinovskaya has not been established and no one has been prosecuted for kidnapping, murder, or torture. One officer of the battalion, Mukhadi Aziev, was sentenced on probation in October 2005 'for exceeding official authority' by allowing his subordinates to enter the village. What exactly these subordinates were doing in the village, which of them killed people and set fire to houses, who took away the missing persons, and where these persons who were detained were, was not established by the investigation. After these events, the commander of the Vostok battalion, Sulim Yamadayev,

was decorated with the highest Russian award, the Hero of Russia star.¹⁹⁶

On 22 June 2021, the ECtHR issued a judgment with respect to the applications of 126 villagers in the case of *Adzhigitova and Others v. Russia*.¹⁹⁷

War in Ukraine

Reports of deliberate attacks by the Russian military on civilians began to appear in the very first days of the full-scale invasion. However, serious research and documentation of events only really became possible after the retreat of Russian troops, when independent teams of investigators gained access to the evidence.

HRW documented a number of violations of the laws of war by the Russian military, directed at the civilian population in the formerly occupied areas of the Chernihiv, Kharkiv, and Kyiv regions of Ukraine. These took place between ***27 February and 14 March 2022***: multiple rapes, two cases of extrajudicial execution (in one case of six people, in the other of one person), illegal violence and threats against the civilian population.

¹⁹⁶ Killed on March 28, 2009. Obviously, this murder was part of the conflict between the Yamadayev family and Ramzan Kadyrov.

¹⁹⁷ *Adzhigitova and others v. Russia*, No. 40165/07 No. 2593/08, <https://hudoc.echr.coe.int/eng?i=001-210754>, the court ruled that Russia had violated Article 2, 3, 8 (right to respect for private and family life), 13 in conjunction with Article 3, and Article 14 (prohibition of discrimination), taken in conjunction with articles 3 and 5 of the Convention.

On **27 February**, Russian troops opened fire on the Stary Bykov and Novy Bykov settlements, located opposite each other across the Supoy river in the Chernihiv region, after which a Russian armoured column entered Stary Bykov. Most residents hid from the shelling in basements, and the soldiers began to check the houses one by one.

Victoria, a resident of Stary Bykov, told Human Rights Watch: ‘They took away my son, **Bogdan** [29 years old], and another relative, **Sasha** [39 years old]. We were hiding in the basement, so we didn’t see what happened. Bogdan and Sasha went outside to smoke. Then a neighbour came running and said that he’d seen them and several other guys being taken away.’

Victoria ran into the street and began to ask the Russian soldiers standing at the checkpoint what had happened. ‘They told me not to worry, they would just scare them a little and let them go. We walked about 50 metres and heard shots. It was about 6:20 p.m.’

The next day, Victoria and her sister went to the meadow and saw bodies lying near the building. ‘Three bodies lay on one side of the building, but Bogdan and Sasha were not among them. We went around the building from the other side and saw them [Bogdan, Sasha and another man]. They were lying on the ground. They had been shot in the head. Their hands were tied behind their backs. I examined my son. He had nothing left in his pockets – no phone, no keys, no documents.’

They were not allowed to take the bodies away. Relatives were able to bury the dead only on *7 March*.

* * *

Bucha, a city in the Kyiv region, has become a household name. Russian troops entered Bucha, a small city 30 kilometres northwest of Kyiv, for the first time on 27 February, but were forced out because of fighting. They made a second advance on 4 March, and by 5 March controlled the city almost completely.

Having occupied the city, the military began to search houses, saying that they were ‘hunting for Nazis.’ They searched for weapons, interrogated residents, and in some cases detained men – under the pretext that they had orders or without any explanation at all – and took them away in an unknown direction, without telling their relatives where they were going. In some cases, these people’s bodies were found on the streets, in yards, or in basements after the retreat of the Russian troops, sometimes showing signs of torture. The bodies of at least two victims were mined.

Many residents of Bucha said that if someone tried to go outside their house, the soldiers opened fire immediately.¹⁹⁸

On *4 March*, the military executed a man in Bucha without trial or investigation and threatened to execute four more.

¹⁹⁸ Human Rights Watch, 25/04/2022, <https://www.hrw.org/ru/news/2022/04/25/ukraine-russian-forces-trail-death-bucha>.

A local teacher told HRW that around 7:00 a.m. she heard gunshots and saw Russian armoured vehicles and four KAMAZ trucks on the street. She hid in the basement, and after a while she heard glass shattering and someone breaking down the front door. Then they shouted from outside: ‘Get out, now – or we’ll throw a grenade.’ The woman screamed that she was alone in the basement and left with her hands up.

‘Three men were standing outside – two soldiers and their commander. They took my phone, searched through it, and then ordered me to bring my documents and come with them,’ the woman said. On the way, she saw that residents of neighbouring houses were also being brought into the street and forced to go with the soldiers.

‘We were taken to the place where Agrobudpostach [a warehouse rental company] used to be. Near the building there is parking lot and a small square. People were gathered in this square. Mostly women, but there were also a few men aged over 50. There were about 30 soldiers standing there. The officer had [on his uniform] the emblem [of the airborne troops]. He had an accent – I realized that he was from somewhere in the western regions of Russia, maybe from Pskov. I myself was born in Russia and immediately notice such things. The soldiers were all skinny and worn-out,’ she told HRW.

The military brought about forty people to the square, took everyone’s phones, checked documents and began to ask who was in the Territorial Defence Forces. According to the woman, at some point they brought in a young guy,

and then four more. *‘The soldiers told them to take off their boots and jackets and kneel by the roadside. They pulled up their T-shirts from their backs and over their heads. Soldiers shot one of them in the back of the head. He fell. The women screamed. The other four just knelt there. The commander turned to the people in the square and said, ‘Don’t worry. You are all normal. And this is filth. We have come to cleanse you of the filth.’*

The woman said that they were kept in the square for several more hours, and then taken home. When she left, those four men were still on their knees. On **9 March**, when she left the town, the body of the young man was still lying where he had been killed.¹⁹⁹

HRW employees documented similar cases in other settlements around the Kyiv region, in particular in Andreevka, Hostomel and Motyzhin.²⁰⁰

2.3. Ill-treatment of detainees, unlawful detentions and unlawful places of detention, enforced disappearances, extrajudicial executions

During the First and the Second Chechen Wars, federal law enforcement agencies step by step created a special system of places for holding detainees and

¹⁹⁹ Human Rights Watch, 20/04/2022, <https://www.hrw.org/ru/news/2022/04/20/ukraine-apparent-war-crimes-russia-controlled-areas>.

²⁰⁰ Human Rights Watch, 25/04/2022, <https://www.hrw.org/ru/news/2022/04/25/ukraine-russian-forces-trail-death-bucha>.

arrested people. It combined legal, officially recognized but illegal, and, finally, illegal secret locations. Over time this system has evolved and undergone changes, but its fundamental attributes were ill-treatment, torture, enforced disappearances and extrajudicial executions.²⁰¹

Detainees were not given the opportunity to inform their relatives about their detention or contact a lawyer. As a result, people disappeared, at least for the duration of their actual detention, until they reappeared at a pre-trial detention centre, in the event of ‘legalization’ and official arrest.

This system reached its apogee in the early years of the Second Chechen War, when most of the abducted or illegally detained people disappeared without a trace. That is, they became victims of extrajudicial execution.

* * *

Violations of civilians’ rights by Russian law enforcement agencies in the occupied territories of Ukraine are gross, massive, and widespread. There are reports from all the occupied territories of abductions, disappearances, intimidation, and psychological pressure, torture, beatings, and even murders. However, detailed

²⁰¹ Of course, this system did not appear in a vacuum. The army, internal troops and other power structures had charters, instructions and internal administrative documents which had to regulate all aspects of working with prisoners, internees, detainees, etc. In addition, the Soviet Army, the KGB, the General Directorate of Corrections and Labour Institutions (GUITU) and the structures that had taken over from them by the mid-90s, had a very recent experience of creating such a system during the war in Afghanistan, of which there is ample evidence. The officers of the Russian power structures largely consisted of those who had fought in Afghanistan (which is understandable – soldiers receive ranks and build their careers at war) and had relevant experience. Elements of this system could be traced to the armed conflict in Nagorno-Karabakh conducted by units of the Internal Troops of the Ministry of Internal Affairs and, in particular, Anatoly Kulikov (Operation Ring in May 1991 was led by Anatoly Romanov), and to the autumn crisis of 1993 in Moscow, where the security forces were led by the same senior officers of the Internal Troops of the Ministry of Internal Affairs, including Kulikov and Romanov. They and other officers of the Internal Troops of the Ministry of Internal Affairs then participated in the creation of the ‘filtration’ system in the First Chechen War.

and reliable information, obtained with the participation of international non-governmental organizations, comes only after the liberation of these territories by the Ukrainian army.

On *25 February 2022*, Russian troops invaded the *Kherson region*; on *3 March*, the capture of the *city of Kherson* was announced. The Ukrainian army did not put up serious resistance to Russian troops advancing from Crimea, and the unorganized resistance of the local Territorial Defence Forces was quickly suppressed. In the first weeks, there were constant protests in Kherson against the invasion and occupation. In some cases, the Russian military used force to disperse demonstrations, opened fire, and people were injured.

The Russian security forces immediately launched a hunt for members of the Territorial Defence Forces (who, according to international humanitarian law, should have been treated as prisoners of war if captured), for the mayors of towns, civil administration staff, police officers, protesters, journalists, and ordinary civilians who, according to the occupying authorities, could have important information or oppose the occupation. They detained local volunteers who were delivering food, medicine, and essentials to those in need. Over time, the security forces switched to detaining random people for no apparent reason. The inhabitants of Kherson, *Melitopol*, *Berdyansk*, *Skadovsk*, and other cities of the Kherson and *Zaporozhzhia regions* have described dozens

of episodes of arbitrary detention and the enforced disappearance of civilians, and torture.²⁰²

According to HRW, these actions were aimed at obtaining information and instilling fear into people so that they would come to terms with the occupation. Describing the atmosphere of fear that reigned in Kherson, a local journalist said: ‘*You don’t know when they will come for you ... and when they will let you go.*’²⁰³

From the *end of February* to the *end of March 2022* Russian troops occupied a significant part of the *Kyiv* and *Chernihiv* regions. After visiting 17 locations in these regions in April, HRW documented 32 extrajudicial executions, 9 cases of the illegal deprivation of life, 6 potential cases of enforced disappearance, 7 cases of torture, and repeated rape. They recorded 21 civilian testimonies concerning illegal detention in inhumane, humiliating conditions.²⁰⁴

From *March* to *early September* the city of *Izium* in the *Kharkiv* region was occupied by Russian troops controlled by other armed groups. Human Rights Watch staff interviewed more than a hundred people; almost all

²⁰² Human Rights Watch, 29/07/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>.

²⁰³ Human Rights Watch, 29/07/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>.

²⁰⁴ Human Rights Watch, 20/04/2022, <https://www.hrw.org/ru/news/2022/04/20/ukraine-apparent-war-crimes-russia-controlled-areas>, 25/04/2022, <https://www.hrw.org/ru/news/2022/04/25/ukraine-russian-forces-trail-death-bucha>, 18/05/2022, <https://www.hrw.org/ru/news/2022/05/18/ukraine-executions-torture-during-russian-occupation>.

of them said that a relative or friend had been tortured. Fifteen people – 14 men and one woman – said they themselves had been tortured. Only one of the men had a connection to the Armed Forces of Ukraine; the rest were civilians.²⁰⁵

2.3.1 Unlawful detentions, detention facilities, torture, and ill-treatment

First and Second Chechen Wars

The basis of the detention system was the so-called filtration points (FPs) – both stationary, which operated for a long time, and temporary, created for the duration of a specific operation by the group conducting it. Some FPs received official status; others acted illegally while law enforcement agencies denied their very existence, and it is not even known exactly what they were called in internal departmental documents. In any case, the existence of any of these FPs directly contradicted the rules of the Law of the Russian Federation ‘On bodies executing punishment in the form of deprivation of liberty’ and other existing regulations that check the actions of institutions that hold detainees, detention, and other forms of forced restriction of physical freedom. None of these documents contained the concept of a ‘filtration point’ – therefore, their establishment was illegal.

²⁰⁵ Human Rights Watch, 21/10/2022, <https://www.hrw.org/ru/news/2022/10/21/ukraine-russian-forces-tortured-izium-detainees>.

The immediate task of the ‘filtration system’ was to identify and isolate members of the armed groups who opposed the federal forces and locate their accomplices. However, the same system solved broader problems – it was also used to create a network of informers among the local population and to terrorize, suppress, and intimidate anyone disloyal to the authorities established in Chechnya.

The main feature of the ‘filtration’ system was its non-selectivity. The absence of a filing system, ‘filtration cases,’ or other systematic data about the members of the opposing armed groups inevitably led to mass detentions of random people, whose confessions became the only substantiation of the charges brought against them. Those confessions could only be obtained through intimidation, beatings, and torture.

The absence of material other than the evidence obtained during interrogations enabled a wide range of abuses of power by federal law enforcement officers in relation to the detainees in these cases: from the initiation of criminal cases to their release.

* * *

The first FPs in the new, post-Soviet Russia appeared between late December 1994 and early 1995²⁰⁶ in Mozdok (Republic of North Ossetia-Alania), Stavropol

²⁰⁶ Created based on the order of the Ministry of Internal Affairs of the Russian Federation No. 247 of 12 December 1994. The activities of the FPs were regulated by the temporary regulation approved by the order of the Ministry of Internal Affairs of the Russian Federation No. 205 OOU (Official Use Only) of 31 May 1995. Placing the OOU remark on such a document is unconstitutional since, according to Article 15, part 3 of the Constitution of the Russian Federation, ‘any regulatory legal acts affecting the rights, freedoms, and duties of a person and a citizen cannot be applied if they have not been officially published for general information.’

and Pyatigorsk (Stavropol Territory), and later in Grozny. They were stationary prison camps: in Mozdok, the detainees were kept in prisoner transport wagons; in Grozny, inside a dairy plant, and then inside a motor-transport company in the north-eastern district of the city. In Stavropol and Pyatigorsk, local pre-trial detention centres (SIZOs) were partially assigned to serve as FPs.

We can assess the conditions and treatment of detainees²⁰⁷ held in the FPs during the First Chechen War on the dual basis of the stories of people held there, and a visit to these institutions by a group led by the Ombudsman for Human Rights in the Russian Federation (hereinafter the Ombudsman).²⁰⁸ During the Second Chechen War, neither the new Commissioner, nor the deputies, nor human rights activists had any opportunity to visit FPs, so we base our assessment on the stories of former prisoners.

In January 1995, at least some of the detainees were not registered anywhere. Later, however, detention orders began to be issued, but in most cases the detentions were not supported by any serious grounds. Decisions generally violated the established rules and legislation. In most cases, the decisions stated that the detainee had been engaging in vagrancy and begging, even though most of those brought to the FPs had ID documents on them, and

²⁰⁷ For details, see: *Uslovija sodержaniya zaderzhannykh v zone vooruzhennogo konflikta v Chechenskoj Respublike. Obrashchenije s zaderzhannymi* (Conditions of detention of detainees in the zone of armed conflict in the Chechen Republic. Treatment of detainees) / Report of the Observatory Mission of Human Rights Organizations in the zone of armed conflict in Chechnya. M.: Memorial Human Rights Centre, 1995; *O sobludenii prav cheloveka i grazhdanina v Rossijskoj Federatsii v 1994–1995 godakh* (On the observance of human and civil rights in the Russian Federation in 1994–1995.) Report of the Commission on Human Rights under the President of the Russian Federation. M.: 'Yuridicheskaja literatura,' 1996.

²⁰⁸ In addition to the Ombudsman himself, it included deputies of the State Duma of the Russian Federation and human rights activists.

some were detained in their homes, at their registered addresses.

At times, detainees were subjected to ill-treatment in the first hours and days, even before they had arrived at the FP. This can partly be explained by the fact that the guards and the convoy were aware of the impunity they enjoyed because of the uncertainty of the detainees' legal status – formally, the period of their detention was counted only from the moment they entered the FP. In addition, they were initially transported in unsuitable vehicles; at the same time, the guards and the escort positioned the detainees so that escape was physically impossible, and the inhumane conditions along the way made escape inconceivable. There is evidence that when transported in trucks, people were stacked in several layers.

On 3 January 1995, while being transported to Mozdok, over 60 people detained in Grozny were first placed in the backs of two trucks, and when one broke down, they were all moved to the other. People lay in piles in six or more layers. Those in the lower layers were suffocating. When they tried to move, the convoy opened fire. In total, at least eight people died. This case was reported by the press secretary of the Provisional Council of the Chechen Republic²⁰⁹ Ruslan Martagov:

‘There was a bomb shelter near the cannery. [Federal servicemen] burst in; the women and children

²⁰⁹ A pro-Moscow transitional political entity created on the territory of Chechnya and controlled by the federal authorities of the Russian Federation. However, even representatives of this organisation were forced to speak publicly, when faced with blatant violence against the inhabitants of Chechnya.

*were left unharmed, while all the teenagers and men were piled into the back of a KAMAZ truck with their hands tied, in seven rows, and the guards themselves sat on top. Like they'd sit on a woodpile... A 15-year-old was shot in front of his father. Several more were shot on the way. Someone suffocated on the way...'*²¹⁰

The ill-treatment of detainees continued on their arrival at the FP. Human rights activists, deputies of the State Duma of the Russian Federation, and journalists repeatedly noted obvious signs of beatings and torture on people coming out of the FPs. Most of those who had been to the FPs complained of ill-treatment in their testimonies. Details of these testimonies (including the dates of their delivery to the FP and release) were confirmed during visits to FPs by State Duma deputies and members of the Ombudsman's group. Reports on the forensic medical examination of the victims, drawn up shortly after the documented date of their release from the FP, make the evidence of torture indisputably reliable.

Beaten and tortured detainees were forced to confess to participation in armed hostilities, and gave up information about militants they knew, where weapons were stored, etc.

The conditions in harsh. FPs differed between times and places, but in general they were

When organizing the FPs, officials gave no thought to whether their financial and technical resources would

²¹⁰ For other examples, see *Rossija – Chechnya: cep' oshibok i prestuplenij. 1994–1996. (Russia-Chechnya: A Chain of Mistakes and Crimes. 1994–1996). M: Prava Cheloveka, 2010.*

be sufficient to maintain acceptable living conditions for the detainees. This had dire consequences.

Practically all the prisoners in the Mozdok FP in January 1995 complained of extremely poor food, lack of water, terrible overcrowding, and lack of any medical care, while some of the prisoners suffered injuries.

Then the situation changed for the better – perhaps due to a temporary decrease in the number of new detainees, but more likely to the attention of the Russian and global public to what was happening in the FPs. Prisoners began to receive a minimal level of healthcare, and the food improved – but bullying and beatings by staff continued.

However, a large batch of detainees (about a hundred people) entered the Mozdok FP during the operation in the village of Samashki in April, which immediately led to overcrowding and lack of food and water. This latter cannot be explained by lack of supplies and was plain mistreatment of detainees.

On 25 February 1995, when the Ombudsman's group visited the FP in Grozny, it turned out that the cells for detainees were in a basement area partitioned off with metal bars. There was no heating and no lighting – people were kept in total darkness. However, a generator was soon installed in the building, and all the premises of the FP had light.

The Buddhist monks of the Nipponzan-Myohoji order²¹¹ described their impressions of their stay in the Grozny filtration point in July 1995:

‘An hour later we were taken to a filtration camp, where we were forced to lie face down on the asphalt for an hour as they beat us. When it got dark, after a short interrogation by the investigator, we were taken to a cell. [...] Since the conditions of detention in the filtration point are terrible (sleeping on the bare floor, everyone eating from one bucket without a spoon, absolutely no bread, stench and unsanitary conditions), we demanded to be released immediately, but all our demands were ignored. [...] The hell in which we spent 5 days could be considered a paradise compared to what befalls the Chechens. They do not respect them at all but bring them to such a state that men shy away from any sound. It is thus clear why the Chechens prefer death to captivity.’²¹²

The conditions of detention in the Stavropol and Pyatigorsk pre-trial detention centre in were somewhat better.

According to Memorial Human Rights Centre, in 1995 the work of the Mozdok and Grozny FPs was audited by a commission of the Ministry of Internal Affairs of the Russian Federation, and some of the managers were punished, but only by disciplinary means:

²¹¹ Eight Buddhist monks travelled from Moscow to Grozny in early July 1995 to take part in rallies demanding peace, and offering prayers for peace. On 10 July, at a checkpoint on the road from Grozny to Urus-Martan, they were detained and taken to an FP. A few days later they were released and expelled from Chechnya.

²¹² The testimonies of the Buddhist monks, recorded by the employees of Memorial Human Rights Centre.

no one was held to criminal accountability. The conditions and treatment of detainees then slightly improved.

The vast majority of those brought to the FPs were deemed innocent and released but did not receive any compensation for their suffering. According to official figures, out of 1,257 people who passed through the FP in Grozny from 28 January 1995 to July 1996, 1,024 were released, 51 detainees were charged with criminal offences, and 109 people were exchanged²¹³ for captured federal troops.²¹⁴

Upon release from the FP, people were asked to sign a no-claims declaration.

The FPs were closed in June 1996 in accordance with agreements reached by representatives of the warring parties.

* * *

In addition to stationary FPs, during the First Chechen War temporary filtration points²¹⁵ began to be created; those did not have any official status. As a rule, the security forces denied their very existence. Sometimes the detainees were kept there for a long time (up to several weeks). Primary ‘filtration’ was carried out there: some of the detainees were released, some were sent to

²¹³ In most cases, the Chechen side was offered individuals who had not been members of armed groups in exchange for captured federal troops.

²¹⁴ Answer by the Deputy Minister of Internal Affairs of the Russian Federation P. G. Mishchenkov of 24 June 1996 to a request of Deputy of the State Duma of the Russian Federation Yu. A. Rybakov.

²¹⁵ Because during the First Chechen War such institutions were nameless, did not have any status and formally did not exist at all, in its reports and messages at the time Memorial Human Rights Centre called them ‘points for the accumulation of detainees’ or ‘temporary accommodation points for detainees.’

‘stationary’ prison camps, and some disappeared without a trace.

A similar temporary filtration point was created on 8 April 1995 at the location of a military unit on a former army shooting range among the hills of the Sunzha Range, a few kilometres north of the village of Samashki, while a ‘cleansing operation’ was being carried out in the village by units of the Ministry of Internal Affairs and the Internal Troops of the Ministry of Internal Affairs of the Russian Federation under the command of General Romanov.

Similar points were created as needed in other regions of Chechnya.

But most often, such places of illegal detention were set up in the places where military units of the Ministry of Defence and Internal Troops of the Ministry of Internal Affairs were deployed, and, above all, at headquarters where army intelligence officers or those seconded from the FSB were stationed. The two best known are:

a) near the village of Assinovskaya at the field command post of the Southern federal troops group in Chechnya (local residents and the military called this place ‘Kulikovo field,’ after Anatoly Sergeevich Kulikov, commander of the federal troops in Chechnya from January to June 1995)²¹⁶;

²¹⁶ Strangely, after the terrorist attack in Budyonnovsk, Kulikov was promoted and appointed Minister of Internal Affairs in place of the sacked Yerin (although Shamil Basayev’s terrorist group entered from Kulikov’s ‘zone of responsibility’!), but he still, already ex officio, was responsible for the actions of the group in Chechnya.

b) on the territory of the Khankala military base in the suburbs of Grozny. According to the testimony of people detained here and later released, they were kept in pits or in prisoner transport vehicles. The detainees were beaten and tortured.

People placed in the pits were blindfolded, forbidden to raise their heads and threatened with beating or were forced to remain motionless for a long time while stones were thrown at them. Soldiers would descend into the pits and beat the occupants.²¹⁷

Arrested residents of Chechnya were not the only ones placed in the pits. Such pits, commonly called ‘zindans’ by soldiers (an eastern term perhaps used since the war in Afghanistan), were often used as disciplinary cells. Correspondents visiting military units in Chechnya have repeatedly reported on this practice. The military prosecutor’s office called such ‘zindans’ ‘unequipped’ or ‘illegal disciplinary cells’ and in some cases forced the commanders to release the military personnel who were in them and set up a proper room instead of pits.²¹⁸

Inhumane conditions of detention, hunger, beatings, and bullying – all these sometimes befell delinquent federal military personnel. The story of a contracted soldier who illegally left his checkpoint and ended up in

²¹⁷ See: *Vsemi imejushchimisya sredstvami: Operacija MVD v sele Samashki, 7–8 aprelya 1995 goda.* (By All Available Means: The Operation of the Ministry of Internal Affairs of the Russian Federation in the village of Samashki, 7–8 April 1995.) M, 1995; *Uslovoja sodержaniya zaderzhannykh v zone vooruzhennogo konflikta v Chechenskoj respublike. Obrashchenije s zaderzhannymi* (Conditions of detention of detainees in the zone of armed conflict in the Chechen Republic. Treatment of detainees) / Report of the Observatory Mission of Human Rights Organizations in the zone of armed conflict in Chechnya. Moscow: Memorial Human Rights Centre, 1995.

²¹⁸ This information was received by representatives of Memorial Human Rights Centre (O. P. Orlov and A. V. Sokolov) and the International Helsinki Federation (V. Heiden and K. Tsürcher) from the military prosecutor of the temporary united forces in the Chechen Republic I. V. Shevchenko on 8 October 1996 at the military base of the federal forces at Severny airport.

an ‘unequipped detention cell’ for doing so was published in *Novaya Gazeta*:

There were two types of zindan – one just a hole up to eight metres deep, dug by the prisoners themselves, and the other an iron barrel measuring three by two metres. Victor ended up in the second type. There was small hole in the lock. For ventilation, the barrel had been shot through by machine-gun fire. But besides air, water also poured into the holes. Inside, there were some rags on the floor. Only eight people could lie down; the rest slept standing up. [...]

A can of stew and half a loaf of bread to share was pretty good. [...] At night they came and beat us. Four guys beat us. [...] There was no point in protesting – they could have killed us and attributed it to combat losses. [...]

The regiment came up with their own form of ‘amnesty.’ If someone is put in a pit, then his comrades grab any Chechen the next day and put a grenade in his pocket. He’s caught with a weapon.

Soldiers and militants cannot be kept in the same pit. The soldiers are released – an amnesty [...].²¹⁹

Detainees were also kept in prisoner transport vehicles. There, they were allowed to take off their

²¹⁹ *Maksimov V. On opyat’ zhdet, kogda Rodina pozovet ego voyevat’* (Again he is waiting for the Motherland to call him to fight) // *Novaya Gazeta*. 1997. 5–11 May.

blindfolds; however, as soon as the doors were opened, they had to put them back on.²²⁰

During interrogations, they were mostly tortured with electric current from a field telephone. Sometimes more ‘sophisticated’ torture was used. Thus, in June 1995, at a checkpoint near Assinovskaya, Ramzan Isaev was suspended from handcuffs and the soles of his feet burned a blowtorch; his head was squeezed with a special metal hoop, and he was tortured with electric current on a table adapted for this purpose.²²¹

A comparison of the collected evidence leads to the conclusion that, as cruelty towards detainees decreased in official FPs, torture became more widespread in ‘unofficial’ and unregulated places of detention. It was here that, during interrogations, detainees were required to confess their guilt or give the required testimony before being sent an FP.

Detainees were increasingly being left in ‘zindans’ rather than sent to the FPs, which is why they were not included in the official detention statistics. Such places of detention gradually turned into stationary ‘secret prisons.’

²²⁰ See: *Vsemi imejushchimisya sredstvami: Operacija MVD v sele Samashki, 7–8 aprelya 1995 goda.* (By All Available Means: The Operation of the Ministry of Internal Affairs of the Russian Federation in the village of Samashki, 7–8 April 1995.) M, 1995; *Uslovoja sodержaniya zaderzhannykh v zone vooruzhennogo konflikta v Chechenskoj respublike. Obrashchenije s zaderzhannymi* (Conditions of detention of detainees in the zone of armed conflict in the Chechen Republic. Treatment of detainees) / Report of the Observatory Mission of Human rRights Organizations in the zone of armed conflict in Chechnya. Moscow: Memorial Human Rights Centre, 1995.

²²¹ Later, Ramzan Isaev, born in 1962 at 28 Tsentralnaya Street in the village Alkhan-Yurt, was exchanged for a captured soldier of the federal army. His testimonies were recorded on video in Alkhan-Yurt by representatives of the Chechen Committee of the Red Cross and the organizations Victims of War and Women of the North Caucasus. An Alkhan-Yurt doctor reported that when after his release Isaev was brought to her on 12 August 1995, he was in an extremely serious condition with a brain contusion and a broken nose; there were signs of pressure to his head and hematomas in the parietal region; his body was bruised and scarred; there were extensive burns on his arms, legs, and back. He had suffered pyelonephritis and liver enlargement as a result of beatings. He could not speak (motor aphasia). Gradually, in the course of a month, he became able to speak – but stuttering, lethargy, and speech retardation remained. A video shows traces of injuries on his body.

Their number grew; new ones appeared, for example in the Shali region at the posting of the 503rd and 506th Motorized Rifle Regiments of the Moscow region, and in units of the Internal Troops of the Ministry of Internal Affairs in the Sernovodsk and Assinovskaya regions. This was perhaps partly due to the desire to create their own exchange fund in case unit military personnel were captured.

The secret prisons ceased to exist in the fall of 1996.

During the First Chechen War this area (as well as all others) was dominated by ‘situational design.’ This system of quasi-legal places of detention created according to the original plans involved ‘cruelty within the limits of instructions.’ In parallel, a system of completely illegal places of detention arose and developed within the framework of the military structures of the army and internal troops at the headquarters of groups and units. As from January 1995 the leadership of the ‘special operation to disarm illegal groups’ was entrusted to the Ministry of Internal Affairs and this situation continued in place until the end of the ‘operation,’ it is quite logical that this system was eventually subordinate to the GUOSh (Main Directorate of Operational Headquarters) of the Ministry of Internal Affairs. However, there was no clear hierarchy, and the agencies of the FSB and the GRU of the General Staff played a separate role.

* * *

With the beginning of the Second Chechen War, all the above practices resumed at a new, more systemic level.

At the end of 1999, a large filtration point was officially created in the grounds of the former corrective labour colony in the village of Chernokozovo, Naursky district, Chechen Republic. Based on the experience of the First Chechen War, it was given the status of a ‘temporary reception centre for persons detained for vagrancy and begging.’²²² Such status was convenient for the Ministry of Internal Affairs, since such institutions, unlike pre-trial detention centres, are under the full jurisdiction of the Ministry of Internal Affairs, and it is possible to keep people brought there without any charges for much longer than in a temporary detention centre. Those delivered to the Chernokozovko ‘reception-distributor’ were by no means vagrants, but ‘suspicious persons,’ including those detained during the ‘cleansing operations’ in their own homes. It is quite obvious that the entire practical operation of this institution had nothing to do with the laws of the Russian Federation.

In the winter of 2000, journalist Andrei Babitsky was brought to Chernokozovo and witnessed atrocities taking place there. From February 2000 the mass media began to report on unbearable conditions of detention, torture and ill-treatment citing the accounts of people released from this FP.

²²² Order of the Minister of Internal Affairs of the Russian Federation V. Rushailo No. 1077 of 22 December 1999

However, the FP in Chernokozovo was not an isolated case, but just a single part of the system.²²³

Further stationary places of long-term detention appeared, which, unlike Chernokozovo, did not have any legal status; those were the real ‘secret prisons.’

One of them, which locals and the Russian military called the Titanic (because of its shiny metal hangars and silo columns), was located on the ridge between Novogrozny to the north and the villages of Alleroy and Tsentoroy to the south. Here were based soldiers of the GRU special forces (units of the 22-1 separate special forces brigade and the 1st combined unit – see Sections 2.4 and 2.6), and personnel from the SOBR rapid reaction force of the Ministry of Internal Affairs and the Federal Penitentiary Service. From here they moved out in armoured vehicles or helicopters to carry out ‘special operations,’ returning with detainees. Here detainees were tortured and people ‘disappeared.’ For example, the Alsultanov cousins, Magomed-Emin Soipovich and Khan-Ali Imalievich, who were detained on 17 August 2001 during a ‘cleansing operation’ by federal forces of the village of Alleroi, were taken to the Titanic. During the check they were seen there by the Prosecutor of the Chechen Republic V. Chernov. Then the Alsultanovs ‘disappeared.’ Relatives applied to various official agencies; the prosecutor’s office of the Chechen Republic initiated a criminal case. It was established that *the*

²²³ Praktika provedeniya ‘kontr-terroristicheskoy operacii’ Rossijskoj Federacii na Severnom Kavkaze v 1999–2006 gg. (The practice of conducting a ‘counter-terrorist operation’ by the Russian Federation in the North Caucasus in 1999–2006.) Brief overview report of Memorial Human Rights Centre and the Demos Centre. January 2007, <https://memohrc.org/sites/default/files/dk1eng.doc>.

Alsultanov brothers were transferred to the filtration point under the responsibility of S. Baryshev, an officer of the Chechen Republic FSB, who, in turn, handed them over to servicemen for delivery to the Kurchaloy district temporary police detention centre; however, the Alsultanov brothers were not transferred to the Kurchaloy district temporary detention centre, and their location is currently unknown; an investigation into the kidnapping of the Alsultanovs is being carried out by the military prosecutor's office of the Chechen Republic.²²⁴ The fate of the Alsultanovs is unknown.

However, the heart of the system of 'secret prisons' was the largest of the permanent illegal prison camps, inside the main base of the federal forces in Khankala. As during the First Chechen War, most of the people held here were, as a rule, kept in pits. They were not officially registered anywhere either as being either detained or arrested.

Russian central television channels broadcast many reports about how people detained on suspicion of participation in illegal armed groups were taken to Khankala, although, according to the rules of Russian law, those suspected of committing crimes of a terrorist nature or participating in illegal armed groups should not be delivered to the location of a military unit; instead, they should be handed over to the prosecutor's office or the FSB. Numerous people who passed through Khankala gave testimony about the terrible conditions, beatings, and

²²⁴ From the answer of Acting Prosecutor of the Argun Interdistrict Prosecutor's Office R. Tishin No. 117 of 12 February 2002 to the request of Memorial Human Rights Centre and deputies of the State Duma of the Russian Federation.

torture. Employees of the prosecutor's office, the Chechen civil administration, and the Office of the Special Representative of the President of the Russian Federation for Human Rights in Chechnya knew about the existence of an illegal prison in Khankala, but the 'secret prison' continued to operate.

In addition, such illegal places of detention were created and operated in the places where army and internal troops were deployed.

* * *

During the Second Chechen War in 2000–2002, it became a systematic practice to create temporary FPs during the 'cleansing' of settlements. Temporary prisons were created on their outskirts, in the temporary base of the 'cleansing' group, in an open field or in abandoned buildings,²²⁵ to which the security forces (military personnel of the Ministry of Defence and the Internal Troops of the Ministry of Internal Affairs, police officers, the FSIN, and the FSB) delivered detainees. There, dozens or even hundreds of villagers were 'checked' for belonging to an illegal armed group. Based on the results of the interrogation, the detainees should have either been released or transferred to stationary prison camps. Detentions during the 'mopping up' of 2000–2003 were massive and indiscriminate, the number of detainees obviously exceeded the capacity of the 'regular' places of detention, and while most of the people held in the temporary detention centre were soon released, almost

²²⁵ In the city of Argun, the 'filtration point' was usually located in a quarry; in the village of Starye Atagi it was on the premises of a poultry farm; in the village of Chiri-Yurt it was in the ruins of a cement plant.

everyone was beaten and tortured. This was done by ‘specialists,’ who particularly favoured the infliction of electric shock torture using a field telephone. During many ‘cleansings,’ some of the detainees ‘disappeared.’

The legal status of such FPs under Russian law was entirely unclear: not a single regulatory act in force regulating the activities of institutions that hold detainees, detention, or other forms of enforced restriction of the physical freedom of citizens contained the concept of an FP.²²⁶

Some people were released from temporary and stationary FPs. Those with whom it was considered necessary to ‘continue work’ were transferred either to official places of detention of detainees and arrested persons – temporary detention centres created under the regional Interim Departments of Internal Affairs (VOVD)²²⁷ and pre-trial detention centres – or to illegal prisons. Some of the detainees died in an FP because of torture or underwent extrajudicial execution.

* * *

²²⁶ The phrase ‘filtration point,’ which was used by the security forces in Chechnya, was found in responses from the prosecutor’s office but is absent from Russian legislation. In 2005, the ‘Manual on planning and training the forces and means of the internal affairs bodies and internal troops of the Ministry of Internal Affairs of Russia for actions in emergency circumstances,’ Appendix No. 1 to the Order of the Ministry of Internal Affairs of Russia dated 10 September 2002 No. 870, became public. The order itself is stamped ‘For official use’ and has not been published anywhere. The ‘Manual...’ prescribed creating FPs during special operations. The publication of a secret document suggesting the creation of places of detention not provided for by law caused a scandal. As a result, by order of the Minister of Internal Affairs, the text of the ‘Manual ...’ was changed; references to FPs were eliminated. But we are sure that this definition is still used in other internal documents of the Ministry of Internal Affairs and the FSB, which are not available to the public.

²²⁷ Interim Departments of Internal Affairs [VOVDs, or ‘temporary police stations’] are structures within the Ministry of Internal Affairs of the Russian Federation which actually performed the functions of district police stations (ROVDs) on the territory of the Chechen Republic. Police officers sent to Chechnya from different regions of Russia served in the VOVDs.

The situation in various ‘filtration points’ was subject to change both for the better and for the worse.

At the end of the winter of 2000, after numerous testimonies of torture and beatings in the Chernokozovo ‘reception centre’ and after protests from the international community, the Russian authorities swiftly assigned this FP the status of a pre-trial detention centre, and the conditions of detention there improved noticeably.

During this period, the use of torture spread to the official TDFs (temporary holding facilities) that were being created at VOVDs. In 2000–2002, temporary detention facilities at the VOVD of the Urus-Martan district and the Oktyabrsky district of Grozny gained notoriety in Chechnya. There, the detainees and those arrested were systematically tortured, and some of them ‘disappeared.’ The situation of detainees in such – quite official and legal – detention centres was no better than that in illegal prison camps.

The Oktyabrsky VOVD [interim police station] was created in February 2000, almost immediately after the occupation of Grozny by federal forces. It was located in the same complex of buildings as the commandant's office and other security and law enforcement structures of the district and, contrary to its name, it operated not only within the district but also in other districts of the city, in the suburbs and outlying districts of Grozny. The Oktyabrsky police station became notorious as a centre of torture during investigations and a place where people

disappeared. In 2000 and early 2001, when the department was staffed by police officers from the Khanty-Mansi Autonomous District, at least 23 people disappeared there, and the ECtHR issued six judgments on those cases.²²⁸

The most notorious case is that of the detention of twenty-year-old Zelimkhan Murdalov by officers of the Oktyabrsky police station on 2 January 2001 and his disappearance.²²⁹ It later turned out that he was not suspected of committing any crime. Three officers at the police station, sent to Chechnya from the Khanty-Mansi Autonomous District police force, beat Zelimkhan for several hours, ‘to persuade him to agree to informal cooperation with them’:

‘Lapin, having been handed over Murdalov ... by the investigator Zhuravlev, took Murdalov to his office, where ... for several hours, he, together with officers not identified by the investigation, began to beat Murdalov, inflicting on him with their hands and feet and also a special instrument – a rubber stick - multiple blows to various parts of his body, causing him injuries including a craniocerebral injury, accompanied by life-threatening pathological conditions in the form of prolonged loss of consciousness, seizures, respiratory disorders ... When

²²⁸ A. V. Cherkasov, *Судьба неизвестна. Жители чеченской республики, задержанные представителями федеральных силовых структур в ходе вооруженного конфликта и бесследно исчезнувшие или убитые. Октябрь 1999-года – 2000 год* [Fate Unknown. Residents of the Chechen republic detained by representatives of federal law enforcement agencies during the armed conflict who were disappeared or killed without trace. October 1999-2000], pp. 450-51. <https://memohrc.org/ru/books/sudba-neizvestna-zhiteli-chechenskoy-respubliki-zaderzhannye-predstavitelyami-federalnyh>.

²²⁹ *Murdalov v. Russia* [Murdalov v. Russia], Application No. 51933/08): the decision was made on 31 March 2020 <https://hudoc.echr.coe.int/eng/?i=001-202121>. The ECtHR recognized Russia’s violation of Article 2 (right to life) of the Convention in both substantive and procedural terms, and in connection with this, Article 13 (right to an effective remedy), since Murdalov’s murder was never investigated, but dismissed the application under Article 3 (prohibition of torture), since one of the perpetrators was nevertheless convicted.

officers of the temporary detention facility refused to place Murdalov in a cell on account of his injuries, Lapin ... wrote an explanation in the name of Murdalov stating that he, Murdalov, had received these injuries when he happened to fall down.'

Murdalov was left in a cell in the temporary detention centre with fatal injuries in a state of agony, and the next morning he was taken away in an unknown direction. The case is one of the few investigated and brought to trial (see Section 2.6), but in 2005 only one of the three men who beat Murdalov, the most junior in rank, was convicted. A second defendant, his superior, was not detained until December 2015, but was soon released. An amnesty was applied to him and to the third defendant, and the case was closed. Zelimkhan Murdalov's body was not found.

Not all those detained at the Oktyabrsky police station disappeared without trace - some were released after many weeks of torture. Alaudin Sadykov was detained on 5 March 2000 and spent almost three months in the Oktyabrsky police station.²³⁰ There, the palm of his right hand was burned, his nose and ribs were broken, his teeth knocked out and his ear cut off. More than three million roubles' worth of property was stolen from Alaudin's house. In June 2000, he reported all this to the prosecutor's office, but the official investigation failed to identify the perpetrators.

²³⁰ *Sadykov v. Russia* (No. 41840/02), ruled on 7 October 2010 <https://hudoc.echr.coe.int/eng?i=001-100791>. The court ruled that Russia violated Article 3, 13, 38 (duty of cooperation of the parties with the Court) of the Convention and Article 1 of Protocol No. 1 to the Convention (protection of property).

In 2002, the notorious Oktaybrsky VOVD [temporary police station] was abolished and its buildings were used to house units of the Temporary Task Force of the Ministry of Internal Affairs. Although not even unlawfully detained persons could be held there from that moment on, after the Ministry of Internal Affairs finally left this complex of buildings in May 2006 it was discovered that until the very last moment the cells of the former temporary detention facility of the former VOVD had been used as a ‘secret prison.’

As the attention of the Russian and world community was drawn to what was happening in the Oktyabrsky police station, violence, cruelty, torture, and extrajudicial executions were entirely transferred to unofficial places of detention; primarily, but not exclusively, to Khankala.²³¹

It is impossible to pinpoint the exact number of people who passed through the filtration system during the Second Chechen War – we are talking about many thousands.

Official agencies usually report the number of people who passed through the pre-trial detention centre in Chernokozovo and Grozny; about 10,000 people.

The real number of detentions and arrests is much higher. According to official reports, in the first years of the ‘counter-terrorist operation’ the units of the Ministry of Internal Affairs in Chechnya consistently detained

²³¹ First of all, at the Operational Investigation Bureau No. 2 in the city of Grozny, see below.

1,100–1,200 people per month. If we add those detained by other law enforcement agencies, the total number of those officially detained at that time, according to the most minimal estimates, was about 20,000 a year.

During each ‘cleansing operation,’ most of those taken to temporary filtration points were not documented; only those who for some reason became of interest to the ‘competent authorities’ during the ‘filtration’ were officially registered as detainees.

Those who were kept in the places of deployment of military units should also be counted.

As a result, according to the most conservative estimates, the total number of those who passed through the ‘filtration system’ is approaching 200,000 – for Chechnya, which then had a population of less than a million people, that is an enormous figure and proof of large-scale state terror.

* * *

In 2003, the leadership of the Russian Federation launched a policy of ‘Chechenization’ of the conflict, creating pro-Moscow armed groups and authorities in Chechnya consisting of ethnic Chechens. They were gradually given the task of confronting the armed supporters of the Chechen independence and granted the right to illegal violence.

After the end of 2003, the number of ‘cleansing operations’ and, accordingly, the number of FPs created, significantly reduced. Detainees and abductees were

brought to the military base in Khankala much less frequently. The old, familiar places of illegal detention were replaced by new ones, in the places where the Chechen pro-federal power structures were deployed.

The village of Tsentoroi, where members of the Kadyrov clan lived, hosted one such place of illegal detention. It acquired the same grim reputation as Khankala. On 1 May 2006 a delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was forbidden to enter. According to information available to Memorial Human Rights Centre, the Demos Centre and the International Helsinki Federation, within a day all those held in the illegal prison were removed, and many were released. And on 2 May, the European delegation was able to freely enter Tsentoroi.

Apparently, this was where relatives of the President of the CRI, A. Maskhadov, were kept for half a year after being forcibly removed from their homes *in an unknown direction* on 3 and 28 December 2004. The circumstances of the abduction and the witness reports pointed to the involvement of ‘Kadyrovites.’ After a significant delay and some scandalous publicity, the prosecutor’s office opened a criminal case into the abduction, but for more than six months there was no news about the fate of the abductees. On 31 May 2005, almost three months after Maskhadov’s death, all his abducted relatives were released. According to them, they had been kept together for all that time in an unfurnished concrete cell that measured three by three metres. Overhead was one small,

latticed window.

On 27 July 2005, the Deputy Prosecutor General of the Russian Federation, N. I. Shepel, stated²³² that *‘Maskhadov’s relatives were released as a result of a special operation,’* adding that *‘the identities of the kidnappers have not been established.’* The investigation into the case of the kidnapping of Maskhadov’s seven relatives was suspended *‘due to the impossibility of identifying the persons to be held accountable as defendants.’*

Many testified that they or their relatives had been taken to an illegal prison in Tsentoroy where they were beaten and tortured. Illegal prisons were also created in other places where law enforcement units were deployed, mainly those of Kadyrovites.²³³

The quasi-legal place of detention of detainees and arrested persons in the city of Grozny, at the temporary detention facility at the Operational Investigation Bureau No. 2 (ORB-2), is a separate matter. At the institution whose employees conduct operational work and inquiries as well as participate in the investigation, a place of detention of suspects and persons under investigation operated – although, according to the rules of Russian legislation, TDFs could not exist under the operational police authorities. In fact, this temporary detention facility became a specialized location to which defendants were

²³² At the conference ‘Strengthening law enforcement agencies to maintain law and order in the Chechen Republic,’ held in Kislovodsk on the initiative of the Council of Europe Commissioner for Human Rights.

²³³ For details, see the report of Memorial Human Rights Centre and the International Federation of Human Rights ‘Torture in Chechnya: “stabilization” of the nightmare’) of 2006 <https://memohrc.org/ru/reports/pytki-v-chechne-stabilizaciya-koshmara-sentyabr-oktyabr-2005-g>

periodically transferred from the pre-trial detention centre so that the necessary confessions could be extorted from them.²³⁴

War in Ukraine

In both goals and methods, those actions of Russian law enforcement agencies which are known both colloquially and in writing as ‘filtration,’ and the places known as ‘filtration camps,’ differed greatly on the territory of Ukraine from those in Chechnya, both in terms of aims as well as methods. The use of the word itself by journalists and politicians has also become more widespread.

Russia had been preparing to ‘filter’ the population of Ukraine even before a full-scale invasion, according to US government sources. This was stressed by Deputy Head of the US Mission to the OSCE, **Courtney Austrian**. She suggested that the Russian authorities had compiled lists to enable them to filter and detain Ukrainian citizens who threatened Russian control of Ukraine, including anyone holding pro-Ukrainian views – that is, politicians and activists, as well as security personnel.²³⁵

²³⁴ For details, see the chapter ‘Problems of Torture and Ill-Treatment in Chechnya and the North Caucasus’ prepared by Memorial Human Rights Centre and the Demos Centre in the *Alternative Report of Russian NGOs on Russia’s Compliance with the UN Convention against Torture*, presented at the 37th session of the UN Committee against Torture in autumn 2006 (<http://www.demos-centre.ru/projects/6EE9B30/doklad>).

²³⁵ Echo of the Caucasus, 26/07/2022, <https://www.ekhokavkaza.com/a/31960760.html>.

By 2022, there was no longer the ‘situational planning’ that was seen during the First Chechen War. This approach is reminiscent of the methodology that developed in the 1940s, when the concept of ‘filtration’ and ‘verification-filtration’ camps arose. But the main component of the ‘filtration’ process was archival and analytical work – the archives of filtration files maintained by the Soviet state security agencies which included many millions of individual personal files. A ‘filtration case’ was opened for every person (be they one of ‘our people’ or ‘alien’) who was wanted in the territories occupied by Germany; it recorded information and extracts from all possible sources (sometimes these cases amounted to several volumes). Both the ‘verification’ of a person by counterintelligence and their ‘filtration’ were carried out in the light of information from their case – and the results were used when building cases against other people. This practice arose even earlier than its name: similar ‘proceedings’ on the territory of the Baltic states occupied in 1940, although not yet called ‘filtration,’ were carried out systematically, relying on the accumulated volume of cases, and were directed primarily against the Russian emigres who had settled there in the previous two decades. With this in mind, ‘filtration’ in Chechnya looked like a disgusting parody of the Soviet-era practice, while the events in Ukraine seem like a frightening attempt to bring this experience into the present day.

At the same time, the very concept and terminology of the ‘filtration camp’ need to be clarified. The first reports of ‘filtration camps’ in Ukraine appeared in **mid-March 2022**²³⁶ in connection with the mass migration of the population – which was, if not forced, then at least involuntary.

Although cases of the involuntary resettlement of Ukrainian citizens to Russia were noted in other regions – for example, in the Kharkiv region – most ‘filtration’ took place in the south of Ukraine. All recorded ‘filtration camps’ were in the southern regions, and most of the documented information about people who underwent filtration refers to the period of the siege of Mariupol.

Employees of Human Rights Watch (HRW) list at least 15 ‘filtration camps’²³⁷ according to the residents of Mariupol who were ‘filtered’ in the ‘DPR’ between **15 March** and **6 May**. Researchers at the Yale University Humanitarian Research Laboratory (USA) have established the presence of 21 ‘filtration camps’ – 20 in the Donetsk region of Ukraine and one more in the Zaporozhzhia region.²³⁸

From the surveys conducted by HRW, we learn that ‘filtration’ affected mainly those who had left the city of Mariupol for the territory of Russia. Dozens of respondents who moved from the occupied regions of Donetsk, Kherson, Luhansk, and Zaporozhzhia regions

²³⁶ Meduza, 12/04/22, <https://meduza.io/feature/2022/04/12/ukraina-obvinyayet-rossiyu-v-deportatsii-700-tysyach-chelovek-moskva-nazyvaet-eto-evakuatsiye-lyudi-rasskazyvayut-o-filtratsionnyh-lageryah>.

²³⁷ In Amvrosievka, Bezymennoe, Dokuchaevsk, Donetsk, Kazatskoye, Kachkarskoye, Mangush, Nikolskoye (formerly Volodarskoye), Novoazovsk, Pervomaisk, Sartana, Starobeshevo, Uspenka, Khomutovo, and Shirokino in the Donetsk region . Human Rights Watch, 09/01/2022, <https://www.hrw.org/ru/report/2022/09/01/382706>.

²³⁸ Conflict Observatory, 08/25/2022, <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/filtration-1>.

said that, as far as they knew, there was no ‘filtration’ in the places they had left. Most of those who left Mariupol in their own vehicles and headed for Ukrainian-controlled territory were not subjected to ‘filtration’ either.

From **2 March** to **16 May** – the entire duration of the siege of Mariupol – the Ukrainian authorities repeatedly tried to agree terms for the evacuation of the civilian population. According to them, the Russian military repeatedly refused to allow Ukrainian buses to evacuate civilians to Ukrainian-controlled territory.

In March, two routes proposed by the Russian Ministry of Defence for the evacuation of the civilian population from Mariupol were established: through Russian-controlled territory to the city of Rostov-on-Don, and a little later to the Ukrainian-controlled city of Zaporizhzhia; the latter only became fully operational on **30 April**.²³⁹ Cases of organized evacuations to Ukrainian-controlled areas were rare exceptions. The Russian side only provided buses for evacuation to Russian-controlled territory.

By March, the Russian military had begun to force both those fleeing the city and those residents who remained to undergo so-called ‘filtration.’ For this purpose, ‘filtration points’ were created in at least 15 settlements near to Mariupol in Russian-controlled territory (mainly in the ‘DPR’). Those who tried to leave the war zone were sent there in private cars, on foot, or in

²³⁹ UN Human Rights Monitoring Mission in Ukraine, 06/29/2022, <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-EN.pdf>

special free evacuation buses. In some cases, people came to the filtration points themselves, as they had received information that they would not be able to cross the border without going through ‘filtration.’ There are cases when the Russian military deliberately detained local residents and sent them to ‘filtration.’

Many residents of the occupied regions left for Russia, as the Russian military had told them that evacuation to Ukraine was impossible, and that leaving for Russia was the only way to get away from the shelling and save their lives. In some cases, people were put on buses going to Russia against their will, despite objections.²⁴⁰

People often waited for their turn at the ‘filtration points’ for several days or weeks. During that time, they were placed in schools, cultural centres, and government agencies. Sometimes they lived in tents or cars. In some cases, no proper meals were provided. People lived in difficult, unsanitary conditions, among dozens and even hundreds of others waiting for ‘filtration.’

A woman from Melekino, Donetsk region, says that in mid-April she and her family left their house and walked to Mangush, where the ‘DPR’ authorities forced them to wait in line for ‘filtration’ for ten days. *‘You come and stand in line all day. Then the curfew starts in the evening, and you go back to where you live, and the next day you come back, and everything repeats again. People decided to make a list and write down who is behind*

²⁴⁰ Human Rights Watch, 09/01/2022, <https://www.hrw.org/ru/report/2022/09/01/382706>.

whom so that the next morning they could re-establish the queue,' she told HRW staff.

Living conditions in a school building in Primorsky were described by one of the HRW interviewees as follows:

'The school didn't even have mattresses – nothing at all. People – and there were about 150 of us, or even more – slept on the floor or on tables. The first four or five days we were at least fed three times a day. They gave us porridge, lard, and canned vegetables. But then apparently the food ran out, and they began to feed us only twice a day – and they gave us only pasta and bread. We were allowed to leave the school and walk around the village, but it was impossible to leave the village: there were checkpoints everywhere, and our passports had been taken away. At first we were told, "Filtration will happen in two days." Then they began to say that we have to wait another day, then another day, and then they stopped promising anything. Those who had relatives in the "DPR" were lucky: if a relative came and handed in a signed permit to bring a person to the filtration point, then they were released to their relatives. We felt like hostages. We were afraid that they had some strange plans for us. The toilet at the school was terrible, the water was kind of smelly, and very soon everyone started having diarrhoea, vomiting... One elderly woman died right there. Someone noticed that she was not moving and called the duty officer. He called someone else. As a result, the doctor came, looked at her – but she was not

*breathing... They put her on a stretcher, covered her with a sheet and took her away.*²⁴¹

There is no official information about the total number who passed through ‘filtration,’ but according to indirect data, these were many hundreds of thousands of people.

‘Filtration’ usually took place in a police station or in a specially prepared room – in, for example, a house of culture – or even in a temporary tent encampment. Representatives of law enforcement agencies asked several questions; often people were asked to fill out a questionnaire where they had to give information about their relatives, work, political views, and ties with the Ukrainian armed forces or authorities. People were photographed full face and in profile, and a special tablet collected fingerprints and palm prints.

Svitlana, interviewed by HRW, was asked for passport details and place of residence, and after interrogation was told to fill out a questionnaire, where she had to state whether any of her relatives remained in Ukraine, how she felt about the authorities and current events in Mariupol and in Ukraine overall, and whether she had any connections with Ukrainian right-wing radical armed groups. After that, Svitlana was interrogated again by two officers, then her phone was returned to her, and she was put on a bus going to Russia.

People’s mobile phones were also taken away and their contents checked: including contact lists, messages,

²⁴¹ Human Rights Watch, 09/01/2022, <https://www.hrw.org/ru/report/2022/09/01/382706>.

and photos. In some cases, the IMEI of the phone was recorded.

Some men were forced to undress to see if they had tattoos on their bodies indicating their affiliation with the UAF or right-wing groups, or bruises from using weapons.

Most of those who went through the ‘filtration’ ended up receiving a certificate. In fact, this type of ‘filtration camp’ was not a place of detention or restriction of freedom – they could more accurately be termed ‘extended checkpoints,’ comparable to the infamous ‘Kavkaz-1’ checkpoint from the beginning of the Second Chechen War. At first, people could pass through them quite quickly, as a formality, while families with children were even allowed to skip the line. But, as order was established, the procedures became more complicated, and rather than stemming from malicious intent, the ten-day waiting period that became standard was brought about by the limited capacity arising from more complicated formalities. Also, there were no attempts to refuse filtration based on far-fetched criteria.

As far as procedure was concerned, these were not ‘camps’ but rather ‘settlements’; at the same time, at its core the system was consistent with the idea, process and system of ‘filtration’ in its darkest sense. The places where those who failed ‘filtration’ were sent on to can be compared with Chernokozovo and similar elements of the filtration system during the first and second Chechen wars.

* * *

Little is known about those who, for one reason or another, failed to pass a check at a ‘filtration point.’ They were kept in custody on territory controlled by the ‘DPR.’ Some may have been victims of enforced disappearance. Thousands of civilians from Ukraine were forcibly held by Russian security forces without any legal basis.²⁴² Official Ukrainian sources claim that those who did not pass ‘filtration’ were detained for 36 days on the territory of the ‘DPR’ for interrogation, and then they were either released or tried.²⁴³

Anatoly V., a 58-year-old retiree, said that he had been interrogated by officers of the ‘military police’ of the ‘DPR.’ Photographs of relatives who served in the Ukrainian army were found on his phone, after which the officers threatened to shoot Anatoly and his 32-year-old son on the spot: *‘Then they began to demand that I pay them \$5,000. Otherwise, they said, they would shoot me and bury me so that no one would find me. I had \$2,500 with me. It was all my money, and I absolutely did not want to give it to these people. But a man with a machine gun came up to me and said that he would cut off my ear and make a toy out of it. My son and I were separated and put in different rooms, and, in the end, they took the money from me and let us go.’* Anatoly V. refused to give details of what had happened during the interrogation,

²⁴² *Novaya Gazeta* – Europe, 12/14/2022, <https://novayagazeta.eu/articles/2022/12/14/pravovoi-status-neizvesten>.

²⁴³ Human Rights Watch, 0109/2022, <https://www.hrw.org/ru/report/2022/09/01/382706>.

adding that his son did not want to relate what had been done to him either.

Anatoly V. also said that the Russian military, who conducted door-to-door searches in Mariupol (in essence, a ‘cleansing operation’), had detained his stepson, who was released after being held in custody for three weeks. He had six broken ribs and a broken jaw, and it was painful for him to speak, but he told Anatoly that the Russian military had beaten him for some weeks, thinking that he had served in the Ukrainian army. He was released only after they had obtained a database with information about the military, and they realised that Anatoly’s stepson was not in it.

Those who were suspected of having links with the Ukrainian military or law enforcement agencies were detained at ‘filtration points’ and sent to the Yelenovka penal colony for the duration of their administrative arrest. There, local security officials tried to find out more precisely if the person was connected to the army, police, territorial defence, or the Azov regiment. As a result of this ‘check,’ the person was either released or put on trial.

People detained during filtration could be subjected to torture and other ill-treatment in detention (in some cases, they became victims of enforced disappearance). According to the UN Monitoring Mission, they were tortured in order to obtain a confession that they had collaborated with the Ukrainian authorities, or to force them to cooperate with the Russian authorities: *‘the victims said that they had been kept for several days*

*blindfolded with their hands tied, beaten, threatened with sexual violence, put in a closed metal box, forced to sing or shout slogans glorifying Russia, left without food or water, and kept in overcrowded rooms with poor sanitary conditions.*²⁴⁴

* * *

Residents of the *Kyiv* and *Chernihiv* regions said that the Russian military had kept them for days or even weeks in dirty, stuffy rooms – in the basement of a school, at a factory, in a boiler room, etc. – with practically no food or water, and no toilet. For example, in the village of *Yagodnoye, Chernihiv region*, over 350 residents, including at least 70 children, five of whom were babies, were kept by the Russian military for 28 days in a school basement.²⁴⁵

In the city of *Kherson*, among others, the building of the former sobering-up station, temporarily converted into an isolation prison, was used to hold detainees.²⁴⁶

In the city of *Izium, Kharkiv region*, witnesses interviewed by HRW researchers named seven places that the Russian military had used as bases and for detaining people: two schools, the city department of the Ministry of Internal Affairs, a decommissioned hospital, a water supply station, a private house and a private enterprise.

²⁴⁴ UN OHCHR, 29/06/2022, <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-EN.pdf>

²⁴⁵ Human Rights Watch, 05/18/2022, <https://www.hrw.org/ru/news/2022/05/18/ukraine-executions-torture-during-russian-occupation>.

²⁴⁶ Human Rights Watch, 07/29/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>.

HRW staff visited four of these buildings and found that they had indeed been used for detention.²⁴⁷

A decommissioned hospital in the *Upper Village of Iziium*, next to the railway station. When interviewed, eight men said that Russian soldiers had been stationed in the main building of the hospital, while they and other detainees had been held in two nearby garages, and another woman said she had been held in a small room in a building across from the garages. Next to the hospital is the Zheleznodorozhnik Palace of Culture, which, according to the residents of neighbouring houses, was used by the Russian military as a base.

The city department of the Ministry of Internal Affairs was, according to police officers, city officials and local residents, used by Russian troops as one of their main bases during the occupation of Iziium. Five men said that they had been kept in this building. All five said they had been taken to the basement almost every day, where they were interrogated and tortured.

School No. 6. Two men said that they had been held and tortured in this building, and three people living in the neighbourhood said that Russian soldiers had been stationed at the school from about April to July.

School No. 12. Four people living in the neighbourhood and a teacher at the kindergarten opposite the school said that Russian soldiers had been stationed in

²⁴⁷ Human Rights Watch, 10/21/2022, <https://www.hrw.org/ru/news/2022/10/21/ukraine-russian-forces-tortured-izium-detainees>.

the school building from early March to July. One person said that he had been held and tortured in that building.

2.3.2 Treatment of detained members of armed groups

First and Second Chechen Wars

Captured fighters of the armed groups of the self-proclaimed CRI or other forces that opposed Russian forces, as well as those who were suspected of membership, suffered an unenviable fate. At the least, they were extremely cruelly treated, and most of them were killed or disappeared without a trace.

During the First Chechen War, the situation was even worse than in the Second. Although, according to the response of the Prosecutor General's Office of the Russian Federation to a request from Deputy Yu. A. Rybakov, received at the end of 1997, *'The detained members of illegal groups [...] were charged according to the Criminal Code and remanded into custody. Subsequently, at the request of the Ministry of Internal Affairs, the FSB, the Russian Army and in agreement with the Prosecutor General's Office of the Russian Federation, the detainees were exchanged for military personnel and law enforcement officers captured by illegal armed groups during the conflict. As a result, there are no persons convicted by the court in these criminal*

*cases.*²⁴⁸ This description greatly embellished the situation, since this kind of exchange procedure has been used since the end of 1996.

When in the summer of 1995, after the terrorist attack in Budennovsk and the subsequent opening of negotiations under the auspices of the OSCE and the signing of the Agreement on several military issues, the Special Monitoring Commission began work under the chairmanship of Maskhadov and Romanov. One of its tasks was the exchange of forcibly detained persons. Memorial Human Rights Centre compiled and handed over the lists of those who had been forcibly detained and were missing, including both Russian security officials and residents of Chechnya (the first time this was done officially was on 6 September 1995). In 1995–1996, the Chechen delegation repeatedly asked the Russians about the people on these lists, and the Russian delegation, in turn, sent a request to the Main Information Centre (GIC) of the Ministry of Internal Affairs of the Russian Federation. According to the GIC's responses, none of those whose whereabouts were requested were registered in pre-trial detention centres or prison colonies of the Russian Federation. In addition, none of the reports that the captured Chechens had been allegedly kept secretly in remote prisons was subsequently confirmed.

The members of armed groups simply did not get into the Russian penitentiary system or into pre-trial detention centres and colonies. At best, they were exchanged

²⁴⁸ Answer of the Senior Assistant to the Prosecutor General of the Russian Federation S.A. Aristov dated 22 October 1997 No. 15 / 5-9184-96 to the request of Memorial Human Rights Centre.

directly from filtration points or from illegal places of detention.

In addition, they were not always handed over to the FPs: in January 1995, detainees were brought there from the headquarters of one assault group only, that commanded by L. Ya. Rokhlin, and those detainees subsequently testified to beatings and ill-treatment. Not a single detainee was brought to an FP from the headquarters of the second assault group, commanded by General I. I. Babichev, although evidence has been supplied by fighters of this group concerning the capture and detention of Chechen members of armed groups. Next to General Babichev's command post in Lenin Park, mass graves of detainees were subsequently discovered (exhumed in the summer of 1995), and the adjacent walls were found to be riddled with bullets.

Overall, the situation of members of armed groups detained in the First Chechen War turns out to be no less tragic but less well-known than in the Second. People who were believed to belong to the armed groups of the self-proclaimed CRI or other formations opposing Russian forces were by no means always brought to FPs but were usually either transferred from illegal places of detention for exchange or killed after 'forced interrogation.' Their treatment was cruel, which at times disrupted the exchange process.

Thus, after fifty captured soldiers of the 22nd United Brigade of Special Forces were exchanged for the Chechens held at the Mozdok FP on 26 January 1995, the

conditions for the rest of the prisoners in the FP deteriorated sharply. Although the authorities tried to feed and provide medical treatment to those transferred from the FP for exchange, their condition was such that once they were put in the Children's State Hospital of the Chechen Republic of Ichkeria, prisoners' mothers were not allowed to communicate with them, and the prisoners were beaten.

A year later, the mothers of Russian soldiers taken prisoner by the armed groups of the Chechen Republic of Ichkeria described an incident they had witnessed as follows:

*We are very concerned about the fate of those soldiers who have been held captive for a long time, and we do not hope to find them alive. Because before our very eyes this year [February 1996] there was an exchange of soldiers who had been taken prisoner in December of last year. Everything happened in the presence of 21 mothers who had come for their children. The Chechens had promised to give up 14 Russian soldiers for their one prisoner, but they gave only four. Because the captured Chechen was brutally beaten, he was literally carried out of the armoured personnel carrier as he could not walk on his own. After that, the Chechen side refused to exchange the remaining prisoners of war. It all happened in Shatoi. Mothers are now terrified: what will happen to all the others who are in captivity?*²⁴⁹

²⁴⁹ From a letter from representatives of soldiers' mothers O.I. Morozova, Yu.D. Kayukova, R.Z. Khalishkhova, T.Kh. Ivanova, A.I. the territory of Chechnya and adjacent areas. May 1996.

It should be noted that although all the main elements of this system existed in both the first and second Chechen wars, there were significant differences.

In 1994–1996, there were no cases of mass detention of fighters from the CRI groups, while, conversely, the number of captured Russian military personnel had remained in the hundreds since the very beginning of the First Chechen War. Thus, it was the Russian side that needed an ‘exchange fund’ and it was in their interest to preserve the lives of the detained fighters and representatives of the CRI.

* * *

By contrast, during the Second Chechen War there were practically no incidents of mass capture of Russian security forces, but when this did happen (for example, with the Perm OMON in March 2000), Chechen field commanders often executed them publicly soon afterwards: they simply did not have anywhere to hold prisoners. Accordingly, the federal side did not need an ‘exchange fund.’

On the other hand, the number of fighters of the CRI armed detachments captured in the first six months of the Second Chechen War reached many hundreds, which was not the case during the First War. Since the initial intention was to formalize them as part of a criminal case (the code name was ‘War,’ and it was led by the prosecutor Igor Viktorovich Tkachev), those who were

not killed shortly after their arrest were placed in the temporary detention facility and pre-trial detention centre of the North Caucasus region. Formalizing this case – that is, describing the events of the war within the framework of peacetime legislation – predictably failed. Many detainees were not even truly interrogated, and during 2000 many of them were released, partly because they could not be charged, partly because of corruption. The last tranche did not disappear even after that: for example, Khanpasha Kulaev, who was detained in 2001 in the Vedeno district, was released for a bribe as a disabled person who presented no threat (he had lost an arm), which did not prevent him from taking part in the terrorist attack in Beslan in 2004.

The treatment of those placed in the pre-trial detention centre was cruel, but the first days after the initial arrest were much worse. We know the fate of one group of militants who surrendered in the village of Komsomolskoye on 20 March 2000. 25 of them were laid on the ground and shot with machine guns; 12 or 13 people were killed on the spot. By the evening of 20 March, 73 people were taken to Khankala and placed in two police vehicles. There, in Khankala, they were taken from the police vehicles for interrogation, beaten and tortured, including with electric shocks, and their ears were cut off. For five days they were kept in the cold, and given no food, water or medical assistance. On 25 March they were delivered to the station at Chervlennaya-Uzlovaya in a police vehicle and loaded into a ‘police

train car’ – a video of this event became public.²⁵⁰ Severely emaciated people, who had been beaten and were in a much worse condition than when they surrendered, were thrown to the ground, forced to undress, and driven, while still being beaten, into the car (including those wounded in the legs). The bodies of twelve who died during that time were laid out on the railway embankment. We know the names of about 61 people who were sent to the pre-trial detention centre in Taganrog and Novocherkassk in a ‘police train car.’ Several people died on the way: only 48 people were admitted to the pre-trial detention facility. The beatings continued there until mid-June, when the ICRC commission visited the pre-trial detention centre – by the time it arrived, 12 people had been released under an amnesty. The survivors were transferred to the pre-trial detention centre in Rostov-on-Don where trials began in December 2000.²⁵¹

Equally dire was the fate of the hundreds of members of armed groups from other groups who were captured or surrendered during this period.

Operation of Russian troops in Syria

²⁵⁰ <https://www.youtube.com/watch?v=yy44di4ZdLs>.

²⁵¹ A. V. Cherkasov, *Sud'ba neizvestna* (Fate unknown. Residents of the Chechen Republic, detained by representatives of the federal security forces during the armed conflict and disappeared without a trace or killed.) October 1999–2000. M.: Memorial Human Rights Centre – Publishing House Links, 2012. P. 444–449. <https://memohrc.org/ru/books/sudba-neizvestna-zhiteli-chechenskoy-respubliki-zaderzhannye-predstavitelyami-federalnyh>.

As noted above, the line units of the Russian Army took little direct part in the hostilities and had practically no contact with prisoners of war. The paramilitary units, known as Wagner PMCs, had the closest contact with the enemy on the battlefield; however, there is practically no information about these encounters in open sources.

It would be logical to assume that Russian ‘advisers’ from the special services ‘worked’ with prisoners in the military units to which they were seconded, or in the Syrian detention system – however, for obvious reasons, we do not know anything certain about this.

However, there is a widely circulated report of how ‘Wagnerites’ interacted not with a captured enemy, but with a former ally, a reservist who deserted from the army of **Bashar al-Assad**. It now seems that this knowledge was widely circulated on purpose, with ‘disciplinary’ intentions.

Four videos were published in two instalments, at the end of June 2017 and in November 2019. In them, a group of 5–7 armed people, their faces covered, who spoke Russian without an accent, smash the arms and legs of a man in civilian clothes lying on the ground with a sledgehammer, then cut off his head and arms, then hang the body by the legs, douse it with gasoline and burn it. The armed people mock the body of the deceased.²⁵²

The victim was a citizen of Syria, *Mohammed Elismail* (other versions of the name are **Mohammed Taha Ismail Al-Abdullah** or **Hammadi Taha al-Bouta**),

²⁵² *Novaya Gazeta*, 11/21/2019, <https://novayagazeta.ru/articles/2019/11/20/82805-golovorezy-21>.

who was born in 1986 in Deir ez-Zor, left Syria during the war, returned, worked at construction sites, was mobilized into the reserve of the army of Bashar al-Assad, then deserted, but was caught.

The place of execution was determined to be the Ash-Shair (Ash-Shaer) mine in the province of Homs. The severed head was hung on the fence of a gas processing plant. According to some indications, at least two people were killed there.

An investigation conducted by *Novaya Gazeta* established that the Shaer field had been taken back from militants of the Islamic State international terrorist group banned in the Russian Federation in the **spring of 2017** by Wagner PMC in exchange for a 25 percent share in oil and gas production being transferred to LLC Europolis. Both organisations – Wagner PMC and Europolis – are associated with the established entrepreneur **Yevgeny Prigozhin**, also known as ‘Putin’s chef.’²⁵³

The identity of one of the participants in the torture and murder – he was in the video with his face uncovered – was established. According to *Novaya Gazeta*, this is **Stanislav Evgenievich Dychko**, born in 1990, a former officer of the Stavropol police, a member of the Wagner group since February 2016. The editors of *Novaya Gazeta* had identifiable photographs of other participants in the murder. However, media publications about this murder,

²⁵³ *Novaya Gazeta*, 04/21/2020, <https://novayagazeta.ru/articles/2020/04/21/85017-golovorezy-2-0>.

which was allegedly committed by Russian citizens, did not attract the interest of the Russian authorities.²⁵⁴

On 11 March 2021, Abdullah Elismail, the brother of the murdered man, filed an application with the Main Military Investigation Department of the Investigative Committee of the Russian Federation demanding that a criminal case be initiated against the alleged members of Wagner PMC about a murder committed by a group of persons with particular cruelty (Article 105, Part 2 [paras d and g], of the Criminal Code of the Russian Federation), and requested a check on whether the actions of the alleged killers showed signs of other crimes, including military ones. Memorial Human Rights Centre, the International Federation for Human Rights (FIDH) and the Syrian Centre for Media and Freedom of Expression (SCM) helped prepare the statement. The applicant was represented by lawyers **Ilya Novikov** and **Pyotr Zaikin** who were brought in by these organisations. A significant part of the necessary information and evidence was provided by *Novaya Gazeta*, which conducted its own investigation.²⁵⁵

What follows is a typical example of the mechanisms of impunity for crimes employed in Russia in recent years.

On 26 March, lawyers asked the Chief Military Investigation Department (GVSU) of the Investigative Committee for information about the fate of Abdullah's

²⁵⁴ *Novaya Gazeta*, 04/21/2020, <https://novayagazeta.ru/articles/2020/04/21/85017-golovorezy-2-0>.

²⁵⁵ Memorial Human Rights Centre, 03/15/2021, https://memohrc.org/ru/news_old/rodstvennik-ubitogo-siriycapodal-v-sk-rossii-zayavlenie-na-chlenov-chvk-vagnera.

statement. There was no answer, and on **19 April** they filed a complaint regarding the inaction of the Investigative Committee with the Basmanny Court of Moscow. On **28 April**, the complaint was returned with a demand to amend an omission – the address of the applicant Abdullah has not been given, although there was the address of his lawyer who lived in Russia. On **4 May**, the lawyers filed a second complaint. For a long time, it was not possible to find out what had happened to the complaint. On **20 May**, in the office of the court, Zaikin, the lawyer, finally got the response that the complaint had been submitted to the judge for consideration.

On **2 July**, in court, Zaikin was informed that the complaint had been returned from the GVSU on *12 May*. They refused to provide a copy of the return order, and the reasons for the refusal were not indicated. Zaikin wrote a statement addressed to the chairman of the court, and received a copy, from which it followed: the complaint had been returned, since there is no evidence that Abdullah had filed anything with the Investigative Committee. The original of the decision was received by mail on **14 July**.

On **19 July**, the lawyers sent a third complaint, but again they did not receive a response. On **1 October**, the lawyer applied to the chairman of the court with a request to inform him in writing about the decision taken on the complaint. On **13 October** the lawyers sent a new request to the Investigative Committee demanding that it provide information on the registration of Abdullah's complaint,

and the progress and results of the pre-investigative check, as well as copies of procedural documents.²⁵⁶

On **18 January 2022**, the Basmany Court considered the lawyers' complaint about the inaction of the Investigative Committee. In the objection, the head of the Main Investigative Directorate of the Investigative Committee of the Russian Federation **A. Pakhtusov** pointed out that in Elismail's 'appeal' there is no '*information about the circumstances indicating the signs of a crime*' therefore it '*is not subject to registration in the books of accounting for reports of incidents and does not require procedural verification,*' and that Elismail's death had not been established and documented, and the video recording of the murder where the faces of the victim and some of the killers are visible is not sufficient evidence, and that its reliability has not been established; that no information or requests for legal assistance have been received from the competent authorities in Syria; that the arguments about the participation in the murder of Russian citizens were speculative. Judge **E. Nikolaeva** agreed with these arguments and dismissed the complaint.²⁵⁷ On **9 February 2022**, the Moscow City Court upheld the ruling of the Basmany Court.²⁵⁸ On **18 May 2022**, the same decision was upheld in cassation.

War in Ukraine

²⁵⁶ Memorial Human Rights Centre, 10/19/2021, https://memohrc.org/ru/news_old/advokat-ilya-novikov-sk-boitsya-obnaruzhit-dokazatelstva-prestupleniy-vagnerovcev.

²⁵⁷ Memorial Human Rights Centre, 01/18/2022, https://memohrc.org/ru/news_old/sud-v-moskve-poschital-zakonnym-bezdeystvie-sk-po-delu-o-zhestokom-ubiystve-siriya.

²⁵⁸ Memorial Human Rights Centre, 09/02/2022, https://memohrc.org/ru/news_old/mosgorsud-ostavil-v-sile-reshenie-basmannogo-suda-po-delu-o-zhestokom-ubiystve-siriya.

There have been reports of Ukrainian prisoners of war being subjected to torture, humiliation, and cruel, degrading treatment since the very beginning of the massive Russian invasion of Ukraine in February 2022.

The UN Human Rights Monitoring Mission in Ukraine interviewed 159 members of the Ukrainian armed forces who had been held captive in Russia or by armed groups affiliated with Russia. The vast majority of those interviewed said they had been tortured and mistreated while in captivity.

Immediately after capture, many were beaten; some had their personal belongings taken away. Transportation to places of detention also took place under extremely difficult, in fact torturous, conditions: in overcrowded trucks or buses, sometimes going for more than a day without access to water or a toilet, with hands tied and eyes sealed shut with adhesive tape, so tightly that wounds remained on their wrists and faces.

In the camp where they were kept, the prisoners underwent so-called ‘reception’: prolonged beatings, threats, baiting with dogs and other abuses.

‘Torture and ill-treatment were used not only to force prisoners of war to provide military information or testify to possible crimes. Intimidation and humiliation were a daily practice. The prisoners of war told us how they were beaten, including with batons, wooden hammers and kicks, tortured with electric shocks using stun guns and a

military telephone known as “TAPik”,” said **Matilda Bogner**, head of the UN Human Rights Monitoring Mission in Ukraine. In some cases, interviewees were not tortured to obtain information. One former prisoner said that the security forces had connected wires to his genitals and nose and shocked him, but they were ‘just having fun’ – they were not interested in getting answers to questions. The forms of torture were varied: cutting with a knife, shooting with a traumatic weapon, simulated execution, suspension by the arms or legs, burning with cigarettes, as well as various forms of sexual violence – one man was dragged up by a rope tied to his genitals, forcibly undressed, and threatened with rape.

The mission interviewed 20 female captives. Those held in the colony near Yelenovka said that they had not been subjected to physical violence but spoke about psychological pressure – they had heard the screams of captive men who were being tortured in neighbouring cells. Several women who were in other places of detention said that during interrogations they had been beaten, tortured with electric shocks and threatened with sexual violence. They were humiliated – for example, they were forced to run naked from one room to another in the presence of male guards.

The conditions of detention were very difficult: prisoners spoke of overcrowded cells, poor sanitation and hygiene, and a lack of food and water. Only a few of those interviewed were allowed to contact relatives.²⁵⁹

²⁵⁹ UN website, 11/15/2022, <https://news.un.org/ru/story/2022/11/1434767>.

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On **27 March**, the Russian military captured three territorial defence fighters in the city of Kherson: commander **Vitaly Lapchuk**, his deputy **Denis Mironov**, and volunteer **Oleg**, as well as a local resident named **Sergei** (the names of the latter two have been changed). The men were repeatedly tortured; Denis Mironov died because of the beatings. The body of Vitaliy Lapchuk was found in the Dnipro river port area on 22 May – his hands were bound, and a weight was tied to his legs. ‘Oleg,’ who had numerous injuries from torture, was released on 28 April as part of a prisoner exchange. He said that on the morning of **27 March** he had been captured by the FSB at the appointed spot for a meeting with Lapchuk and Mironov – they had already been detained. They were taken to the police department building. On the first day Oleg was interrogated for 12 hours, blindfolded, beaten, tortured with a stun gun, and asphyxiated with a plastic bag. He saw Mironov being tortured. Afterwards, he was taken into the basement, and the next day transferred to a temporary detention centre. Once every two days, the Russians gave them three *cans of food and army biscuits to share between five people; everyone lost a lot of weight*. Mironov, who suffered severely from torture, was not provided with medical assistance for three weeks. On **18 April** he was transferred to Sevastopol, and on **28 April** he was exchanged. According to Oleg, seven of his ribs were broken, six teeth were knocked out, he had a

*concussion, his limbs were broken, and all of them had kidney trauma from the beatings.*²⁶⁰

On 28 July 2022, two videos of the torture and execution of a Ukrainian prisoner, who was lying on the ground with his hands tied, were shared on the pro-Kremlin Telegram channels Gruz 200 and Rosich. A soldier in a distinctive wide-brimmed hat cut the prisoner's clothes and underwear off and sliced off his scrotum with a pen-knife. Then the prisoner was shot in the head, and his body was tied to a car and dragged along.

An investigation by *The Insider* and Bellingcat found that the execution had taken place on the grounds of the Privolye sanatorium in the Luhansk region, and the executant was **Ochur-Suge Mongush**, born in 1993 in the Republic of Tyva, a former employee of the Ministry of Emergency Situations, who had served in the Akhmat battalion formed in Chechnya from so-called volunteers.²⁶¹ Information about anyone brought to justice, or even the carrying out of a pre-investigation check on the murder of a prisoner of war using particularly cruel means, could not be found in open sources.

²⁶⁰ Human Rights Watch, 07/29/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>.

²⁶¹ *The Insider*, 08/05/2022.

A direct continuation of this story, related to the murder of Mohammed Elismail, was the similar alleged murder by members of Wagner PMC of former prisoner **Yevgeny Nuzhin** who had been imprisoned since 1999 for murder, released from a penal colony in August 2022 and recruited into the PMC and later surrendered to the Ukrainian side and gave several interviews. How exactly Nuzhin left Ukraine and ended up at the mercy of Wagner PMC is not known.

On the night of **13 November**, the video ‘Hammer of Retribution’ appeared on the Grey Zone Telegram channel associated with Wagner PMC. A bright light shines onto Nuzhin’s face, and his head is taped to a stone. He says a few sentences, after which a person off-camera hits Nuzhin on the head with a sledgehammer. He falls back, and a second blow, presumably to the head, is delivered off-camera. In the caption, Nuzhin is called a traitor who ‘*received the traditional, original Wagnerian punishment.*’ The authenticity of what happens in the video has not been confirmed.²⁶² Furthermore, it is clear that in all such cases what was important for the perpetrators was not so much the ‘execution’ itself as the ‘disciplining’ effect of the video recording.

Press Secretary of the President of the Russian Federation D. Peskov refused to comment on the murder: ‘*No, we have no comment. We do not know what it is, how*

²⁶² Russian Air Force Service, 11/17/2022, <https://www.bbc.com/russian/features-63656584>.

*true it is. It is not our business.*²⁶³ There is no information about any investigation into the murder.

2.3.3. Enforced Disappearances and Extrajudicial Executions

First and Second Chechen Wars

Enforced disappearances and extrajudicial executions are two components of the same criminal practice, inextricably linked. Often after kidnapping, frequently after being held in an illegal ‘secret prison,’ almost always after torture, extrajudicial execution followed. The criminals sought to hide all this (more or less thoroughly), as a result of which the fate of the kidnapped person remained unknown, for years and possibly permanently.

As per above, during both Chechen wars, people detained by the military and security forces usually ‘disappeared’: most for a limited period of time, but many forever. But it was during the Second Chechen War that the practice of enforced disappearances associated with extrajudicial executions became widespread and systematic, and acquired the character of an established system of state terror.

²⁶³ Meduza, 11/14/2022, <https://meduza.io/news/2022/11/14/eto-ne-nashe-delo-peskov-o-vnesudebnoy-kazni-byvshego-zaklyuchennogo-evgeniya-nuzhina-zaverbovannogo-chvk-vagnera>.

* * *

During the First Chechen War, Memorial Human Rights Centre maintained databases of missing persons from both sides – both federal security officials and residents of Chechnya. The latter database was compiled in conjunction with the association of relatives of the disappeared, and then was transferred to Memorial Human Rights Centre. Information from this database was used during negotiations for the release of forcibly detained persons. As of 8 August 1995, 1,308 civilians were listed as ‘missing’ in this database. During that year, mainly during the exhumation of mass graves, the bodies of about 400 missing were found, but in the same period several hundred new applications were received, and as of June 1996, 1,285 people were missing.²⁶⁴ In the spring of 1997, the list handed over by the Chechen side to the federal authorities of the Russian Federation included 1,563 people. Most of the missing persons whose bodies were found had died during the fighting, but some appear to have been shot or died as a result of beatings and torture. Since 1996, the 124th Special Medical Laboratory of the North Caucasian Military District, which has been engaged in the identification of the bodies of civilians who died in Chechnya, has repeatedly found the bodies of Chechens with signs of torture and beatings.²⁶⁵

Many people whose evidence shows were detained by the military or employees of the Ministry of Internal Affairs of the Russian Federation are known to have later

²⁶⁴ Data of the State Service for the Search for Missing Persons (Chechen Republic) and the socio-political movement Zhertvy Vojny (Victims of War).

²⁶⁵ A. Budberg, ‘Sovremennaja Rabotorgovlya’ (Modern slave trade) // *Moskovsky Komsomolets*, 5 May 1997.

disappeared. Most of them were not on the lists delivered to the FPs. The federal side claimed that the few missing persons on the list were subsequently released.

Here are just two such cases out of many.

2 April 1995 on Mayakovsky St. in Grozny, in the spot where the unit of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation was previously located, the bodies of A. Tretyakov and brothers M. and S.-E. Khamidov were exhumed in the presence of a forensic expert. The bodies examined by the forensic group of the Main Directorate of Operational Headquarters (GUOSh) of the Ministry of Internal Affairs of the Russian Federation showed signs of torture. A woman living in the neighbourhood said that she had seen the Khamidov brothers delivered to the unit on 28 January 1995 – soldiers were leading them under escort, and one of the brothers shouted: *‘We are the Khamidovs, we live over that way. Tell your father that they are taking us to be shot.’* This testimony allowed the father of those killed, Hussein Khamidov, to subsequently find the place of their burial. On the fact of the murder, the prosecutor of the Zavodskoy district of Grozny opened a criminal case on 17 May 1995, which was then sent to the military prosecutor’s office.²⁶⁶

At the end of February 1996, in the course of an attempt by federal forces to attack the positions of Chechen detachments near the village of Bamut, the 693rd motorized rifle regiment of the 58th Army advanced

²⁶⁶ The investigation of the case was suspended ‘due to the failure to identify the persons to be charged as accused,’ which meant the termination of the investigation.

across the territory of Ingushetia from the village Galashki in the direction of Arshty village. At this time, a resident of the village disappeared – Sharip Batayev, born in 1964, who suffered from dementia: witnesses saw him being put on an AV by soldiers on 23 February in Arshty.

On 20 March, 5 km from the village of Arshty, at the place where at the end of February the reconnaissance unit of the 693rd regiment of the 58th Army was located, the body of Batayev was found in a shallow grave. An operational investigative group headed by a member of the prosecutor's office of the Republic of Ingushetia, accompanied by a representative of Memorial Human Rights Centre A. V. Cherkasov, visited the scene. The exhumed body showed signs of torture, including broken wrists and hands; Batayev had been shot in the back of the head.

Not far away, lists of the personnel of the unit that occupied this position were found in the trenches. The lists were attached to the criminal case, which was then transferred to the military prosecutor's office.²⁶⁷

According to Memorial Human Rights Centre, only in two cases were servicemen of the federal forces brought to trial for shooting a detainee. There were no reports of convictions.

* * *

²⁶⁷ The criminal case was dismissed 'due to no evidence of a crime.'

With such impunity, it is not surprising that the certificate issued by the head of the Department for Supervision of the Investigation of Crimes of the Prosecutor's Office of the Chechen Republic Kh. Kh. Makhamashev, attached to the letter sent on 7 July 1996 by the Prosecutor of the Chechen Republic to the Prosecutor General of the Russian Federation Yu. I. Skuratov, contains the words, *'Analysis shows that in the regions liberated from illegal armed groups, evidence of criminal encroachments by military personnel of the federal forces against the life and health of citizens is widespread.'*

* * *

Almost from the very beginning of the Second Chechen War, the practice of enforced disappearances in the Chechen Republic became widespread and systemic. It was organized and coordinated by representatives of various state law enforcement agencies. Such acts are classified as crimes against humanity and have no statute of limitations.²⁶⁸

This practice relates to the 'filtration system' described above, which included numerous semi-legal and illegal, officially acknowledged and secret places of detention, under the jurisdiction of various departments (MO, FSB, MVD). People detained during 'cleansing

²⁶⁸ A. V. Cherkasov, *Sud'ba neizvestna* (Fate Unknown. Residents of the Chechen Republic detained by representatives of the federal security forces during the armed conflict and disappeared without a trace or killed. October 1999–2000.) <https://memohrc.org/ru/books/sudba-neizvestna-zhiteli-chechenskoy-respubliki-zaderzhannye-predstaviteliyami-federalnyh>.

operations' of settlements or at roadblocks, or those who were taken away from their homes at night during a 'targeted special operation,' ended up in one part of this system or another. There was a distributed, but coordinated and well-oiled pipeline of illegal detentions, secret prisons, torture, extrajudicial executions, and concealment of bodies.

At each stage, 'sorting' took place – almost everyone was tortured, and those who, according to the security forces (based on operational data, confessions, and testimonies obtained during interrogations or simply by virtue of intuition or personal hostility) could pose a threat to the 'constitutional order,' were subject to liquidation.

The practice of enforced disappearances acquired a similar character from the late spring-early summer of 2000. There were several reasons for this.

Firstly, during the hostilities after January 2000, a system developed in which detainees did not end up in lawful places of detention or at the FP in Chernokozovo, but were instead placed and interrogated at the groups' headquarters (the headquarters of the OGV(s) in Khankala, and the headquarters of the West group in Tangi-Chu), where operational groups attached to the FSB were located, or even at units (the 160th Tank Regiment and 276th Motorized Rifle Regiment near Duba-Yurt, the 138th Motorized Rifle Brigade near the village of Goyty), and killed following interrogation at the same location.

Secondly, the collapse of the abovementioned ‘War’ case became obvious almost immediately. Like the possible amnesty for members of armed groups who surrendered, this seemed like unacceptable humanism to the Russian security forces. After May 2000, detainees were taken to Khankala and placed in illegal places of detention that had been used back in the First Chechen War (for example, in a metal tank). After March, members of armed groups who had surrendered and been granted an amnesty, begin to ‘disappear.’ Then, in March, after the fighting in Komsomolskoye, bodies of people who had been detained much earlier began to be found in the ruins of the village.

Thirdly, the end of large-scale hostilities in the spring of 2000 did not mean the end of the armed conflict: by the summer, the Chechen armed groups recovered from their losses and began guerrilla warfare using sabotage and terrorism. Guerrilla warfare could not be effective without support for the underground on the part of a significant part of the population, and the separatists received this support. The reason for this was largely the crimes described above and the mass violence against the civilian population that accompanied the military operations of the federal forces. And now, within the framework of the counter-guerrilla operation, a system of enforced disappearances, illegal places of detention, extrajudicial executions, secret burials of victims, and other methods of hiding bodies had been established. It is obvious that the existence of such a ‘death machine,’ which included illegal prisons, a quasi-investigative torture system, a

guarded place of execution, and / or storage of corpses without the direct sanction of protection from the group's command, seems implausible.

Burials (mass or containing several bodies) of people illegally detained in front of witnesses were found in different regions of the republic (usually on or near the places where military units had formerly been deployed). To prevent the discovery of such burials, the practice of blowing up corpses (and in some cases people who were still alive) subsequently spread.

* * *

To offer just one example of the discovery of a mass grave of those who had been abducted and killed.

In February 2001, a corpse dump (for lack of a better term) was discovered in the former dacha settlement Zdorovye in the immediate vicinity of the main Russian military base at Khankala (on the other side of the Argun highway, opposite the exit from the base). On 24 February, the prosecutor's office launched an investigation. According to official data, the bodies of 51 people were found and exhumed; according to unofficial data, there were several times that number of bodies, but the military hindered the work of the Ministry of Emergency Situations, and then took the bodies away in an unknown direction.

All the people whose bodies were found in Zdorovye were victims of extrajudicial executions: most of them

had had their throats cut, their hands were tied, and a shot had been fired into their heads to finish them off.

Twenty-five bodies were identified by relatives – all of them had previously been detained in front of witnesses by representatives of federal forces at different times and in different places: at checkpoints, during ‘cleansing operations,’ etc.

A criminal case was opened into the massacre. However, by **24 March 2001**, the Prosecutor of the Chechen Republic **V. Chernov** was already stating that *‘there is no evidence from witnesses confirming that federal troops were responsible for these killings.’* The fundamental claim of the investigation was ridiculous: the mass grave was allegedly organized by militants in a highly protected zone near the Russian military base.

None of the perpetrators of these kidnappings and murders have been found.

The bodies of Nura Lulueva and her two cousins, Markha and Raisa Gakaeva were found among the dead. They were detained in front of many witnesses on 3 June 2000 at a market in Grozny by Russian servicemen, who had arrived in an AV numbered 110, and then ‘disappeared.’ According to the Prosecutor of the Chechen Republic Chernov, they were detained by security forces during an ambush at a safe house, but the investigation of the criminal case of their murder (as well as other cases of people who ‘disappeared’ and were later found in Zdorovye) was inconclusive. Relatives of the disappeared applied to the ECtHR; applications from

relatives of Nura Luluyeva ('Luluyev and Others v. Russia. No. 69480/01')²⁶⁹ and relatives of Markha and Raisa Gakaev ('Ayub Gakaev and Others v. Russia. No. 56745/08 in the case of Kaykharov and Others v. Russia')²⁷⁰ were satisfied.

As became known from the materials in the case considered by the ECtHR in *Lyanova and Aliyeva v. Russia* (applications No. 12713/02 and 28440/03'). The decision was made on 2 October 2008),²⁷¹ AV No. 110, in which Luluyeva and the Gakaevas were taken away, belonged to military unit 3723 – the 8th Guard, which, according to the testimony of the brigade chief of staff, was part of the '*military operational reserve*' in Grozny from **May to August 2000**.

In this burial near the military base in Khankala,²⁷² the bodies of people detained at different times and in different locations within the Chechen Republic were found, which proved the systematic and organized nature of the activities of the killers and kidnappers. This made it possible to state with certainty that 'death squadrons' had been operating in the Chechen Republic – an organized criminal community that existed within state law

²⁶⁹ The application was satisfied by the ECtHR on 9 November 2006. The court found that Russia had violated Article 2 (right to life in substantive and procedural parts), Article 3 (prohibition of torture and inhuman treatment), Article 5 (right to liberty and security of person), Article 13 (right to an effective remedy) of the European Convention. According to the Court, there is no reason to doubt that Nura Luluyeva was unlawfully imprisoned and then brutally murdered by representatives of the state.

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=810166&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<https://hudoc.echr.coe.int/eng?i=001-77926>

²⁷⁰ The application was satisfied on 1 August 2013, the Court found a violation of Article 2 (in the material and procedural parts), Article 3, 5, 13. <https://hudoc.echr.coe.int/eng?i=001-122969>.

²⁷¹ <https://hudoc.echr.coe.int/app/conversion/docx/pdf?library=ECHR&id=001-154010&filename=CASE%20OF%20LYANOVA%20v.%20RUSSIA%20-%20%5BRussian%20Translation%5D%20by%20the%20Russian%20Justice%20Initiative.pdf&logEvent=False>

<https://hudoc.echr.coe.int/eng?i=001-88667>.

²⁷² The same, however, as in many other mass graves discovered in Chechnya.

enforcement agencies and operated under the auspices of the country's top military, police and political leadership.

* * *

As of the end of 2022, the ECtHR had issued 320 judgments in which it found Russia responsible for violations of the right to life during military and counter-terrorist operations in the North Caucasus (mainly in Chechnya). The number of applicants in these cases is even higher, as many decisions combine applications from several persons. These judgments deal, above all, with murders and kidnappings in the territories controlled by Russian law enforcement agencies. These decisions describe 668 cases of abduction (612 people disappeared between 1999 and 2006, and 56 people were abducted between 2006 and 2017). These decisions also concern 150 killings of civilians and 111 injuries or incidents of torture.

The ECtHR recognized that the Russian authorities are responsible for these crimes, as well as for the failure to investigate these violations. The Committee of Ministers of the Council of Europe ruled that Russia has not yet implemented these decisions of the ECtHR, as it has not yet conducted effective investigations into any of these crimes.

* * *

Memorial Human Rights Centre has information on more than 1,650 well-documented incidences of the enforced disappearance of people during the entire period

of the ‘counter-terrorist operation’ (CTO) in the Chechen Republic in 1999–2009 (one episode often involved the disappearance of several people).²⁷³

In almost all these cases, Memorial Human Rights Centre entered into correspondence with the prosecutor’s office. Criminal cases were initiated; however, according to available information, most cases were suspended ‘*due to the failure to identify the person to be charged as an accused.*’ In 1999–2001, we know of more than 1,250 people who disappeared without a trace (the bodies of some were found afterwards).²⁷⁴

From 2002 to 2009, at a time when the federal forces were moving from large-scale ‘cleansing operations’ to ‘targeted measures’ and then to the ‘Chechenization’ of the conflict, Memorial Human Rights Centre collected information about the abduction of 1,976 residents of the Chechen Republic; for each of whom there is more or less detailed information (including the surname, given name and patronymic of the abducted person, their place of residence, the circumstances of the abduction, etc.), and

²⁷³ We also include here those cases where the body of a ‘disappeared’ person was later discovered.

²⁷⁴ A. V. Cherkasov, *Sud’ba neizvestna* (Fate Unknown. Residents of the Chechen Republic, detained by representatives of the federal security forces during the armed conflict and disappeared without a trace or killed. October 1999–2000.) <https://memohrc.org/ru/books/sudba-neizvestna-zhiteli-chechenskoy-respubliki-zaderzhannye-predstavitelnyami-federalnyh>.

2. *Zdes’ zhivut lyudi* (People live here. Chechnya: Chronicle of Violence. Part 1. July–December 2000). M.: Human Rights Centre Memorial – Publishing House Links 2003.

<https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/old/files/156.pdf>

3 *Zdes’ zhivut lyudi* (People live here. Chechnya: Chronicle of Violence. Part 2/3. January–June 2001). M.: Human Rights Centre Memorial – Publishing House Links 2006.

<http://old.memo.ru/hr/hotpoints/chechen/jzl20/index.htm>

4. *Zdes’ zhivut lyudi* (People live here. Chechnya: Chronicle of Violence. Part 4. July–September 2001.) M.: Human Rights Centre Memorial – Publishing House Links 2008.

<http://old.memo.ru/hr/hotpoints/chechen/jzl40/index.htm>

5. *Zdes’ zhivut lyudi* (People live here. Chechnya: Chronicle of Violence. Part 5. October–December 2001). M.: Human Rights Centre Memorial – Publishing House Links 2010.

<https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/old/files/357.pdf>

this information is obviously incomplete.²⁷⁵ Some of these people were subsequently released or ransomed, or their detention was legalized in temporary detention centres and pre-trial detention centres.

Extrapolating from this data and the analysis of official reports, Memorial can assert that in total during the entire period of the CTO (1999–2009) there were **obviously more than 3,000 and less than 5,000 people** – it is not yet possible to name more precise figures.

War in Ukraine

As of *7 December 2022*, the UN Human Rights Monitoring Mission in Ukraine documented the violent deaths of 441 civilians (341 men, 72 women, 20 boys, and 8 girls) in three regions. This work continues to confirm 198 murders in the *Kyiv, Chernihiv, and Sumy regions of Ukraine*. The final figures will be much higher.

In *the city of Bucha, Kyiv region*, the Mission recorded the killing of 73 civilians (54 men, 16 women, 2 boys, and 1 girl) and is in the process of confirming additional 105 alleged killings. The report released by the

²⁷⁵ Memorial Human Rights Centre was able to monitor only a limited area of the Republic – from a quarter to a third of the territory – and even in the areas covered, it is unlikely to have compiled an exhaustive summary. In recent years, the territorial coverage has expanded, but in conditions of terror, people in most cases refuse to talk, which also increases the latency of abductions.

Mission details 100 killings, 57 of which are classified as executions (48 men, 7 women, and 2 boys); 30 of them occurred in places of detention, and the remaining 27 victims were killed on the spot shortly after finding themselves under the control of Russian forces.²⁷⁶

On **19 March**, in one of the villages in the *Kyiv region*, the Russian military seized 45-year-old **Igor Savran**, having found an old military jacket at his house, and took him away in an unknown direction. On 31 March, when the Russian troops retreated, his mother found his body in a barn about a hundred metres from the house.²⁷⁷

On the outskirts of *the city of Iziium, Kharkiv region*, after the liberation, a mass grave was discovered that had appeared over the previous six months, in which bodies were found with signs of torture and execution.²⁷⁸

At *the end of March 2022* in the village of *Kapitolovka in the Iziumsky district of the Kharkiv region*, Russian security forces detained residents **Ivan Shabelnik**, 52, **Oleksiy Taran**, 76, and **Yuri Kavun**, about 59 years old. On **23 March**, Ivan and his father-in-law, Oleksiy Taran, went to collect pinecones for kindling and did not return. A local resident told HRW that on **24 March** he was detained by four men, allegedly fighters from the self-proclaimed ‘Luhansk People’s Republic’ (‘LPR’). They went around and searched the houses on

²⁷⁶ UN OHCHR, 07/12/2022, <https://www.ohchr.org/en/press-releases/2022/12/un-report-details-summary-executions-civilians-russian-troops-northern>.

²⁷⁷ Human Rights Watch, 05/18/2022, <https://www.hrw.org/ru/news/2022/05/18/ukraine-executions-torture-during-russian-occupation>.

²⁷⁸ *The Wall Street Journal*, <https://www.wsj.com/articles/ukraine-russia-graves-war-11664375474>.

his street and suspected that he had a generator hidden in his yard, which they wanted to take away. The security forces put him in the cellar, with two other men who were already there. It was dark, but he recognized Ivan Shabelnik by voice, and the second man was Oleksiy Taran.

Shabelnik said that on the way home, he and Oleksiy had been stopped by ‘LPR’ fighters, searched and put in the cellar. HRW’s interlocutor said that Oleksiy Taran had not been tortured in his presence, but Shabelnik was taken away for interrogation several times: *‘When they brought him back, he refused to say what they had done to him there. But every time I heard him scream.’*

Two days later, a fourth man was brought to the cellar, Yuri Kavun, a former soldier, who had retired from the army a few years ago for health reasons. Kavun’s face was covered in blood: *‘A soldier had shot near his head. The bullet hit something, and a lot of metal fragments dug into his face. We had one blanket in the cellar and we tried to bandage his head.’* The soldiers then cleaned Yuri’s wounds and bandaged his head, but after that they beat him three or four times in the days that followed. Then HRW’s interlocutor was released.

In *early August*, police officers who had collaborated with the occupiers contacted the Shabelnik family and reported that a local farmer in the forest had smelled decomposition. As a result, authorities found three bodies and took them to the Iziium city hospital for medical

examination. Ivan's cousin identified the bodies of Shabelnik and Taran by their clothes.

Shabelnik's death occurred 'as a result of a chest injury with multiple fractures of the ribs,' Taran died 'from a blow to the head with a blunt object,' Kavun, from a wound in the head.²⁷⁹

* * *

By *mid-May 2022*, the UN Human Rights Monitoring Mission in Ukraine had reported that hundreds of cases of arbitrary detention of civilians were documented in the territory controlled by Russian troops. Many of them were subjected to torture and other ill-treatment.²⁸⁰

As a rule, the military did not tell the families of the detainees where they had been taken, and the Russian military commandant's office did not respond to requests from relatives.²⁸¹

According to the detainees, they were required to say which of the local residents served in the police, was in the territorial defence or took part in the ATO (an anti-terrorist operation carried out in Donbas in 2014). Some were directly asked if they supported Russia.

²⁷⁹ Human Rights Watch, 10/14/2022, <https://www.hrw.org/ru/news/2022/10/14/ukraine-three-mens-bodies-found-forest>.

²⁸⁰ UN OHCHR, 'The situation with human rights in Ukraine under the conditions of the armed attack of the Russian Federation. February 24–May 15 2022,' 06/29/2022, <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-EN.pdf>.

²⁸¹ Human Rights Watch, 29/07/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>.

Some were charged with possession of weapons or drugs. A man said that armed people had entered his house, put marijuana on the table and demanded that he sign a confession of possession of drugs. The man, who had a generator at home, was forced by the military to sign documents transferring ownership of the house to them.

All the detainees say that the military took valuables from them – money, jewellery, electronic devices, and cars.²⁸²

HRW employees have documented a number of cases where civilians detained in the Kyiv region were taken to Russia when the units that detained them left and placed in temporary detention facilities in *the Kursk and Bryansk regions of Russia*. This was according to those who were released. Lawyers and relatives of the detainees were barred by the management of the detention centres from meeting the detainees; also, the management refused to confirm the very fact of detention and did not provide information about detainees' whereabouts. In some cases, the detained civilians were taken to the *city of Narovlya in the Republic of Belarus*, and from there, after 3–10 days, they were transported to Russia.²⁸³ According to relatives, the Russian authorities perceive the detained civilians as prisoners of war, or at least keep them together with prisoners. Some detainees in the Kherson and

²⁸² Human Rights Watch, 21/10/2022, <https://www.hrw.org/ru/news/2022/10/21/ukraine-russian-forces-tortured-izium-detainees>.

²⁸³ Media Initiative for Human Rights, Human Rights Watch, 15/07/2022, <https://www.hrw.org/ru/news/2022/07/15/russia-forcible-disappearances-ukrainian-civilians>.

Zaporozhzhia regions were taken to the territory of Russian-controlled Crimea.²⁸⁴

Victoria Andrusha, 25, grew up in the *village of Stary Bykov, Chernihiv region* and worked as a teacher in *the city of Brovary, Kyiv region*. In the first days of the war she went to her family in Stary Bykov. Soon the village was occupied by Russian troops.

On **26 March**, four days before the departure of Russian troops from the Kyiv and Chernihiv regions, soldiers searched their house, claiming that someone from their family was helping the Ukrainian military. The security forces took money, electronics and other things they found. On finding Victoria's phone, they claimed she was the person who was transmitting information about the movements of Russian troops to Ukrainian intelligence officers. Victoria was taken to the neighbouring *village of Novy Bykov* and placed in the building that housed the boiler, where detainees were being kept. She was kept there for two or three days without her relatives being informed, after which they took her somewhere else. On **27 March**, the military again came to Victoria's family and demanded all her documents. They detained her mother, claiming that she 'had raised her daughter poorly' and held her for three days in the house where they were based. She returned home on **31 March** when the Russian troops left the village. A civilian who returned to Ukraine as part of a prisoner exchange said that *from 23 March to 18 April* he

²⁸⁴ Human Rights Watch, 15/07/2022, <https://www.hrw.org/ru/news/2022/07/15/russia-forcible-disappearances-ukrainian-civilians>, 29/07/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>, 21/10/2022, <https://www.hrw.org/ru/news/2022/10/21/ukraine-russian-forces-tortured-izium-detainees>.

had been held in pre-trial detention centre No. 1 in the Kursk region, and that he had heard that there was a woman from Brovary named Victoria, who was accused of transmitting data on the location of Russian troops.

On 25 April, lawyer **Irina Biryukova** tried to meet with Victoria Andrusha in the pre-trial detention centre. The lawyer showed her certificate and warrant to the centre's staff, but they sent her to the director. Hearing the lawyer's request, he called someone (probably a member of the special services), and said that the lawyer wanted to meet Victoria Andrusha, listened to the answer, hung up and said that 'she is not among the suspects or accused' in the detention centre.²⁸⁵ Victoria Andrusha was released only *on 29 September 2022*. Upon her return, she confirmed that she had been in the detention centre in Kursk almost all that time.²⁸⁶

* * *

Many former detainees interviewed by HRW researchers said that they themselves had been victims of torture or had seen others being tortured.

The detainees were beaten for a long time – with fists, feet, truncheons, rifle butts, metal and plastic pipes, rubber hoses, and, in some cases with rebar or baseball bats. One detainee in the city of Iziium said that he had been beaten with a stick to which a sandbag was tied. As a result, many had broken ribs and other bones, had their

²⁸⁵ Human Rights Watch, 13/06/2022, <https://www.hrw.org/ru/news/2022/06/13/russia-enforced-disappearance-ukrainian-teacher>.

²⁸⁶ Hromadske TV, 14/10/2022, <https://hromadske.ua/ru/posts/osvobozhdennaya-iz-plena-uchitelnica-viktoriya-andrusha-menya-travili-i-ugrozhali-pobrit-nalyso>.

teeth knocked out, and suffered from concussions, burst blood vessels in their eyes, cuts and bruises.

In several cases, electric shocks were reported, using stun guns or by attaching electrodes to various parts of the body.

People were tortured with an uncomfortable posture. Several detainees recounted the torture called ‘parrot’ – they were forced to sit on the floor, their knees bent up, their hands tied under their knees and a metal rod threaded across their chest, under the armpits, after which two people lifted the pipe so that the person was hanging from it. Others reported that they had been forced into a ‘spider position’: they were laid on their stomachs and their arms and legs were pulled together behind their backs, after which electrodes were connected to their arms, and they were tortured with electric shocks.

Some detainees said that they had had a bag put over their heads several times and the air was cut off. Water torture was used – the security forces forced people to lie on the floor, covered their faces with a rag, and poured water on their faces intermittently for half an hour. In another case, the security forces pinched the detainee’s nose and poured at least two litres of water down his throat.

People who were imprisoned say that for a long time – sometimes the entire period of detention – they were blindfolded and kept in handcuffs, they hardly received food or water, and they were not provided with any medical assistance.

Many detainees were threatened with execution, and preparations for it were sometimes simulated, or they were threatened with rape and being ‘put on a bottle.’ One woman said that she had been held for one day and that during that day the soldiers slapped her face, punched her in the stomach and threatened to rape her. Several women reported being raped.²⁸⁷

In several cases, the military agreed to release detainees only after they had signed a pledge to ‘cooperate’ with the authorities or recorded a video message urging others to cooperate.²⁸⁸

In several cases, the closest relatives of the detainees – spouses and children – became witnesses of beatings and torture. In at least one case, the Russian security forces forced the detainee to comply with their demands by threatening to detain his close relatives, i.e. his son and grandson.²⁸⁹

Some former detainees said that they had been forced to memorize the words of the Russian anthem, and various Russian songs of a ‘patriotic’ nature, and to make anti-Ukrainian and pro-Russian statements on record.²⁹⁰

²⁸⁷ *Washington Post*, 10/09/2022, <https://www.washingtonpost.com/world/2022/10/09/Izium-rape-torture-occupation-russia/>, Human Rights Watch, 20/04/2022, <https://www.hrw.org/ru/news/2022/04/20/ukraine-apparent-war-crimes-russia-controlled-areas>, 21/10/2022, <https://www.hrw.org/ru/news/2022/10/21/ukraine-russian-forces-tortured-izium-detainees>.

²⁸⁸ Human Rights Watch, 29/07/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>, 21/10/2022, <https://www.hrw.org/ru/news/2022/10/21/ukraine-russian-forces-tortured-izium-detainees>.

²⁸⁹ Human Rights Watch, 18/05/2022, <https://www.hrw.org/ru/news/2022/05/18/ukraine-executions-torture-during-russian-occupation>, 29/07/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>, 21/10/2022, <https://www.hrw.org/ru/news/2022/10/21/ukraine-russian-forces-tortured-izium-detainees>.

²⁹⁰ Human Rights Watch, 15/07/2022, <https://www.hrw.org/ru/news/2022/07/15/russia-forcible-disappearances-ukrainian-civilians>, Hromadske TV, 14/10/2022, <https://hromadske.ua/ru/posts/osvobozhdennaya-iz-plena-uchitelnica-viktoriya-andruscha-menya-travili-i-ugrozhali-pobrit-nalyso>.

On *18 March*, the Russian military detained local resident **Anton** (his name has been changed) in *the city of Berdyansk, Zaporozhzhia region*, while he was delivering aid to those in need. Anton had participated in the organization of rallies. The security forces put him in handcuffs, pulled a hat over his head, wrapped it around with tape, and took him to the city police department. The Russian soldiers asked him if he had been involved in organizing the rallies. Anton replied that he had not; then they threw him to the floor and punched and kicked him for several minutes.

‘I told them that I had not organized any rallies, that I was just a patriot of my country, Ukraine. They answered that there is no such country,’ Anton told HRW staff.

The officers forced Anton to take off his jeans, bound his legs with tape and continued to beat him. Then they began to torture him with electric current, attaching electrodes to his earlobes. They asked questions about the rallies and his volunteer activities and turned on the current – first for a few seconds, and then for up to 20 seconds.

‘My vision was going dark and there were orange spots before my eyes,’ says Anton. *‘They took a machine gun, put it against the scrotum area... They told me to say goodbye to life.’* An hour and a half later, Anton was brought to a cell, where he coughed up blood for three hours.

On the third day Anton was blindfolded and taken to the second storey. There, he was forced to read on camera a statement that he had used to organize rallies, but now he urged people not to go to them, and to trust the new authorities. If he refused, Anton was threatened with the detention of his son and grandson.

‘One person was holding a piece of paper with the text, the second was filming, and the third was standing behind the camera with a machine gun pointed at me. They didn’t like the first recording, they made me read it twice,’ says Anton. Three days later, the soldiers released Anton.

On **5 April**, he left for a city controlled by Ukraine, where he underwent a course of treatment. *‘They told me that I had crushed fatty tissue – in fact, they broke my legs so that I had 20 cm of jelly under the skin, and [there was a danger that] gangrene would set in. [Doctors] removed it and gave me a skin graft. I lay in bed for 22 days without getting up. I was discharged on 18 May. I still go for dressings,’* said Anton.²⁹¹

2.4 ‘Cleansing’ of settlements

The slang term ‘cleansing’ (*‘zachistka’*) in this report refers to an operation in which a settlement is blocked off,

²⁹¹ Human Rights Watch, 07/29/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>.

and then a house-to-house search is conducted, and all suspicious people are detained.²⁹² Officially, ‘cleansing operations’ were called ‘special operations to check the registration of people at their place of residence and identify members of illegal armed groups.’

The ‘cleansing’ of settlements was a common practice during the Afghan war. At that time, Soviet troops generally blocked off settlements or city blocks inside which units of internal troops and intelligence officers of the pro-Soviet Afghan puppet government worked. On the outskirts of the settlement being cleared, ‘filtration points’ were created, where all those suspected of having links with the ‘dushmans’ were taken, and where they were interrogated and sorted.

First and Second Chechen Wars

This practice proved to be in demand during the First Chechen War. Memorial Human Rights Centre wrote about the ‘cleansing’ of neighbourhoods in Grozny in December 1994–January 1995; Novogroznensky in February 1996, again several areas of Grozny in March 1996, the regional centres of Shali and Urus-Martan in April 1996, the villages of Makhkety, Agishty and Khatuni in July 1996. Such operations, as a rule, were carried out with gross violations of the law on the part of those military personnel and employees of the Ministry of

²⁹² In the USSR, at least until the 1950s, such operations were called ‘raids.’

Internal Affairs who carried out the ‘cleansing.’ Sometimes ‘cleansing operations’ turned into punitive actions, accompanied by the killing of civilians, as was the case in Grozny, Samashki, and Gudermes (see Sections 2.1.2. and 2.2.2. of this report).

However, the most ‘comprehensive’ and systematic type of ‘cleansing’ was adopted during the Second Chechen War in 2000–2003.

Such special operations were not regulated by any published legislation. Moreover, continuous searches in residential buildings without the sanction of the prosecutor, arbitrary detentions of people, and keeping them in places not established by law, directly contradicted the rules of the legislation of the Russian Federation.

This was exacerbated by violence against local residents, beatings, and robberies. Often, in the course of ‘cleansing operations,’ the security forces committed murders of civilians and tortured them; there were ‘disappearances’ of detainees. There are many such examples.

* * *

The most famous events that took place at the beginning of the war were the ‘cleansings’ of the village of Alkhan-Yurt in December 1999, the Staropromyslovsky district of Grozny in January and February 2000, and the village of Novye Aldy in February

2000, accompanied by massacres (see Section 2.2.2. of this report).

When, in the second half of 2000, large-scale hostilities gave way to guerrilla warfare, ‘cleansing operations’ began within the territory that seemed to be controlled by federal forces. They sometimes happened repeatedly and were always accompanied by cruelty, violence, and looting.²⁹³

An important distinguishing feature of many of the ‘cleansing operations’ of 2000–2003 was the indiscriminate mass detention of local residents. The detainees were taken to temporary ‘filtration points’ located outside the village (see above in Section 2.3.1 of this report) where they were beaten and tortured. In this way federal security forces tried to find out who in the village supported the militants and where they hid weapons; at the same time, recruitment was carried out and a network of secret informants was created.

The looting accompanying these ‘special events’ acquired an organized character – property was sometimes openly taken out of houses on military trucks.

Local residents repeatedly sent complaints to the prosecutor’s office, military commandants, the Ministry of Internal Affairs, the President of the Russian Federation, etc. Complaints about the actions of officers of law enforcement agencies during the ‘cleansing’ came from the leaders of many settlements in Chechnya.

²⁹³ See, for example, the report of Memorial Human Rights Centre *Mify i pravda Tsotsin-Yurta* (‘Myths and Truth of Tsotsin-Yurt’).

* * *

It cannot be said that the federal authorities, did not react in principle to such complaints – the question is how effective this reaction was, and if it was originally intended to be something more than a cover for the continuation of the same practices.

On 24 May 2001, Acting Lieutenant-General V. Moltensky, Commander of the United Forces(s) in the North Caucasus, issued Order No. 145 aimed at limiting the scale of arbitrariness and violence during the ‘cleansing operations,’ according to which during special operations in populated areas the commanders of units and subunits of the federal forces had to interact with the heads of local administrations, military commandants, heads of village police departments, and military prosecutors of districts. At the beginning of the special operation, these officials were to be invited to the command post of the head of the operation.

In June–July 2001, in the villages of the Kurchaloyevsky district and in the settlements of Sernovodsk and Assinovskaya in the Sunzhensky district, ‘cleansing operations’ were carried out, accompanied by violence against civilians, robberies, beatings, murders, and the ‘disappearances’ of people. The requirements of order No. 145 were not fulfilled.

By this point, such operations had perhaps acquired their most fully realised form.

Below is an account of the organisation and participants in two ‘cleansing operations’ carried out in late June and early July 2001 after Order No. 145 had been issued but without the slightest hint of any attempt to comply with it. The first, a classic ‘cleansing operation’ in the village of Sernovodsk that was not under the control of the federal authorities, was carried out by a large group of 15 ‘joint search and surveillance teams,’ conducted door-to-door and resulted in dozens of detainees. The second was a series of ‘targeted measures’ in the district centre of Kurchaloy, that was under federal control, by two such joint groups.

It becomes clear that despite the apparently random nature of the violence involved in the ‘cleansing operations,’ they were in fact planned inter-agency activities organised and carried out in accordance with these plans. This became clear, in particular, from the cases of enforced disappearances in Chechnya heard by the ECtHR.²⁹⁴ This internal organisation of the ‘cleansing operations’ did not help to find and punish those responsible for the disappearances that occurred during them: in both cases the initial investigations from the beginning investigated the cases sufficiently to bring the perpetrators to justice – but, from that point on, mechanisms of systematic impunity were set in motion

²⁹⁴ A. V. Cherkasov, *Sud’ba neizvestna* [Fate Unknown], second edition, 2001, manuscript.

(see Section 2.6).

Apti Abdurakhmanovich Isigov and **Zelimkhan Usmanovich Umkhanov** were detained in the village of Sernovodsk in the Sunzhensky district of Chechnya during a ‘cleansing operation’ on 2 June 2001 and ‘disappeared’. This operation had a high public profile,²⁹⁵ and in the course of the following investigation, the investigating officers succeeded in finding out significant facts about it.²⁹⁶

The operation in Sernovodsk was carried out in accordance with Directive #3/01743 of the commander of the Joint Group of Forces, dated 26 June 2001, on the basis of which Combat Order #3/01846 dated 1 July 2001 was developed, which defined the forces and material means to be involved in the operation. Colonel **A. V. Berezovsky**, deputy commander of the Joint Group of Forces for Special Operations, was appointed leader of the operation, and his deputy was Colonel **Igor Klavdievich Galyamin**, a colonel in the Ministry of

²⁹⁵ See, in particular, Anna Politkovskaya’s article, ‘Disappearing People. In Chechnya, people keep disappearing without trace and nobody is held responsible’ (*Novaya gazeta*, 10.09.2001) – her first publication on this topic.

²⁹⁶ On 28 December 2001, the relatives of the disappeared Apti Isigov and Zelimkhan Umkhanov, who had not been informed of the progress of the investigation, lodged an application with the ECtHR. On 2 December 2006, the Court declared the application in *Isigova & Others v. Russia* (No. 6844/02) admissible and on 26 June 2008 ruled in the case, finding that Zelimkhan Umkhanov and Apti Isigov had been killed and the Russian Federation was responsible for their deaths and for the failure to investigate the crime. The Russian side forwarded only a small part of the case file to Strasbourg.

Internal Affairs. The group included: units of the Russian Ministry of Defence and units of the Russian Ministry of Internal Affairs – units of the 99th Operational Division, 352nd Separate Reconnaissance Battalion (military unit No. 6783) of the 46th Separate Operational Brigade, and 8th and 12th Special Purpose Detachments, under the overall command of Colonel **Evgeny Nikolaevich Vegerya**; the Temporary Operational Group of Departments and Units of the Ministry of Internal Affairs under the command of police Major **Aleksandr Evgenyevich Mostovoi**; the FSB; and the Ministry of Justice under the command of Internal Service Major **Viktor Aleksandrovich Vasilyev**.

On Berezovsky's orders, 15 joint search and reconnaissance teams were set up under the command of military officers, which included soldiers of the Ministry of Internal Affairs' Special Forces and officers of the Ministry of Internal Affairs, and for their combat purposes they were allocated armoured personnel carriers with number plates covered up on the orders of the head of the operation.

On the outskirts of the village a 'passport verification point' (the Russian acronym PPPR was used in the case materials in 2001, later the phrase 'filtration point' was used) was set up where 14 officers of the Penitentiary

Service of the Ministry of Justice and also four investigative officers of the Temporary Operational Group of Departments and Units of the Ministry of Internal Affairs were working.

Therefore, in this grouping, in a joint operation the combat, convoy and investigative functions were divided among ‘specialists’ from different departments, and in relation to each detainee they all ‘worked’ together or in turn, but it was not difficult to identify those responsible for each act committed during the ‘cleansing operation,’ including the disappearances of Isigov and Umkhanov. Nevertheless, despite the uniquely high profile of this case, it resulted in ‘suspended justice’ for the perpetrators (see Section 2.6).

It proved possible to learn a great deal about the logic of preparations for ‘targeted special operations’ from the case of the disappearance on the night of 30 June 2001 of Maul Azievich Usumov, a resident of the village of Kurchaloy.²⁹⁷ From the materials of the criminal case,

²⁹⁷ The case of the disappearance of Moul Usumov is unique because it shows in detail not only how the investigation was fabricated, but also the very logic of the ‘targeted special operation.’ Usumov and seven other residents of Kurchaloy were detained on the night of 30 June 2001. On 9 July 2001 the Argun inter-district prosecutor’s office initiated criminal case No. 39038 under Article 126, Part 2, of the Russian Criminal Code. On 20 June 2004, the military prosecutor’s office of the North Caucasus Military District informed Usumov’s relatives that he had been taken by helicopter to the territory of the ‘No. 1 combined unit’ in Novogroznensky, that ‘*it is impossible to establish his whereabouts,*’ that on 17 December 2001 the investigation received information from FSB military counterintelligence that Maul Usumov belonged to illegal military groups, and that the investigation had been closed on 8 July 2002 because of the

attached to the Russian government's answers to the ECtHR's questions in the Usumov case, the logic of the organisation and conduct of the special operation in Kurchaloy is clear in detail. The officials questioned in the course of the investigation sometimes contradicted one another, denying or downplaying their own participation and the role of their subordinates but, overall, the picture of events is coherent and consistent.

Colonel Yury A. Krivtsov, head of the FSB's Temporary Operational Group, denied any involvement in the development and planning of the special operation. However, Colonel Vladimir Viktorovich Maistrenko, deputy commander of the special operations department of the Unified Group of Forces, showed that on the basis of the special operations plan (or proposals) for the conduct of special operations presented by the FSB division for the Chechen Republic, in coordination with the commander of the Unified Group of Forces, he had ordered the drawing-up of plans for the special operation in Kurchaloy. In this order the head of the special operation was appointed a representative of the FSB. Lieutenant Colonel Yury Alekseevich Kunaev, acting commander of military unit No. 12106 and the 'No. 1 combined unit' deployed in the settlement of Novogroznensky, testified that on the basis of military order No. 01906 of 29 June 2001, he had issued the relevant military order for the special operation, which

suspect's death. The case was reopened but was closed again on 2 March 2009. On 2 September 2009, relatives of Moul Usumov appealed to the ECtHR (*Usumovy v. Russia*, application No. 47770/09). On 27 February 2014 the Court (in the case of *Dzhabrailov and Others v. Russia*) issued a judgment finding Moul Usumov to have been killed and the Russian Federation responsible for his death and for failing to investigate the crime.

was to be headed by FSB officers.

The operation was carried out by the 'No. 1 combined unit' which arrived at the location of the 33rd Separate Operational Brigade by helicopters on 29 June 2001: soldiers of military unit No. 12106 (a subdivision of the 22nd separate brigade of GRU special forces); two groups from the SOBR [Special Rapid Response Unit] of the East Siberian Regional Department for Combating Organised Crime (eight men) and two groups of Special Forces from the Penitentiary Service of the Ministry of Justice for Novosibirsk region (16 men, including specialists with sniffer dogs), together with soldiers of the internal troops and FSB officers. Once they had arrived at the location of the 33rd Separate Operational Brigade, the officials from 'No. 1 combined unit' discussed the upcoming operation with the head of the FSB's Kurchaloy district office, Colonel 'Viktor Ivanovich Pelishenko' (an operational pseudonym), the district military commander, Colonel Vladimir Grigorevich Shkuro and Brigade Commander Major-General Pavel Petrovich Dashkov. At the meeting, 'Pelishenko' provided information about the suspects' addresses and allocated 'for assistance' investigative officers from the district department, who specified there and then the addresses of the members of the illegal armed group. Armoured personnel carriers with crews were allocated from the 33rd Separate Operational Brigade, and on the night of 30 June the security and law enforcement agencies moved into Kurchaloy. Having split up into

groups, they drove up to the houses specified by the district FSB officers, while other security officers entered the houses where, on the orders of the FSB officers, they arrested people, brought them out and put them into the armoured personnel carriers. Special Forces of the Penitentiary Service provided cover for the participants of the special operation, while the SOBR officers carried out the actual arrests. The detainees were then taken to a helipad at the 33rd Separate Operational Brigade headquarters. A total of eight persons were detained and taken to the Separate Operational Brigade. A special forces team that arrived there then took them away by helicopter. Colonel Kunaev subsequently reported on the results of the operation, in particular, the detention of eight people, to Colonel Maistrenko who instructed Colonel Shkuro to formally register the detentions. The eight detained residents of Kurchaloy were taken to military unit No. 12106 and the 'No. 1 combined unit' that operated out of its base to the south of Novogrozny (Oiskhar), to an illegal place of detention, which locals referred to in common parlance as the 'Titanic' filtration point. On Maistrenko's personal verbal instruction, the detainees were accommodated by 'No. 1 combined unit' (either in a dugout, in some kind of warehouse, or in holes in the ground). Subsequently, 'Pelishenko' sent two or three investigating officers of the district police department who came under the 'No. 1 combined unit' on a daily basis to 'talk' with the detainees.

In this way, the 'targeted operation' in the village of Kurchaloy had been planned and carried out under the

direction and control of the command of the Joint Group of Forces, and the distribution of roles (and responsibility) among officials was quite transparent, as the investigation established. However, the same investigation then ‘wrecked’ the case, taking responsibility from some and shifting it on to others who had died or been declared dead (see Section 2.6).

These ‘cleansing operations’ were followed by a public reaction in Russia and abroad. On 25 July 2001, the Prosecutor General of the Russian Federation issued Order No. 46, in the preamble to which he acknowledged the unfavourable situation with respect to human rights during the ‘cleansing operations’ in the Chechen Republic. Further, the order repeated the provisions of Moltensky’s order No. 145 and gave additional instructions: to keep a clear record of detainees; record exactly to whom and when the detainees were handed over; notify relatives of the grounds for detention and the place of detention; to *‘promptly check complaints about the use of violence against citizens, the seizure or extortion of money from them,’* etc.

However, the ‘cleansing operations’ in the villages of Starye Atagi, Alleroi, Novye Atagi, Chiri-Yurt, Duba-Yurt, Alkhazurovo, and others that followed Order No. 46 were still accompanied by robberies, destruction of

property, beatings of detainees, and ‘disappearances.’ Perhaps prosecutors were present during these ‘cleansing operations,’ but local residents knew nothing about it.

In 2002, employees of the prosecutor’s office were finally seen in the places where most of the ‘cleansings’ were carried out. But the presence of one prosecutor or a few of them during the ‘cleansing operations,’ during which dozens or hundreds of law enforcement officers acted simultaneously, could not radically improve the situation. Those prosecutors who tried to stop crimes ran into resistance from the security forces.

Human rights organizations tried to get the command of the federal forces in Chechnya to take elementary measures:

- all armoured vehicles must have numbers on their sides without fail;
- when conducting ‘special operations’ in populated areas, the leader of each group of the federal forces that enters a house or premises must introduce himself to its owners and show papers;
- at the end of the ‘special operation,’ the official who led this operation must, without fail, transfer to the head of the administration of the settlement a complete and exhaustive list of all detainees, indicating the reason for the detention and the place to which these people will be taken.

Finally, on 27 March 2002, on the eve of the discussion of the situation in Chechnya at the UN

Commission on Human Rights, the commander of the United Forces(s) General Moltensky issued order No. 80, in which he obliged his subordinates to follow the above elementary rules of law. But this order was almost never carried out.

Here is just one example: from 21 May to 11 June 2002, a ‘cleansing operation’ was carried out in the village of Mesker-Yurt in the Shali district. From the first day, the military prosecutor V. V. Tereshchuk was present in the village, but the operation was accompanied by widespread robberies. The security forces blew up the village administration building and beat the head of the administration, Mansur Aliyev, when he tried to stand up for his fellow villagers. According to the prosecutor’s office, 208 local residents were brought to the FP. There, the detainees were tortured: for example, Barzaev Hussein was slashed with knives on his back and salt was poured on the wounds. One of the three Khadzhimuradov brothers, Ibragim, was tortured in front of the two other brothers who were subsequently released after severe beatings and torture.

Eighteen of the detainees ‘disappeared.’ Parts of the exploded bodies of three more were found by local residents near the FP. The prosecutor’s office acknowledged that the ‘disappeared’ had been detained by law enforcement officers²⁹⁸: *‘On 21 June 2002, in the village of Mesker-Yurt, during a special operation, unidentified persons dressed in camouflage uniforms from*

²⁹⁸ From the response of the Prosecutor’s Office of the Chechen Republic to the request of Memorial Human Rights Centre, ref. No. 15 / 39-232-02 dated 08/10/2002.

their home at 157 Lenin Street, under the pretext of checking documents, Ortsuev Islam Abdulaevich, born in 1980, was taken away to the FP and later disappeared.’ – similar language is used of about 21 people; a criminal case was initiated on the ‘disappearance of each.’ The investigation of each of the cases was suspended ‘due to the impossibility of finding persons to be accused of committing a crime.’

* * *

At the beginning of November 2002, the President of the Russian Federation, V. V. Putin, declared that mass special operations in the settlements of the Chechen Republic should no longer be carried out. Afterwards, the number of large-scale ‘cleansing operations’ carried out in the lowland villages and cities of Chechnya began to gradually decrease, and sharply decreased starting from the summer of 2003. In 2004–2006, not only did the number of ‘cleansing operations’ carried out decrease, but the number of complaints from local residents about the actions of the security forces also significantly decreased.

But some of the ‘late cleansings’ were comparable in cruelty to the worst times, for example, the ‘cleansings’ of the village of Borozdinovskaya (see Section 2.2.2.) and the village of Zumsoy.

On 14 January, in the mountain village of Zumsoy, Itum-Kalinsky District, a GRU special forces assault force landed from helicopters. Previously, unguided rockets had been fired from the air at the landing site and the village had been fired upon by machine guns, although there

were no militants there, no one had fired from there and no one had resisted the military. Then the special forces carried out a ‘cleansing’ of the village, accompanied by robberies, destruction of property, and kidnappings. Bursting into houses and yelling at their inhabitants, they smashed property and took everything of value that came to hand – money, gold artefacts, clothes, medicines, televisions. From some houses, they carried away all the documents they found. In some courtyards, horses, and turkeys were shot; the soldiers blew up a UAZ car belonging to Saydamin Khadzhiev. In front of the residents, the loot was loaded into the helicopters. On the evening of 14 January, the military abducted a local resident, Shirvani Shahidovich Nasipova, born in 1956. On the morning of 15 January, Vakha Mahmudovich Mukhaev, born in 1955, was taken away from the house, along with his son Atabi Vakhaevich Mukhaev, 15, and Magomed-Emin Khabilovich Ibishev, 30. On the same day, the military left the village in helicopters, taking the abductees with them. The fate of the abductees is unknown.

War in Ukraine

During the full-scale invasion of Ukraine by the Russian Army that began in 2022, there were no reports of ‘cleansing operations’ along the lines of the first and second Chechen campaigns, but elements of these practices were noted almost everywhere in the occupied

territories where the Russian authorities carried out special operations to neutralize citizens disloyal to them.

Reports of checks, searches, and detentions of people with subsequent delivery to places of detention – including unofficial ones – came from all the occupied regions.²⁹⁹ One of the most thorough investigations of this kind is a series of journalistic publications about crimes committed by the Russian military in the Kyiv region, in particular in the city of Bucha.

At the end of February, Russian troops advancing on *Kyiv* entered the city of Bucha, Kyiv region. The Ukrainian military met the advancing columns, which suffered heavy losses. A video recording of the destroyed equipment on Vokzalnaya St., accompanied by emotional comments from a local resident, appeared online.³⁰⁰ Noticeable losses were suffered by the 104th and 234th Airborne Assault Regiments from the 76th Pskov Guards Airborne Assault Division. On the afternoon of **3 March**, Russian troops occupied the city on the second attempt. On that occasion, the resistance of Ukrainian troops and local territorial defence forces was purely symbolic and did not last long. Faced with absolute superiority in manpower and equipment, the Ukrainian forces, which had only light small arms, were forced to retreat.

Russian troops held the city until the end of March. After they left, several hundred corpses of local residents who had died during the occupation were found in the

²⁹⁹ Kherson and Zaporozhye regions – see, for example, Human Rights Watch, 07/29/2022, <https://www.hrw.org/ru/news/2022/07/29/ukraine-torture-disappearances-occupied-south>, Human Rights Watch, 10/21/2022, <https://www.hrw.org/ru/news/2022/10/21/ukraine-russian-forces-tortured-izium-detainees>.

³⁰⁰ *Ukrayinska Pravda*, 02/27/2022, <https://www.youtube.com/watch?v=8IbPWwRAF-w>.

city. Many had been detained and killed by Russian security forces. The largest number of deaths occurred on Yablunskaya St., along which the Russian troops had advanced their attack, and on which their headquarters and a field hospital were later located in the office centre at No. 144.

According to local residents, in particular, city council deputy **Katerina Ukraintseva**, Yablunskaya Street was isolated from the rest of the city: there Russian equipment stood, and checkpoints were located. *‘From there, people were not even allowed to evacuate. This is the street that is closer to Irpin. And the rest of Bucha – it’s generally on the other side. And Russian checkpoints did not allow people to evacuate through Irpin. And what was happening on the street itself could only be seen by the people who lived there directly – and they were not even allowed to leave the basements.’*³⁰¹

On the second day, **4 March**, the paratroopers ‘cleansed’ the street – they checked residents’ documents, looked through the contents of their phones, and interrogated them. The military searched the houses looking for men of fighting age. According to CCTV footage, they broke into houses, smashed locks, and broke through fences with machinery. According to residents, in some cases the military already knew the names of the people they were looking for. The detainees were taken to the headquarters at 144 Yablunskaya.

³⁰¹ Meduza, 04/06/2022, <https://meduza.io/feature/2022/04/06/kak-ubivali-lyudey-v-buche>.

In a house where volunteers from the territorial defence were hiding, the military seized eight fighters and the owner, forced them to take off their shoes, and, at gunpoint, took them barefoot to building 144. In the parking lot near the house they were forced to kneel and were beaten. Local resident Irina Volynets recognized one of the detainees as her school friend **Andrei Verbovoy** – he was lying on his side in the fetal position, trembling as a long stream of blood ran from him. Then he and **Ivan Skiba** were taken to the building, where they were interrogated and beaten. Verbovoy was shot, and Skiba was taken back to the parking lot.

Skiba said that the military had tied his hands behind his back with tape, put a bucket on his head, put him on his knees against the wall, and placed bricks on his back until he fell over. Then they lifted him up and hit him on the head with the bucket until he lost consciousness. Later, all the volunteers were taken out into the yard and shot. Skiba was wounded in the stomach, pretended to be dead and made it to a neighbouring house after dark. He posed as the owner of the house to the Russian military who came there during the ‘cleansing operation.’ They took him back to 144 Yablunskaya, provided medical assistance and took him to the basement, where they already had over 100 people. They were kept there for three days, but **on 7 March** they were all released.³⁰²

For a quarter of a century after the fighting in Chechnya, little has changed, except that a thorough

³⁰² Associated Press, 11/03/2022, <https://apnews.com/article/bucha-ukraine-war-cleansing-investigation-43e5a9538e9ba68a035756b05028b8b4>, *New York Times*, 12/22/2022, <https://www.nytimes.com/2022/12/22/video/russia-ukraine-bucha-massacre-takeaways.html>.

check of gadgets has been added to the process. In this way, the military killed 20-year-old shopkeeper **Dmitry Chaplykhin**: during a search, they found photographs of Russian tanks on his phone and accused him of helping the Ukrainian military.

Russian troops continued to ‘cleanses’ Bucha and the surrounding towns in the following days. The intercepted telephone conversations of Russian soldiers calling home from near Kyiv show that mass drunkenness had spread in the units amid the stress of heavy fighting, losses, and the killing of civilians. One of the soldiers told his mother that they had stopped a boy, checked the Telegram account on his phone, and found information about the location and movement of Russian troops: *‘He was shot on the spot.’*³⁰³

‘Cleansings’ were accompanied by robberies and looting. During house searches, according to residents, the military, took away tools, electronics, food, and alcohol.³⁰⁴ Vyacheslav Kozlovsky said: *‘They put us on our knees and started searching. I had money and a watch with me. They took everything, like with the others, that is, we were simply robbed.’*³⁰⁵

According to the Ukrainian General Prosecutor’s Office, servicemen of the 76th Guards Airborne Assault Division are responsible for these crimes. The prosecutor’s office is investigating the division commander, Major General **Sergei Chubarykin** and his

³⁰³ Associated Press, 03/11/2022, <https://apnews.com/article/bucha-ukraine-war-cleansing-investigation-43e5a9538e9ba68a035756b05028b8b4>.

³⁰⁴ Meduza, 06/04/2022, <https://meduza.io/feature/2022/04/06/kak-ubivali-lyudey-v-buche>.

³⁰⁵ *Vot Tak*, 03/04/2022, <https://vot-tak.tv/novosti/03-04-2022-rasstrely-zhitelej-buchi/>.

boss, commander of the Eastern Military District of the Russian Federation, Colonel General **Aleksandr Chaiko** who previously commanded the Russian group in Syria and became notorious for his cruelty.³⁰⁶ The *New York Times* investigation made it possible to clarify that soldiers of the 234th Airborne Assault Regiment under the command of **Artem Gorodilov** were³⁰⁷ involved in the killings of civilians.

2.5. Use of hostages and human shields

During the First Chechen War, there were documented instances of the use of civilians by military personnel of the federal forces as hostages and ‘human shields’ – episodes that build up a picture of a system.³⁰⁸

Although the most famous such crime – the hostage-taking in Budennovsk on June 14–19 1995 – was committed by Chechen terrorists under the command of Shamil Basayev, one should not forget that Basayev himself and many of his militants had been trained in Abkhazia under the guidance of GRU special forces and

³⁰⁶ Associated Press, 03/11/2022, <https://apnews.com/article/bucha-ukraine-war-cleansing-investigation-43e5a9538e9ba68a035756b05028b8b4>.

³⁰⁷ *New York Times*, 22/12/2022, <https://www.nytimes.com/2022/12/22/video/russia-ukraine-bucha-massacre-takeaways.html>.

³⁰⁸ For details, see: Behind the backs of civilians: Hostage-taking and the use of the civilian population as a ‘human shield’ by the federal troops of Russia during the armed conflict in Chechnya / Memorial. Moscow: Memorial, 1996. <http://old.memo.ru/hr/hotpoints/chechen/szczyt/eng/index.htm>;

‘Russia-Chechnya: a Chain of Mistakes and Crimes. 1994–1996.’ Moscow: Memorial Society, 2010, Second edition. https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rossia-chechnia_2edition.pdf

special intelligence officers of the Airborne Forces. For the latter, from the point of view of organizing and conducting combat, the hospital was a complex of buildings well-adapted for the autonomous existence of the unit and for equipping a battalion stronghold.

One of the first incidents of this kind, when a threat to use a ‘human shield’ was made, occurred two days before Budennovsk, in Chechnya, on 12 June 1995, in the regional centre of Shatoy which was occupied by Russian paratroopers. Chechen detachments were on the commanding heights that surrounded Shatoi, and one of their field commanders delivered an ultimatum to the commander of the Airborne Forces unit, demanding that they leave Shatoy to save their lives. This was met with an ultimatum: the population of Shatoy was declared hostages, and in the event of an attack, ‘the slaughter of women and children’ was promised. This threat, however, was never carried out; nor was the intention of the Chechen commanders to attack the regional centre, and a few days later there was a ceasefire. But this episode itself, and the fact that later the paratroopers did not hesitate to talk about it on camera, characterized the attitude of the Russian military to these aspects of compliance to humanitarian law.³⁰⁹

* * *

³⁰⁹ Chechenskij kapkan (Chechen trap), REN-TV, 2004. <https://www.youtube.com/watch?v=ng0gwoi5zjM&t=1s>. REN-TV is not the most reliable source, but in this case it is an additional one: this incident from 1995–1997 was made public by both the inhabitants of Shatoy and the field commanders operating in those locations.

In March 1996, federal troops (elements of the North Caucasian District of the Internal Troops of the Ministry of Internal Affairs and the 58th Army of the Ministry of Defence), who met stubborn resistance from militants in the village of Samashki, used a ‘human shield’ of residents at least twice (15 and 17 March). Civilians who hid from shelling in the basements of houses, including women and children, were taken out and put in armoured vehicles, or forced to walk in front of them. According to those who were in the ‘human shield,’ in the event of shelling by the militants, they were threatened with death. When the federal troops reached a certain point, the captured people were released.

Here is one of those incidents.

On the morning of 17 March, the military entered 2 Rabochaya St. where residents of several houses had taken refuge from shelling in a concrete semi-basement – according to the owner of the house, Shepa Ismailov, there were about 30 women, 8 or 10 children, 8–9 old people, and several middle-aged men.

From an account given by an elderly woman, Sovdat Murtazalieva, who lives in Samashki at 25 Vostochnaya Street:

They say, ‘Come out, all of you.’ They kicked us out of the basement. They shout, ‘Get in! Get in!’, they cursed. They hid themselves, they are shooting. Three

people were put on a tank³¹⁰ that was standing here. And this child was sitting on the tank, Timran,³¹¹ he is not even 6. They put him on a tank. And two more boys, a little older.³¹²

I passed out and fell down here, at the gate ... I thought that they would shoot, they would kill everyone, that's what I thought when I lost consciousness.



From left to right: Timran Kireev and his mother Koka Kireeva were put on an armoured car, and then walked in front of it as a 'human shield';

³¹⁰ Narrators confuse tanks, armoured personnel carriers and infantry fighting vehicles. Ismailov appears to be talking about an AV.

³¹¹ Timran Kireev, the son of Koka Kireeva, who lives at 22 Vostochnaya Street, who was also in the basement of 2 Rabochaya St. ended up as part of a human shield.

³¹² Kireev Murat and Khamzor are eleven and twelve years old.

Sovdat Murtazalieva talks about the nightmare she experienced.

Here is how Shepa Ismailov, the owner of the house from which people were taken for a ‘human shield,’ described these events,

On the 17th, in the morning, there’s suddenly a roaring, tanks and all that. I look through the window – an armoured personnel carrier is driving up. Armed people immediately run into the yard... They all sit down, there’s shelling everywhere. And then at one point the commander says:

‘Women, get up. You over there, you and you.’

Three women, among them Leyla and Koka, my neighbours. ‘Get up on the tank.’ They try and try, well, no way they can do it, they’re women... And Leila is very weak. And then the children were there – Koka’s three children. ‘Get up!’ Then we were allowed to bring Sovdat back to the basement. When we returned, the commander ordered that they all dismount from the tank.³¹³

Leyla Gayerbekova:

I am still in shock. We were put under the machine guns on a tank on Rabochaya Street. Three children, their mother Koka, me, and my sister Anya Gaerbekova. I asked, ‘I will go ahead – I have a weak heart.’ They

³¹³ This account was recorded by O.P. Orlov and A.V. Cherkasov on 23 August 1996 in Samashki.

*didn't let me. And after about twenty minutes, I passed out. I fell over and my sister jumped out of there. I heard one shout, 'Bitch, I'll shoot you now!' They never spoke to us like that again. My sister took me by the shoulder. After that they put us in front of the tank. They put us in front of the tank and said: 'If there is one bullet from there, we will burn you.' And there were no bullets from there, nothing.*³¹⁴

Shepa Ismailov:

When women with children got down, they tell us, 'Go, stand ahead.' We all stood in front of a tank or an armoured personnel carrier. Next to Koka and her boys. They are shooting everywhere... When we were walking, I saw that Shamsutdin's house was on fire, and he was walking with us.

Almost everyone who was in the basement walked in front of the armoured car. In that way, people in the 'human shield' walked about 300 metres in a few hours. When they got tired of standing, the soldiers allowed them to squat.

Having reached the canal which divides the north side of Samashki from the south, the unit of federal troops stopped; the armoured car, which was covered by the 'human shield,' was placed in a shelter behind the house.

³¹⁴ This account was recorded by A. N. Mironov on 05/04/96 in Samashki.

Then the commander ordered the civilians: ‘Disperse!’ People began to carefully make their way back.

* * *

During the fighting in Grozny in August 1996, the military repeatedly took hostages from among the civilian population.³¹⁵ Thus, in the grounds of the Central Republican Hospital on Lenin St., in the area called 15th Town, the 101st brigade of the Internal Troops of the Ministry of Internal Affairs was based. This area had been in the hands of the federal forces since the start of the fighting, and groups of soldiers from other parts of the city had managed to retreat here. On at least three occasions (11, 12 and 17 August) the military forcibly brought groups of men to this area – residents of nearby parts of Grozny – and declared them to be hostages. It is very clear that the vast majority of those captured had not taken any part in the hostilities³¹⁶ For the release of the hostages, the military demanded that their relatives deliver either units of wounded soldiers from the federal checkpoint surrounded by Chechen groups, or the corpses of soldiers killed in battle, or negotiate with the militants to allow food to pass through the encircling federal checkpoints. In most cases, the conditions were met, and the hostages were released. One of the hostages, Aleksei Evgenievich Ptukhin, was shot.³¹⁷

³¹⁵ For details, see: Behind the backs of civilians ...

³¹⁶ In August and October 1996, representatives of the Observatory Mission of Human Rights Organizations in Grozny collected a lot of testimonies from victims and witnesses.

³¹⁷ This information came from relatives and neighbours of Ptukhin who received his body from the military in exchange for the bodies of dead federal troops.

* * *

On 10 August 1996, in Grozny, a group of federal servicemen were surrounded and took the medical staff and patients of Hospital No. 9 hostage.³¹⁸

While investigating this incident, Memorial Human Rights Centre representatives interviewed three independent groups of witnesses and participants in the events.³¹⁹ The interview results provided a coherent and consistent picture.

Umar Khunarikov, surgeon of the city's Hospital No. 9:

On the 10th, a group of Russian military men entered the grounds of the hospital. This group was headed by a battalion commander, a Major Vladimir. They came and demanded to we hand over the militants. Girls – our nurses – were put up against the wall.

Movsar Tembulatov, deputy chief physician of the hospital:

The Russian servicemen were motivated by the fact that they had allegedly been shot at from the hospital. They searched the entire hospital and found nothing. This is how they went down to the basement: they put me or

³¹⁸ Judging by their insignia, they were soldiers of the Werewolf special forces group of the Angarsk Regiment of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation; their departmental affiliation was confirmed by Deputy Chief Military Prosecutor A.V. Smirnov in response No. SU-240 dated 21 November 1997 to the request of Memorial Human Rights Centre.

³¹⁹ Groups of witnesses were interviewed by O. P. Orlov and A. V. Cherkasov independently at different times and places: in Grozny, the medical staff of hospital No. 9; in Samashki, several former patient-hostages; in Grozny, fighters of the Chechen detachment who had surrounded the hospital.

another doctor in front of them as some kind of cover, followed by a gunman.

Finding nothing and no one, the soldiers decided to leave the hospital, but after exiting the building, in the hospital yard, the commander of the group was shot in the thigh and seriously wounded. Doctors and a nurse brought him back to the hospital and treated him.

The soldiers contacted their headquarters by radio and asked for help, but they were refused. Then the soldiers mined the entrances to the building and placed firing points on all floors of the hospital. They forbade anyone to leave the hospital, where there were about 300 sick and wounded, about 100 relatives caring for them and 90 medical staff. Among them were about 20 children.

Fresh groups of soldiers were called into the hospital building from neighbouring houses. The doctors were told that only the commander of the regiment based in the grounds of the former driving school, 600 metres from the hospital, could give them permission to leave the hospital. The officers allowed the deputy chief physician to leave the hospital to speak with the regimental commander in person. At this meeting, the chief physician asked the regiment commander to release all walking patients and carers. The commander allowed the women and children, 50 in all, to leave the hospital. As a result, all the children and all the women who wished to leave the hospital occupied by the terrorists, were able to do so. Many

women refused to leave, fearing for the fate of relatives and friends who remained in the hospital; most of the medical staff remained.

On 12 August, federal forces attempted to break through towards the hospital. The CRI formations blockading the hospital repelled the attack. Only after that did the military who had seized the hospital begin negotiations with the Chechen detachments on the conditions for their departure.

On the same day, the Russian military left the hospital, surrounded by a ‘human shield’ of about a hundred hostages that included medical staff, ambulatory patients, and relatives caring for them,³²⁰ and reached the location of the federal unit, after which the hostages were released.

While people from the ‘human shield’ were returning from the military unit, mortars fired upon the hospital. Nurse Toita Kutukhanova died; two nurses, two doctors, and one woman who was being treated were injured.

* * *

When evaluating these actions on the part of soldiers, we must take into account that they were carried out on the orders of officers – there is reason to believe everything happened on the direct instructions of the unit commanders..

³²⁰ Just as happened at the hospital in Budennovsk, some of the hostages voluntarily agreed to become a ‘human shield’ so that the armed invaders would leave the hospital. But, in fact, the ‘volunteers’ did not have a real choice: if they refused to shield the soldiers with their own bodies, the lives of everyone who was in the hospital would be at risk.

Orders such as these were given by radio at the beginning of March 1996 – this is confirmed by an audio recording made available to Memorial Human Rights Centre. Then numerous armed detachments of the CRI penetrated Grozny and occupied part of the city; fierce battles went on for several days.

The editors of the *Vzglyad* TV programme passed to Memorial Human Rights Centre an audio recording of radio conversations relating to this period between the federal checkpoint that was surrounded and the Central Commandant's Office in Grozny. A small group of security forces defending checkpoint No. 6 found itself in a difficult situation – the post's facilities had been destroyed, it had run out of cartridges, two soldiers had been wounded, one had been killed, and dusk was falling. Desperate requests for help from the commandant's office were answered: there was no way to provide help. And then came the advice:

*Now, under cover of darkness, capture a couple of Chechen families. Announce that you have taken hostages. Under their cover, stay in a house. Station defences all around. This is the last option I can suggest.*³²¹

* * *

The use of hostages was also supported by the then President of Russia B. N. Yeltsin. At a press conference on 19 January 1996, he spoke about the actions of the

³²¹ This recording was broadcast by the ORT TV channel as part of the *Vzglyad* programme. 09/06/1996.

Turkish authorities in response to the seizure of a Russian passenger ship by terrorists in Turkey:

*That's what Turkey did, sensibly: it found and arrested the entire family of the leader of the terrorist gang. That is, it placed him on the hook.*³²²

* * *

During the Second Chechen War at the beginning of March 2000, large detachments of fighters of the armed forces of the self-proclaimed CRI, blockaded in the mountains, overran the posts of the federal forces and descended into the foothill village of Komsomolskoye. The federal forces had soon blockaded the village and began preparations for an assault. Residents hurriedly left the village. Nobody interfered with them, and the vast majority had gone beyond the northern outskirts by 5–6 March. Here, about 200 metres from the outskirts, they were stopped by soldiers, citing orders from their commanders. The residents of Komsomolskoye were not allowed to go further, and they stayed there for several days in an impromptu open-air camp. Behind this camp were artillery positions and the headquarters of the federal group. Shells, including UR-77 Zmey Gorynych 700-kg plastite elongated charges, flew into the village over these people's heads. Residents of Komsomolskoye were used as a 'human shield,' with soldiers hiding behind them in fear of a possible attack from the village.

³²² ORT. 01/19/1996. 20:40.

* * *

In 2000–2003 Memorial Human Rights Centre repeatedly recorded repressive measures taken against family members of alleged militants, ascribing collective responsibility and collective punishment, but as separate episodes explained either by revenge or by attempts to obtain some information about loved ones who could be fighting against Russian troops, and not as a system.

Starting from 2004, during the ongoing policy of Chechenization of the conflict, with the participation, support, and cover of the federal centre, hostage-taking, arson, and the blowing up of houses, murders, and other forms of repressive action against relatives of members of armed groups became systemic. This practice became one of the main methods by which the Kadyrov clan consolidated its power and suppressed resistance.³²³

Relatives of members of armed groups who were ‘in the mountains,’ ‘in the forest’ or underground, including women and the elderly, were captured by the Kadyrovites and taken to secret prisons, where they were kept until the militants agreed to surrender. In turn, those who surrendered were promised an amnesty if they joined the ranks of the Kadyrovites. Then those who agreed to these conditions were ‘bound with blood,’ by forcing them to participate in ‘special operations,’ murders, and torture, after which they had no way back. In many respects, it was these methods that replenished the ranks of the

³²³ The problem of hostage-taking and repressive actions against relatives of militants is discussed in a separate report by Memorial Human Rights Centre: ‘Chechnya 2004: “New” methods of “counter-terror”. Hostage-taking and reprisals against relatives of alleged members of armed groups’, <http://old.memo.ru/hr/hotpoints/caucas1/msg/2005/03/m33236.htm>.

Kadyrovites who soon became the main support force of the Kremlin in Chechnya.

2.6. Investigation of crimes against civilians and captured members of armed groups

The situation regarding the investigation of crimes committed by the security forces against the civilian population and captured members of armed groups during the first and second Chechen wars can be called ‘selective impunity.’³²⁴

The crimes committed by the fighters of the self-proclaimed CRI and other militants who opposed the federal government were investigated and harsh sentences were handed down. The investigation of such crimes continued even many years after the end of armed

³²⁴ For more on the issue of impunity, see:

a) *Rossiia – Chechnya: tsep’ oshibok i prestuplenij* (‘Russia-Chechnya: a Chain of Mistakes and Crimes. 1994–1996’). Moscow: Memorial Society, 2010, Second edition. (chapter ‘Investigation by law enforcement agencies of the Russian Federation of crimes ...’)

https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rossia-chechnia_2edition.pdf

b) Report of Memorial Human Rights Centre *DECEPTIVE JUSTICE: The situation on the investigation on crimes against civilians committed by members of the Federal Forces in the Chechen Republic during military operations 1999–2003*. Compiled by O. Orlov. M.: Memorial Human Rights Centre, 2003.

<https://memohrc.org/ru/reports/uslovnoe-pravosudie-o-situacii-s-rassledovaniem-prestupleniy-protiv-grazhdanskih-lic>

<http://old.memo.ru/hr/hotpoints/chechen/d-d0603/eng/index.htm>

c) report by Memorial Human Rights Centre and the International Federation of Human Rights: *Torture in Chechnya: “normalization” of a nightmare*, 2006

https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/rapport_russe_final_081206_2.pdf

d) The chapter ‘Problems of Torture and Ill-Treatment in Chechnya and the North Caucasus’ prepared by the Demos Centre in the *Alternative Report of Russian NGOs on Russia’s Compliance with the UN Convention against Torture*, presented at the 37th session of the UN Committee against Torture in autumn 2006.

e) The practice of impunity in more than five hundred episodes of enforced disappearances in 1999–2000 is summarized in the book *Sud’ba neizvestna* (Fate Unknown).

conflicts – even in 2020–2022 there were new arrests in cases of this kind.³²⁵

The investigation of crimes committed by representatives of the state was sabotaged. And if by 1997 (following the events of the First Chechen War) or by 2006 (following the events of the Second Chechen War) the investigation of such a crime was not completed, it was typically suspended and no longer resumed.

* * *

During the First Chechen War, in most cases, the investigating authorities did not initiate criminal cases, and did not even conduct pre-investigation checks. By the beginning of the Second Chechen War, Russia had become a member of the Council of Europe, ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, and recognized the jurisdiction of the European Court of Human Rights (ECtHR). Therefore, subsequently, it was the appeal of the victims and relatives of the victims of crimes to the ECtHR that usually forced the Russian authorities to eventually initiate criminal cases. In most cases, this was not followed by an effective investigation.

In all decisions of the ECtHR, issued in response to applications from residents of the Chechen Republic, there are indications of an absence of effective investigation at the national level.

³²⁵ This topic, i.e., the investigation of crimes committed by members of the CRI armed groups, is beyond the scope of this report. It should be noted that the investigating authorities, first of all, sought to show a result, to ‘solve’ the crime at any cost and by any means: including through the use of ‘unauthorized methods’ against those under investigation, falsification of evidence, etc.

* * *

None of the top-level command personnel were punished for the criminal acts of federal forces on the territory of Chechnya and nearby regions during the first and second Chechen wars.

Only against one general – Major General of the Internal Troops of the Ministry of Internal Affairs G.P. Fomenko (at that time the commander of the Vladikavkaz division) – was a criminal case initiated in February 1996, a criminal case for obstructing the official activities of representatives of the prosecutor's office who had come to investigate the beating by the general's subordinates of a bus driver and passengers. On 30 May 1996, the military prosecutor's office of the North Caucasian Military District terminated the criminal case 'due to no evidence of a crime' with the following reasoning: *'since the investigation established that Fomenko's actions were due to the difficult situation associated with attacks by Chechen fighters on the posts of internal troops, the inconsistency of his subordinates' behaviour and the unclear nature of their task.'*³²⁶ The general went on to receive a promotion: in 1997–1999 he periodically commanded the Temporary Operational Grouping of Forces in the North Caucasus, from December 2002 he served as the military commandant of the city of Grozny, and from September 2003, as the military commandant of the Chechen Republic.

³²⁶ From the response of the Deputy Chief Military Prosecutor of the Russian Federation S.E. Gaveto No. SU-14/00/001-96 of 27 February 1997 to a request of Deputy of the State Duma of the Russian Federation Yu. A. Rybakov.

* * *

No one has been punished for the actions of federal forces during the two Chechen wars, which led to the mass death of the civilian population and the destruction of civilian objects: indiscriminate firing, indiscriminate bombing, as well as deliberate bombing, shelling, and rocket attacks on civilian objects.

Only a few criminal cases were initiated into the bombing of villages during the First Chechen War. None of the investigations were completed.

For example, on 16 October 1995, the military prosecutor's office of the Grozny garrison initiated a criminal case into the bombing of the village of Roshni-Chu on 8 October 1995.³²⁷ The case was suspended 'due to the failure to identify the perpetrators.' The military prosecutor's office, recognizing the fact of the death and injury of the villagers, as well as the destruction of more than forty houses, two years later (!) declared that it was impossible to establish the ownership of the planes that had bombed the village:

'On 8 October 1995, 8 attack aircraft of hitherto unknown affiliation launched a missile and bomb attack on the village of Roshni-Chu. [...] Due to the difficult and tense situation that had developed around the village, it is impossible to carry out investigative actions there [...] for the above reason, no interrogations of persons injured during the bombing and witnesses of the air raid were

³²⁷ On 8 October 1995, during the truce that had been in force since June, the village of Roshni-Chu was bombed. According to the head of the Assistance Group in the Chechen Republic, Sandor Messarosh, who visited the village after the bombing, 28 civilians were killed there and many houses were destroyed.

*carried out. Since all other possible investigative actions outside the territory of Roshni-Chu have been fully completed, the preliminary investigation in the criminal case was suspended on 9 January 9[...] – due to the failure to identify the persons to be brought as accused.*³²⁸

If all investigative actions outside the village had been carried out, and the ownership of the planes was not established and could be discovered only by interrogating the ‘victims and witnesses’ living in the village, it remains to be assumed that, according to the prosecutor’s office, they had bombed themselves.

All these prosecutorial replies were frankly ridiculous: in fact, the bombing of the village of Roshni-Chu, where Dzhokhar Dudayev was living at that time, was a kind of response to the assassination attempt on General Anatoly Romanov in Grozny on 6 October 1995. Dudayev had left the village a few hours before the airstrike.

A similar situation developed with the investigation of criminal cases initiated by the military prosecutor’s office into the facts of the bombing of the villages of Gekhi-Chu, Shalazhi, Katyr-Yurt, and Chishki – they were suspended ‘due to the failure to identify persons to be charged as defendants’ or ‘due to the absence of elements of a crime.’

³²⁸ Response of the Deputy Chief Military Prosecutor of the Russian Federation V.A. Smirnov No. SU-240 from 21 November 1997 at the request of Memorial Human Rights Centre from 18 September 1997.

* * *

The same thing happened again during the Second Chechen War. There was no talk of punishing those responsible for the 1999–2000 artillery and bomb attacks on settlements where the civilian population was located, or along the roads where columns of refugees moved. For most of such incidents, criminal cases were not even initiated. The few exceptions are because a number of victims filed applications with the European Court of Human Rights. It was only after the applications had been communicated by the ECtHR that the criminal cases were initiated. However, the perpetrators were not found and punished.

For example, the criminal case on the shelling of the village of Katyr-Yurt on 2 February 2000, which led to numerous casualties among the civilian population (see Section 2.1.1. of this report), was terminated by the military prosecutor's office 'due to no evidence of a crime.' According to the military prosecutor's office, the death of the villagers 'was the result of an absolutely necessary use of force,' since the village was occupied by militants who had fired on federal forces.

On 29 October 1999, the military prosecutor's office closed the criminal case on the attack by military planes on a convoy of refugees on the road near the village of Shaami-Yurt (see Section 2.1.2. of this report) 'due to no evidence of a crime in the actions of the pilots of the aircraft.'

The only verdict in the case of an artillery strike on a populated area was delivered to Colonel **P.**

*‘On 16 April 2002, in the village of Gargachi in the Shatoy district of the Chechen Republic, during an artillery strike on an observation post of illegal armed groups, as a result of an error made by Lieutenant Colonel **P.** in choosing the coordinates of the target, due to the explosion of a mortar shell, juveniles **Kasaeva E.M.** and **Kasaev Kh.M.** died while a minor, **Kasaev A.M.**, was seriously wounded.*

*A military court found **P.** guilty of committing a crime under Article 293, Part 2 [Negligence resulting in the death of people], of the Criminal Code of the Russian Federation, and he was sentenced to 4 years in prison, conditionally, with a probationary period of 1 year.’*

Although there are a huge number of examples of artillery strikes on settlements that led to civilian casualties, this was the only time a criminal case was brought to court. In all other incidences known to us, criminal cases were either terminated at the investigation stage ‘due to no evidence of a crime’ or suspended ‘due to the failure to identify persons to be charged as defendants.’

* * *

No one was prosecuted for deliberate attacks on the civilian population and civilian objects in the course of military and special operations during the First Chechen War.

Most of the time, criminal cases were not even initiated, as, for example, with all cases of the murder of civilians during the ‘cleansing operations’ in Grozny in early 1995. In other incidences, when criminal cases were initiated, such as, for example, in cases of the shelling of civilians, cars, and columns of refugees in Ingushetia, their investigation was suspended ‘due to the non-finding of the persons to be charged as defendants.’

The killings of civilians and the deliberate destruction of residential buildings in the Chechen village of Samashki on 7–8 April 1995 (see Section 2.2.2. of this report) is perhaps the crime of this kind best known to the general public. The widespread publicity for these events forced the prosecutor’s office to initiate a criminal case.

On 27 April 1995, the Acting Prosecutor General of the Russian Federation A.N. Ilyushenko opened a criminal case on the grounds of crimes under Article 102, paragraph ‘h’ of the Criminal Code of the RSFSR (premeditated murder under aggravating circumstances of two or more persons) and Article 149, Part 2 of the Criminal Code RSFSR (intentional destruction of or harm to another’s property, causing significant damage and committed by means of arson or in any other generally dangerous way). The case was taken over by a group of investigators from the military prosecutor’s office of the North Caucasian Military District.

If a conscientious approach was taken, the investigation of this case could not be met with insurmountable obstacles: there were many traces of the

crime, plenty of victims, injured and witnesses, it was known which units carried out the operation, and the Prosecutor General's Office was able to establish the true names of the persons who had planned the operation and commanded it. From the end of June until December 1995, there were no serious hostilities in Chechnya that would create difficulties for the work of the investigators.

The investigative group visited the village once – in mid-May 1995. Its members examined the crime scenes and took testimony from some of the victims and witnesses. There was no exhumation of the buried bodies.

By the autumn of 1996, no one had been prosecuted in this case. Meanwhile, at the behest of the Department of Military Tactics of the Military University of the Ministry of Defence of the Russian Federation, a 'military statutory examination' was carried out: 'issues of compliance of the actions of officials in the development and conduct of a specialized operation with the requirements of regulatory documents of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation' were studied. On 14 January 1997, on the basis of this examination, the case was dismissed 'due to no evidence of a crime,' since 'the servicemen acted in a state of extreme necessity and necessary defence.'³²⁹

The same attitude towards cases of deliberate attacks on the civilian population and civilian objects in the course of military and special operations prevailed in

³²⁹ Answer of the Deputy Chief Military Prosecutor of the Russian Federation V.A. Smirnov No. SU-340 dated 31 November 1997 to the request of Memorial Human Rights Centre.

Russian investigative bodies during the Second Chechen War.

Since the materials of a number of criminal cases on such crimes had been submitted to the European Court of Human Rights, we studied them in detail and came to the conclusion that the investigating authorities showed, at best, surprising negligence. It would be more accurate to speak of deliberate sabotage of the investigation.

Thus, in cases of the murder or attempted murder of residents of the Staropromyslovsky district by Russian federal forces immediately after they took control of the area, criminal cases were initiated months after the authorities had become aware of what had happened. They were obviously not going to initiate them, but they were forced to do so, since applications had been received by the ECtHR. But even then, the investigators did not make any efforts to identify the criminals and did not find out which units were operating during the period when crimes were committed in the specified area. The necessary examinations were not carried out. The investigating authorities did not inform the victims about the progress of the investigation.³³⁰

Investigation of another well-known massacre of civilians on 5 February 2000 in the village of Novye Aldy and the adjoining area of Grozny did not end with an indictment. In the judgment of the ECtHR on the application in the case *Musayev and others v. Russia*

³³⁰ See, for example, ECtHR judgments <https://hudoc.echr.coe.int/eng?i=001-82546>, <https://hudoc.echr.coe.int/eng?i=001-82544>; <https://hudoc.echr.coe.int/eng?i=001-82548>; <https://hudoc.echr.coe.int/eng?i=001-68419>

(applications No. 57941/00, 58699/00 and 60403/00)³³¹ the Court pointed out that *‘the stunning inefficiency of the prosecutor’s office... can only be classed as condoning these events.’* This conclusion was drawn on the basis of an unacceptably long delay of one month before the start of the investigation, as well as ‘serious and unexplained delays and omissions’ in its course. Important factors include the following: 1) no attempt was made to interrogate the commanders of the respective Russian units; 2) other victims were not immediately identified and witnesses were not interrogated despite the fact that there were many eyewitnesses to an incident that took place in broad daylight; 3) there was no communication with the applicants; 4) a list of those killed or persons recognized as victims in a criminal case has not been drawn up. The ECtHR concluded that Russia had violated not only Article 2 (right to life), 3 (Prohibition of torture), 5 (right to liberty and security of person), but also Article 13 (right to effective legal protection) of the Convention for the Protection of Human Rights and Fundamental Freedoms. A similar conclusion was made in two other resolutions on applications from residents of Novye Aldy.³³²

* * *

During the First Chechen War, no one was prosecuted for the creation of facilities for the forced

³³¹ <https://hudoc.echr.coe.int/eng?i=001-81908>. The applicants, Yusup Musayev, Suleiman and Tamara Magomadov, Malika Labazanova and Khasan Abdulmezhidov, are relatives of those killed. They were represented by lawyers from Memorial Human Rights Centre and the European Human Rights Advocacy Centre (EHRAC, London).

³³² *Estamirov and Others v. Russia* (application No. 60272/00), *Khadzhimuradov v. Russia* and 16 other applications against Russia (application No. 21194/09) <https://hudoc.echr.coe.int/eng?i=001-177396>.

restriction of the freedom that were not covered by laws of the Russian Federation, for the cruel and degrading treatment of detainees and arrested persons, or for the use of torture. We know that according to the results of departmental inspections, some of the managers of the 'filtration points' were brought to disciplinary accountability, but nothing more.

The Prosecutor's Office of the Republic of Ingushetia opened several criminal cases on the facts of illegal detention on the territory of Chechnya and torture of residents of Ingushetia. The investigation of these cases was suspended 'due to the failure to identify the persons to be charged.'

In Chechnya, such cases were practically not initiated. We are aware of only two such criminal cases:

- on the fact of the murder in early May 1995 of policemen of the Ministry of Internal Affairs of the Chechen Republic: E.D. Musaev, M.A. Akhmadov, and M.G. Dzhambulatov; at least one of them was held at the Grozny FP (see Section 2.3.1 of this report). The investigation into this case was suspended 'due to the failure to identify the persons to be charged';

- on the fact of detention on 15 March 1996 of residents of Samashki fleeing from shelling from the village (see Section 2.2.2. of this report). The military prosecutor's office opened a case solely because the event received a lot of publicity.

‘On the fact of the illegal detention in March 1996 in the village of Samashki [...] of a group of men of Chechen nationality on 16 June 1996, a criminal case was initiated by the Caucasian Interregional Prosecutor’s Office. The investigation established that the persons who illegally detained the Chechens subjected them to beatings, and took away personal belongings (fur hats, jackets), and money. During these actions, the detainees were blindfolded, and those who detained them were in camouflage clothing without insignia and with masks on their faces, which made it impossible to identify them. On 16 March 1997, the proceedings in the case were suspended due to the failure to identify the persons to be charged as defendants.’³³³

* * *

The results of the only investigation known to us into allegations of the ill-treatment of captured members of armed groups, conducted by the FSB, do not differ from the results of the great majority of the work of the other investigations described above. The soldiers’ mothers’ information about the beating of ‘captured members of illegal armed groups’ (see Section 2.3.3. of this report), after a deputy’s request, was sent by the Caucasian Interregional Prosecutor’s Office ‘for operational verification to the Operational Group of the UVKR [Directorate of Military Counterintelligence] of the Russian FSB in the Chechen Republic, according to which the facts of beatings of captured members of the

³³³ From the answer of the Senior Assistant to the Prosecutor General of the Russian Federation S.A. Aristov No. 15/5-9184-96 dated 22 October 1997 to the request of Memorial Human Rights Centre.

illegal armed groups indicated in the statement of the group of mothers were not confirmed.’³³⁴

* * *

There is only one known conviction for the execution of a detainee during the First Chechen War: Senior Lieutenant X. was sentenced to imprisonment. On 2 August 1995, a Chechen with a fishing rod and without documents was detained at a checkpoint commanded by X. The senior lieutenant himself interrogated and beat him, forcing him to confess that he was a militant. Having achieved nothing, the senior lieutenant, who by this time was very drunk, lined up his subordinates with weapons and, threatening them with a machine gun, forced them to shoot the detainee.

All the other numerous cases of ‘disappearances’ of detained people during the First Chechen War or their extrajudicial executions have remained uninvestigated. In the great majority of cases, the investigating authorities did not even initiate criminal cases.

Even when the bodies of the detainees with traces of torture and violent death were found in the places of deployment of units and divisions of the federal forces, the perpetrators ‘were not found.’

S.N. Sokolov, commander of the 503rd motorized rifle regiment, was brought to criminal responsibility, but then acquitted in court. On 9 May 1995, at a checkpoint, servicemen of this regiment detained and delivered to the

³³⁴ Response of the senior assistant to the military prosecutor of military unit 44662 Captain of Justice Davletshin No. 7426 dated 23 September 1996 to the request of State Duma deputy Yu.A. Rybakov.

place of deployment of the regiment residents of the city of Shali: A. Domaev, A. Suleymanov and Sh. Tashukhadzhiev. After that, all three disappeared without a trace. The military did not allow Senior Assistant to the Military Prosecutor in the Chechen Republic K.I. Reiter to enter the area occupied by the regiment while he was checking the information that had been sent to him about this case.³³⁵ On 3 June 1995, after the 503rd regiment had changed its place of deployment, the bodies of Domaev and Suleimanov were found at the former location of the regiment. Several more bodies were also found buried there, as well as the car which the missing were driving (its chassis had been flattened by caterpillar tracks). Tashukhadzhiev's body was found on 6 June in a cemetery on the outskirts of Shali. There were signs of torture on all the bodies; the examination established that these people had died a violent death. Upon the death of A.M. Domaev, A.S. Suleimanov and Sh. L. The Tashukhadzhiev, the prosecutor's office of the Chechen Republic opened criminal cases which were then sent to the military prosecutor's office. The investigation concluded that the former commander of the 503rd motorized rifle regiment, Colonel S.N. Sokolov, was guilty of this crime. On 20 September 1996, the investigation was completed and the criminal case on charges of premeditated murder under aggravated circumstances of more than two people, deliberate destruction of another's property and abuse of power, which entailed grave consequences, was transferred to

³³⁵ In June 1995, Reiter informed representatives of Memorial Human Rights Centre that he had sent a complaint to the Prosecutor General's Office of the Russian Federation about the obstruction of his activities by the command of the regiment.

court. However, on 12 February 1997, the court returned the case to the military prosecutor's office of the North Caucasian Military District for additional investigation. In the end, the court acquitted Sokolov 'for lack of evidence of his guilt.'

The perpetrators of the murder of the detained people at the location of the 503 regiment were not identified.

* * *

In a similar case, on 20 March 1996, 5 km from the village of Arshty, in the territory where at the end of February 1996 the reconnaissance unit of the 693rd motorized rifle regiment of the 58th Army was stationed, the corpse of Sharip Bataev was discovered in a shallow grave. He had been detained by servicemen of this regiment a month earlier (see Section 2.3.4. of this report).

An operational-investigative group headed by an employee of the Prosecutor's Office of the Republic of Ingushetia left for the scene. The group was accompanied by a representative of Memorial Human Rights Centre, A.V. Cherkasov. The exhumed body showed signs of torture. The operational-investigative group, which included forensic doctors, recorded that the death of Sh. Bataev had been caused by a shot to the back of the head, and his wrists and hands had been broken. The body, according to Muslim custom, was interred on the same day. A criminal case was initiated, which was then dismissed 'due to no evidence of a crime.' The investigation's version of events is as follows. Bataev

‘appeared at the location of the reconnaissance group of federal troops and was detained by servicemen until his identity was clarified [...] Taking advantage of the weakening of control over him and the fact that the wounded servicemen had regular weapons on them, Bataev, snatching a sniper rifle from one, fired a shot in the direction of the military personnel of the reconnaissance group. Protecting the lives of subordinate servicemen, acting in a state of necessary defence, the commander of the reconnaissance group fired a shot from his standard weapon in the direction of Bataev. Bataev Sh.A. died at the scene from the head wound he received.’³³⁶

This delusional, for lack of a better word, version contradicts both the testimony of witnesses of Bataev’s detention by the military, and hand and wrist fractures he had suffered while alive that were discovered by a forensic medical expert, as well as a characteristic feature of the injury: Sh. Bataev was put on his knees, and a pistol shot was fired point-blank into the back of his head.

This shows that, with very rare exceptions, the investigation tried to exonerate representatives of law enforcement agencies at all costs.

* * *

³³⁶ Answer of the Deputy Chief Military Prosecutor V.A. Smirnov No. SU-240 dated 21 November 1997 to the request of Memorial Human Rights Centre.

During the Second Chechen War, we know of one sentence related to illegal detention, ill-treatment of a detainee, and the use of torture.

On 4 February 2001, over a long period of time, ensign Ch. and junior sergeant M. beat citizens R.V. Sataev and R.V. Magomadov in the barracks.

The military court found the servicemen guilty of committing a crime under Article 286 Part 3 [para a], of the Criminal Code of the Russian Federation [abuse of official powers with the use of violence], and they were each sentenced to 3 years of suspended imprisonment, with a probationary period of 2 years.³³⁷

The remarkable features of this decision are the conditional nature of the punishment for unlawful detention, finding the detainee in a place where the detainee is kept in a place not prescribed by law, and the prolonged nature of the beating.

* * *

In the fourth periodic report of the Russian Federation on the implementation of the Convention against Torture, submitted for consideration at the session of the UN Committee against Torture in November 2006, information was provided on the number of criminal cases of kidnapping that had been investigated and sent to courts. It was reported that *‘in total, during the CTO, 51 criminal cases regarding 78 incidents were sent to court, and 84 people were brought to justice.’* These figures,

³³⁷ Answer of the Deputy Prosecutor General of the Russian Federation S.R. Fridinsky No. 52-3804-03 on 25 April 2003 to the request of Deputy of the State Duma of the Russian Federation S.A. Kovalev.

firstly, are negligible even against the background of the total number of the ‘disappearances.’ Secondly, as far as formalities are concerned, for the entire period of the Second Chechen War, only one representative of the federal security forces was convicted for kidnapping: Colonel Yuri Budanov, who in March 2000 kidnapped and brutally killed a Chechen girl named Elza Kungaeva. (The rape charge in Budanov’s case had ‘disappeared’ during the investigation.) No other cases of abductions and disappearances of people referred to the court include law enforcement officers. The figures given in the report refer to cases where members of armed groups and criminal elements opposing the federal forces had appeared as defendants.

Two cases of enforced disappearance where the defendants were federal security officers were brought to court, but article 126 of the Criminal Code of the Russian Federation does not formally feature in them.

* * *

The second verdict in the high-profile ‘Cadet case’ formally belongs to the same category, but in essence it is about enforced disappearance.

On 29 March 2005, the Oktyabrsky District Court of Grozny found senior police lieutenant Sergei Lapin, an officer of the Internal Affairs Directorate of the Khanty-Mansiysk Autonomous District (KhMAO) sent to Chechnya, guilty under Article 111 (causing grievous

bodily harm under aggravating circumstances), paras. ‘a’, ‘b’, ‘c’ of part 3 of Article 286, Part 3 [paras a, b and c] (abuse of power), and Article 292, Part 3 (official forgery), of the Criminal Code of the Russian Federation. Lapin had served in Chechnya in the Provisional Department of Internal Affairs (VOVD) of the Oktyabrsky district of Grozny.

On 2 January 2001, officers of the Oktyabrsky VOVVD detained Zelimkhan Murdalov, after which the young man disappeared (see Section 2.3.1). An investigation by his father, Astamir Murdalov, and Natalya Estemirova,³³⁸ an employee of the Grozny office of Memorial Human Rights Centre, made it possible to establish that Zelimkhan had been tortured, then in the evening, in a state of agony, he was placed in a temporary detention facility, and the next morning he was taken out of the VOVVD in an unknown direction, and that Lapin was involved in that crime.

On 7 January 2002, a criminal case was initiated, which, like a lot of similar ones, would have ended with nothing if not for the journalist Anna Politkovskaya,³³⁹ who wrote about this case in *Novaya Gazeta* several times. Threats against Politkovskaya signed by Lapin’s operational call sign ‘Cadet’ started to be sent to the newspaper’s address. The newspaper turned to law enforcement agencies, and the case took on additional significance; Politkovskaya was being represented by Stanislav Markelov,³⁴⁰ a lawyer who collaborated with

³³⁸ Kidnapped in Grozny and killed in Ingushetia on 15 July 2009.

³³⁹ Killed on 7 October 2006 in Moscow.

³⁴⁰ Killed on 19 January 2019 in Moscow.

Novaya Gazeta and who later became the representative of the victims, i.e., the Murdalov family.

Employees of the Oktyabrsky VOVD put up all sorts of obstacles to the investigation – for example, they came to interrogations in armoured personnel vehicles and, according to prosecutors, literally took the building by storm, inflicting a pogrom. Nevertheless, the investigators managed to find out that other employees of the VOVD besides Lapin had been involved in beating Murdalov.

The body of Zelimkhan Murdalov was not found, so no murder charge was brought. The court of first instance sentenced Lapin to 11 years in prison. After an appeal against the verdict, a new trial of the case, including in the appellate and cassation instances, the sentence was reduced to 10 years in prison.

At the end of 2005, a case was initiated against the former commander of the Khanty-Mansiysk OMON Lieutenant Colonel V. Minin, as well as Major A. Prilepin, under whom Lapin had served in Chechnya, and who, as the investigation found out, had beaten Murdalov together with Lapin. Both fled and were put on the wanted list. For ten years they had avoided being found while working in the system of the Ministry of Internal Affairs. In December 2015, Minin was detained in Omsk and sent to the Chechen Republic but did not reach Grozny, because he was removed from the train in Volgograd and returned. A little later, in January 2016, an amnesty was applied to him and Prilepin.

Sergei Lapin was not the only officer of a Russian law enforcement agency to end up in prison for the thousands of crimes of this type – there was also a second sentence.

* * *

Seventeen-year-old Rasul **Jamalov**, a resident of the village of Tsentoroy in the Kurchaloy district, was detained during a cleansing operation in the village of Alleroy at about 7:00 a.m. on 16 August by the reconnaissance group of the deputy. com. platoon of junior sergeant **Mikhail Aleksandrovich Podolnov**. Rasul was suspected of watching the military, so **Podolnov** ordered him to be detained. They wrapped his jacket around his head, tied his hands and took him into a ravine. There, at close range, Podolnov fired two shots from a pistol into both temples, two shots into Podolnov's chest, and stabbed him twice in the back with a hunting knife. The corpse was hidden in the bushes, and in the afternoon they took it several kilometres away in an armoured personnel carrier.

In this case, the intervention of human rights activists and journalists was not required for the triumph of justice: since the victim was the cousin of the head of the Chechen Republic, Akhmat Kadyrov, the administrative resource was enough. Through the village administration, at about 8:00 relatives appealed to Podolnov's commander with a statement about the teenager's disappearance; at the same time, they complained to the higher civil authority, to the Head of the Republic.

Around noon, the search began, and the prosecutor's office got involved. It was soon established that the fighters of Podolnov's reconnaissance group could have been involved in Jamalov's disappearance. On 18 August, Podolnov was summoned to the military prosecutor's office, and on 19 August he signed a confession, in which he indicated the place where Rasul's corpse was hidden and was taken into custody. The body was found only on 21 August; it was possible to identify him only by his clothes. In relation to Podolnov, a criminal case was initiated under Article 105, Part 2 [paras d, I and I] (murder), and Article 286, Part 3 [paras a, c and c] (abuse of power), of the Criminal Code of the Russian Federation. Jamalov's relatives did not turn to human rights activists or to the media, since, apparently, they managed to achieve an effective investigation and a speedy consideration of the case without them: the sentence – nine years in a strict regime penal colony – was issued by the North Caucasus District military court as soon as 23 May 2002. At the same time, the court found no reason to qualify his actions, '*as committed out of hooligan motives, with particular cruelty and motivated by ethnic hatred,*' dropped the charges under Article 105, Part 2 [paras e, I and I], and reduced it to Article 105, Part 1, of the Criminal Code of the Russian Federation – a simple murder. It was also ignored that Sergeant Podolnov acted as part of a unit performing a combat mission – that is, not on his own and not in his free time. At the same time, even the obvious use of the 'administrative resource' was not completely effective: it is not known for certain what happened during the

investigation, but, apparently, at some point Podolnov was released from custody, and again arrested precisely two months later, at the next reopening of the investigation. It was not possible to appeal the verdict either in the appellate or cassation courts: Podolnov served his sentence in full.

* * *

Thus, for the total number of enforced disappearances (between 3,000 and 5,000 people), there are two sentences against federal ‘siloviki’ [law enforcement officials] and two sentences against ‘Kadyrovites’ (‘the ATC case’ and the ‘PPS case’) – that is, the impunity rate for such crimes is 99.9 percent. A study of cases of enforced disappearance shows that various methods were systematically used to achieve this:

- criminal cases were not initiated – sometimes this was done only after the filing of an application with the ECtHR;

- there was no investigation into the merits – the case, as prescribed by the Code of Criminal Procedure, was suspended and resumed, but not terminated, thus making it impossible for relatives to get acquainted with it;

- if, nevertheless, there was some indisputable evidence of the involvement of the military or FSB officers in the disappearance and the case was sent to the military prosecutor’s office, then the latter groundlessly refused to accept it for proceedings, and an endless ‘ping-pong’ ensued between civil and military justice;

- if the case was taken over by the military prosecutor's office, then, firstly, the suspects were repeatedly given the opportunity to leave Chechnya, where they had been on a business trip, to their places of permanent deployment, and only after that an unsuccessful search for them began; secondly, in the course of a long investigation, the case was transformed in such a way that people who had already been killed or died became the accused, and the charges were dropped for the living defendants.

In general, there was a system of organized impunity that ensured the reproduction of enforced disappearances as a widespread and systemic practice.

According to Russian law, the statute of limitations for especially serious crimes is 15 years, which allows thousands of these criminal cases to be dismissed. However, precisely because enforced disappearances were a widespread and systemic practice (as evidenced by the array of hundreds of decisions of the ECtHR in such cases), according to the 2006 Convention on Enforced Disappearances, they are a crime against humanity with all the ensuing international legal consequences, including the absence of a time limit.

* * *

Only two guilty verdicts are known for extrajudicial executions committed by representatives of the Russian law enforcement agencies during the Second Chechen War.

On 27 December 2007, the North Caucasian District Military Court declared two officers of the Dzerzhinsky division of the Internal Troops of the Ministry of Internal Affairs of the Russian Federation, Lieutenant Sergei Arakcheev and Senior Lieutenant Evgeny Khudyakov, guilty of the murder of three residents of the Chechen village of Lakha-Varanda: Said Yangulbaev, Abdulla Dzhambekov, and Nazhmuddin Khasanov. According to the prosecution, the victims were stopped by servicemen at a temporary checkpoint and then shot. The court sentenced Khudyakov and Arakcheev to 17 and 15 years in prison, respectively. Khudyakov did not appear for the announcement of the verdict, disappeared and was put on the federal wanted list. Arakcheev was released on parole in 2016. Khudyakov was detained in 2017 and sent to serve his sentence. In 2022 It became known that Yevgeny Khudyakov had left the place he was serving his sentence in the Sverdlovsk region to join the ‘special military operation’ in Ukraine (apparently as part of Wagner PMC), where he died.

* * *

On 14 June 2006, the North Caucasian District Military Court sentenced Aleksey Perelevsky, Major of the Special Forces of the Main Intelligence Directorate of the General Staff of the Russian armed forces, to 9 years in prison. He was found guilty of killing six civilians in the Chechen Republic. Three other commandos were not present in the courtroom and were convicted in absentia. Captain Eduard Ulman was found guilty of murder, abuse of power, and the deliberate destruction of property and

was sentenced in absentia to 14 years in prison; Lieutenant Aleksandr Kalagansky, to 11 years; ensign Vladimir Voevodin, to 12 years.

On 11 January 2002, a group of special forces under the command of Captain Ulman landed in the highlands of Chechnya, where they set an ambush on the road. When a passing passenger minibus did not stop after being ordered to do so by Ulman, the commandos fired at it. In the bus were: Khamzat Tuburov, the driver; Zainap Javatkhanova, a 41-year-old mother of seven children expecting her eighth child; Magomed Alashanov, a 68-year-old director of a village school; Abdul-Wahab Satabaev, the headteacher of the school; Shahban Bakhaev, a forester; and Gomed Musaev, Dzhavatkhanova's 22-year-old nephew. The principal of the school was killed during the shelling, and two passengers were wounded. Ulman reported the situation to headquarters, gave the passport details of the detainees and requested the evacuation of the wounded. However, Perelevsky, who was in touch with him, made it clear to Ulman three times that the detainees should be killed. At the same time, this preference was not conveyed in the form of a clear order. Nevertheless, Ulman and his subordinates Kalagansky and Voevodin shot people who were known to be civilians and tried to hide the traces of the crime.

Neither during the investigation nor at the trial were any attempts made to find out by whose order Perelevsky gave the order (actually a request) to Ulman to execute the detainees.

Ulman, Kalagansky, and Voevodin are still in hiding and on the wanted list. However, it can be assumed that no one is looking for them, and the department in which they had served is helping them to hide.

* * *

None of the people who led the numerous ‘cleansing operations’ of settlements accompanied by murders, kidnappings and beatings of people, robberies, and other crimes, have been punished. Here are three such cases that cannot be called anything other than a mockery of justice.

The first example is the investigation into the ‘cleansing operation’ in the villages of Assinovskaya and Sernovodsk in early July 2001 that were accompanied by wholesale looting, beatings of local residents and ‘disappearances’ of detainees. Even the heads of village administrations and local police officers were detained and beaten. The authorities failed to prevent news of these events from getting out. Many media outlets, basing themselves on the testimony of refugees from the villages and reports by human rights organisations,³⁴¹ described the horror of the ‘cleansing operations.’³⁴² A scandal erupted. The administration and the government of the Chechen Republic were forced to protest against the illegal actions of the federal forces, and representatives of

³⁴¹ <http://old.memo.ru/hr/hotpoints/n-caucas/misc/sernovod.htm>

³⁴² <https://www.newsru.com/russia/26sep2001/58men.html>; <https://www.ltv.ru/news/2001-07-09/275524-v-chechne-razgoraetsya-skandal-vokrug-nedavnih-zachistok-v-sernovodskoy-i-stanitse-assinovskoy>; https://ru.wikinews.org/wiki/58_человек_признаны_потерпевшими_при_зачистках_в_Асиновской_и_Серноводске.

the command of the Joint Group of Forces admitted that ‘certain violations may have been committed by soldiers under the influence of emotional factors,’ and the prosecutor's office initiated criminal proceedings.

In the investigation into the disappearance of Aпти Isigov and Zelimkhan Umkhanov during the ‘cleansing operation’ in the village of Sernovodsk on 2 July 2001 (see Section 2.4), there seemed to be little information, and what there was, was conflicting. Both men were taken away on 2 July 2001 in an armoured personnel carrier, bearing number 4025 (or 2045, according to other witnesses), and were subsequently transferred to a Ural vehicle and then back again. In Sernovodsk the detainees were taken to a ‘temporary filtration point’ in a field just beyond the outskirts of the village, where the foundations of an unfinished building were located. By the evening of 2 July, relatives of the men detained arrived at this field on the outskirts of Sernovodsk and were promised they would be released in half an hour, but Isigov and Umkhanov were not among those released that day. On the morning of 3 July, the group of law enforcement officers relocated to the village of Assinovskaya, where a ‘cleansing operation’ also began. The relatives were told that all the men detained in Sernovodsk were being held at the Achkhai-Martan temporary police station. In the police station they were shown a list of 40 people who had been detained, including Umkhanov and Isigov, but in the evening they were told that Zelimkhan and Aпти had never been brought to the police station. Aпти Isigov and Zelimkhan Umkhanov had disappeared.

On 8 July 2001 the Achkhoi-Martan inter-district prosecutor's office, on the basis of numerous complaints from residents of Sernovodsk, initiated criminal case No. 27031 under Article 286, Part 3 (a) of the Russian Criminal Code (abuse of power), Article 127, Part 2 (a, b, c, d, e) of the Russian Criminal Code (unlawful detention), Article 161, Part 2 (a, b, c, d, e), of the Russian Criminal Code (robbery) and Article 167, Part 167, of the Russian Criminal Code (intentional destruction or damage to property), of the Criminal Code, as part of which the disappearance of Isigov and Umkhanov was investigated. Search warrants were issued at the Achkhoi-Martan temporary police station.

Subsequently, it turned out that on the same day, 8 July, an investigative team of 23 people (an unprecedented phenomenon in the entire Second Chechen War!) was set up to investigate the case, comprising officers of the Chechen Prosecutor's Office, the military prosecutor's office of the Joint Group of Forces (military unit No. 20102) and the Russian Ministry of Internal Affairs for Chechnya. The speed with which the group was set up and the number of staff members allocated to it by the official bodies were connected not only with the speech by A.-H. Kadyrov and the issuing of order No. 80, but also with the high international profile of the case. As a result, this ensured significant progress in the investigation during its first days and weeks.

Fifteen months after Umkhanov and Isigov disappeared, on 3 October 2002, the prosecutor's office sent their relatives a letter about the course of the

investigation, providing many specific details, including the names of the security and law enforcement officers involved in the ‘cleansing operation.’

It had been established that the armoured personnel carrier type-40, with the identity number Ch025 (and not 4025) belonged to military unit No. 6785 (an engineer battalion of the 46th Separate Operational Brigade). The armoured personnel carrier was handed over to reconnaissance personnel from military unit No. 6783 (352nd special reconnaissance battalion of the 46th Separate Operational Brigade – one of the key military units in the system of enforced disappearances in Chechnya). The reconnaissance unit was led by Major **Vladimir Vladimirovich Mezentsev**, head of the reconnaissance of military unit No. 6783. Crew members of the armoured personnel carrier confirmed they took the detainees onboard, transported them and handed them over to personnel from the Ministry of Justice. The latter were under the command of Major **Viktor Vasilyev**, who said that on the orders of the deputy commander of the operation, Colonel **Igor Klavdievich Galyamin**, he placed the detainees delivered to him in prison transportation vehicles belonging to the Penitentiary Service of the Ministry of Justice and that *‘in most cases when people were put in prison vehicles no documentation was prepared and no data about the detained persons was entered in the travel log.’* It was also confirmed that on Galyamin’s orders, two Chechens from among the detainees were put into a prison vehicle, kept there throughout the special operation, and on 5 July

2001 were taken to *Khankala*, where they were handed over to the Temporary Operational Group of Departments and Units of the Ministry of Internal Affairs – ‘*an investigative brigade of the Ministry of Internal Affairs, responsible for verifying compliance with the passport regime.*’ Since all the other detainees in Sernovodsk and Assinovskaya had been listed and released, it was obvious that the two were Umkhanov and Isigov. But because of the lack of any system for registering detainees, the investigation had not been able to establish the identities of these two men who had been taken to Khankala, nor locate those who disappeared.

At this point, the investigation, which initially proceeded very intensively, slowed down. On 12 June 2002, the case was suspended on the basis of Article 195, Part 3, of the RSFSR Criminal Procedural Code (*‘in connection with the impossibility of finding the persons to be charged with the offence’*). On 30 June 2002, an indictment was presented against Vasilyev, Galyamin, and police Major **Aleksandr Evgenyevich Mostovoy** (who in the course of the ‘cleansing operation’ had headed a group of investigative officers from the Temporary Operational Group of Departments and Units of the Ministry of Internal Affairs) under Article 286, Part 1, of the Russian Criminal Code (abuse of power) and Article 127, Part 2, of the Russian Criminal Code (unlawful detention). In addition, Mostovoy was charged under Article 159, Part 1, of the Russian Criminal Code (Fraud) and Article 160, Part 1, of the Russian Criminal Code (misappropriation or embezzlement of property).

But even after this, the case was obviously put on hold. For example, on 21 October the Judicial Board for Criminal Cases of the Russian Supreme Court received an application to change the jurisdiction of case No. 23-D02-284P, considered on 14 November 2002. As a result, in late February or early March 2003³⁴³ a sentence was handed down in case No. 27031. Aпти Isigov and Zelimkhan Umkhanov, who had disappeared, were not named in the verdict. Colonel Galyamin, Major Vasilyev and Major Mostovo were given suspended sentences of, respectively, 18 months, 12 months, and 18 months. ‘Suspended justice’ triumphed, as it has done in practically all those cases that have reached court concerning officers of the federal security and law enforcement bodies.

A few weeks later the investigation into the disappearances of Umkhanov and Isigov was reopened. On 14 April 2003 acting investigator of the Chechen Republic Prosecutor’s Office and junior advisor in the Ministry of Justice V. A. Bibichenkov submitted a report stating that, since the investigation of the criminal case No. 27031 had established that the armoured personnel carrier Ch025 *‘belongs to the 46th Separate Operational Brigade of the Russian Ministry of Internal Affairs and during special operations it was commanded by Lieutenant Colonel A. G. Kroshin, subordinate during those operations to Major V. V. Mezentsev...’*, their

³⁴³ At a press conference at the Interfax-South agency in Rostov-on-Don on 28 March 2003, Deputy Prosecutor General S.N. Fridinsky said: *‘A month ago a guilty verdict was handed down against three officials, a colonel and two police majors, who improperly discharged their official duties, resulting in the violation of citizens’ rights during special measures in the villages of Assinovskaya and Sernovodskaya villages...’*

actions and those of their subordinates show evidence of an offence under Article 126 of the Russian Criminal Code. However, since Article 126 was not mentioned in case No. 27031, it is necessary to open a new criminal case with regard to this fact. On the same day deputy prosecutor of the Chechen Republic Nikitin issued an order to open criminal case No. 59114 under Article 126, Part 2 (a, d, h), of the Russian Criminal Code against Mezentsev and Kroshin ‘*and other individuals involved in the kidnapping of A. Isigov and Z. Umkhanov,*’ and putting Bibichenko in charge of the investigation. Now, 21 months after the crime, the case was not being handled by a group of 23 operatives and investigators (including military prosecutors), but by Bibichenkov alone, who had no opportunity to question the soldiers. On 21 May 2003, he issued ‘*ruling on submission of the case*’ No. 59114 to the Public Prosecutor of the Chechen Republic ‘*for submission to the Military Prosecutor of the Joint Group of Forces to conduct the investigation*’, in which the circumstances of the disappearance of Aпти and Zelimkhan were described in detail, using materials obtained shortly after the opening of the case.³⁴⁴ In the early morning of 2 July 2001, the group of forces began a ‘cleansing operation’ in the village of Sernovodsk. Sernovodsk. Isigov and Umkhanov were detained by one of the search teams under the command of Mezentsev and placed in armoured personnel carrier Ch025 under the

³⁴⁴ These materials themselves are not available, as the Russian side provided the ECtHR with only a small part of the case materials. The most informative of them, obtained by the investigation team ‘in hot pursuit’, remain unavailable: there are only procedural documents – decisions to suspend and reopen the investigation and to transfer the case. In what follows, we rely primarily on these documents.

command of Senior Lieutenant **Andrei Gennadievich Kroshin**. Isigov and Umkhanov were not handed over at the checkpoint and were not included in the list of detainees. Apart from them, at least three other detainees who were later released were kept in police vans without any formalities being observed and then handed over to the Achkhai-Martan temporary police station. At the checkpoint near Assinovskaya, Isigov and Umkhanov were again not included in the lists.

Bibichenkov systematically shifted responsibility from one security agency to another, not mentioning that Isigov and Umkhanov were kept in police vans from 2 to 5 July 2001, that they were taken to the Temporary Operational Group of Departments and Units of the Ministry of Internal Affairs in Khankala, or that staff of the Ministry of Justice and the Ministry of Internal Affairs were involved in the crime. All responsibility was placed on the Internal Troops officers Mezentsev and Kroshin. The role of the FSB in the case was not even mentioned, and not a single officer of that agency was named. The ‘ruling...’ was the next logical step following the suspended sentences handed down to Vasilyev, Galyamin and Mostovoi. Police Colonel Galyamin, now as a witness in the case, claimed that military units of the Ministry of Internal Affairs and the Ministry of Defence had independently detained people, thereby violating the instructions given by Colonel Berezovsky, the head of the operation. Galyamin, according to him, reported this fact to Colonel Vegerya, but the latter paid no attention to it. Kroshin testified that on 2 July he received orders from

Major Mezentsev by radio to move his armoured personnel carrier to specified addresses and to *'pick up detainees from reconnaissance groups for subsequent delivery to the checkpoint and to hand them over without any formal documentation to officers of the military group from the Ministry of Internal Affairs.'* Kroshin also testified that he saw an altercation between local residents and Mezentsev because of vehicle numbers that had been covered up with mud, after which Mezentsev personally ordered him to cover over the number of the armoured personnel carrier Ch025 with mud. The 'ruling' noted: *'the lack of oversight and improper execution by Colonel E. N. Vegerya of the military units of the Russian Ministry of Internal Affairs [Evgeny Nikolaevich Vegerya was in charge of the military units of the Ministry of Internal Affairs during the 'cleansing operation'] and Colonel A.V. Berezovsky of the Ministry of Defence [deputy head of the Joint Group of Forces for special operations who led the 'cleansing operation'] of their official duties during the special operation, led to the commission of this premeditated crime by military personnel. [...]. Moreover, Colonel E. N. Vegerya and A. V. Berezovsky concealed the fact that Isigov and Umkhanov had been abducted by those engaged in the special operation [...].'* However, it was not proposed to impose any sanctions on them.

On 21 May 2003, the case was sent to the military prosecutor's office of the United Group of Troops (military unit No. 20102) and was given there a new number: No. 34/33/0506-03. Two weeks later, on 4 June 2003, the case was sent back to the office of the district

prosecutor in a classic game of bureaucratic football between different branches of the prosecutor's office with a dispute over investigative jurisdiction.

The ruling of 13 September 2003 reopening the investigation again implicated Mezentsev and Kroshin in the abduction of Isigov and Umkhanov and raised the question of their criminal prosecution, but also referred to Mezentsev's death. On 14 October 2003, the military prosecutor's office suspended the case, on the basis of Article 208, Part 1 (i), of the Russian Criminal Procedural Code, stating that, on 19 March 2003, '*Senior Lieutenant A. G. Kroshin was transferred to serve under the commander of the internal troops of the Russian Ministry of Internal Affairs*' (and as of 25 April 2003 '*is serving in military unit No. 6702 with the rank of deputy company commander for equipment and weapons*' – in other words, there was no access to him), and the head of reconnaissance of the 352nd reconnaissance battalion Major Mezentsev was fatally wounded and died in the Main Military Clinical Hospital of the internal troops of the Ministry of Internal Affairs in Moscow on 16 March 2003, even before the case had been reclassified as a separate investigation and transferred to the military prosecutor's office (something of which the investigation could not have been unaware!) The ruling of 2 August 2004 states that as a result of Mezentsev's death, '*criminal proceedings against him have been terminated*' and the case against Kroshin should be transferred to the Moscow City Military Prosecutor's Office. But here, too, the investigation was too late: the resolution of the

Moscow garrison prosecutor's office about suspension of the case, dated 25 January 2005, specifies that *'on 27 February 2004 Kroshin was excluded from the list of military personnel as he had been dismissed from military service on 24 February 2004.'* – that is, even before the case had been transferred to Moscow.

In other words, it was already known that the harsh wording of the decision to prosecute could not lead to the conviction of Mezentsev – one of the officers who led the 'cleansing operation' and gave the orders that led to the disappearance of people. By attributing responsibility to a person who was dead and therefore could not be put on trial, the prosecutor's office shifted responsibility from the other senior officers who led the 'cleansing operations' in Sernovodsk and Assinovskaya.

And the subsequent decision of the military prosecutor's office, dated 21 March 2005, to reopen the investigation ended with the statement that neither federal service personnel in general, nor Mezentsev and Kroshin specifically, were involved in the disappearance of Isigov and Umkhanov, and that their prosecution should be dropped. The reason for this decision was the testimony of Colonel Galyamin: *'Helicopters landed on the territory of the village, from which unidentified persons in masks, possibly representatives of some security or law enforcement agencies [...], emerged,'* while *'military personnel were not wearing masks on that day.'*

One example of how the perpetrators of an enforced

disappearance were first identified by an investigation but then removed as suspects from the case is that of the disappearance of Moul Azievich Usumov (see Section 2.4). On 30 June 2001, at approximately 3:30 am, two dozen armed security and law enforcement personnel in camouflage uniforms, some with dogs, broke down the gate of Usumov's house with an armoured personnel carrier. Seven of the security and law enforcement officers, who spoke Russian without an accent, burst into the house. They found Usumov in his bed, handcuffed him, took him out into the yard and pushed him into the armoured personnel carrier. That night another seven individuals were detained in Kurchaloy. These seven were released soon after and they confirmed that Moul had been held with them. On 9 July 2001, the Argun inter-district prosecutor's office opened criminal case No. 39038 under Article 126, Part 2, of the Russian Criminal Code (the case was subsequently transferred to the military prosecutor's office and received serial numbers No. 14/00/0020-01D and No. 34/33/0406-01D).

The investigation established almost immediately that the eight detained residents of Kurchaloy had been taken to the location of military unit No. 12106 and 'No. 1 combined unit' where, at the 'Titanic' filtration point, they were beaten and tortured, and Moul Usumov 'disappeared.' However, none of the security or law enforcement services were willing to admit not only the involvement of their people in the violence against the detainees, but in having had anything to do with them at all.

In the upshot, a person guilty of ‘deliberate harm to the health’ of the detainees was ‘found.’ In April 2002 Lieutenant Colonel **Yury Alekseevich. Kunaev** (acting commander of military unit No. 12106 and ‘No. 1 combined unit’) who led the operation testified that ‘*...violence against the detainees was committed by military serviceman of a communications company Vyacheslav Zatsarin, who died several days later while carrying out special operations in Alleroy village*’ – allegedly on 8 July 2001 ‘*in the line of duty.*’ On 29 June 2002, the case against Zatsarin was dropped on account of his death. That very day the case against those officials who had participated in the operation (under Article 286, Part 3 (a), of the Russian Criminal Code [‘abuse of power’]) was dismissed on account of lack of evidence of a crime. ‘Abduction’ did not figure among these charges: the investigators cast doubt on the very fact of Moul Usumov’s disappearance, taking into account the reports of the military counterintelligence of the FSB to the Investigative Committee and the FSB for the Chechen Republic, that Moul Usumov had connections to unlawful armed groups and was allegedly seen in Kurchaloy district on 7 October 2001. On 8 July 2002, the investigation under Article 126 of the Russian Criminal Code was terminated ‘on account of lack of evidence of a crime’. At the same time, the case against Colonel Vladimir Viktorovich Maistrenko (deputy commander of the Joint Group of Forces for special operations) and Colonel ‘Viktor Ivanovich Pelishenko’ (operational alias of the head of the FSB office for Kurchaloy district) was dismissed under Article 286, Part 3 (c), of the Russian

Criminal Code (on account of no evidence of a crime) and against Colonel Vladimir Ivanovich Shkuro (military commander of the Kurchaloy district, who died in 2001), under Article 293 of the Russian Criminal Code (‘negligence’) of the Criminal Code (in connection with his death). On 2 March 2009, the following ruling was issued: ‘...*taking into account that Lieutenant Colonel Kunaev ... acted on the orders of Deputy Commander for Special Operations Colonel Maistrenko ... and in the circumstances of a counterterrorism operation ... in accordance with the law ... there is no evidence of a crime in the actions of Yu. A. Kunaev as provided for by Article 286, Part 1, of the Russian Criminal Code ... in connection with which ... the criminal prosecution against Yu. A. Kunaev ... is terminated for lack of evidence of a crime.*’ Therefore, during the investigation the possible charges were redistributed in such a way that all senior officers who led the operation were acquitted on account of lack of evidence of a crime in their actions, while Shkuro and Zatsarin died – ‘coincidentally.’

Such a termination of an investigation on account of the death of the suspect is not the only such story in the investigation of enforced disappearances in the North Caucasus. However, Usumov’s case is unique even in this respect: the official document states that the suspect Zatsarin died near the village of Alleroy on 8 July 2001. However, a photograph of the memorial plaque on the wall of the Zheleznovodsk Technical School for Art and Construction clearly shows the inscription (see link to the photograph is [here](#)): ‘*Vyacheslav Nikolaevich Zatsarin.*

16.6.1982–7.12.2002. Killed in the course of a counterterrorist operation in the Republic of Chechnya near the village of Alleroy. Posthumously awarded the Order of Courage... Zatsarin was killed not ‘a few days later’, but almost a year and a half after Moul Usumov disappeared and the criminal case was opened. The case against Zatsarin was allegedly dropped ‘on account of his death’ on 29 June 2002 – almost six months before his death. It is hardly appropriate to speak of mere perjury: the interrogations of Lieutenant Colonel Kunaev, in which he speaks of Zatsarin as having been killed, are dated 31 July 2001 and 27 April 2002. It is doubtful that he could have foreseen the death of a specific soldier of his unit many months in advance. More likely, this would suggest fraud committed by a group of persons in prior collusion.

In this way the criminal case, that soon after its initiation had been practically fully investigated (see Section 2.4), was eventually ‘wrecked’ and the result was total impunity.

A third example is the investigation into the punitive action in Borozdinovskaya village on 4 June 2005 (see Section 2.2.2. of this report), which resulted in a suspended sentence for one officer. During that operation, the fighters of the Vostok battalion killed one villager, and 11 other people were taken away and ‘disappeared’ without a trace; four houses were burned down. As a result, one battalion officer, Muhadi Aziev, was conditionally convicted in October 2005 ‘for exceeding

his official powers’ – that is, for allowing his subordinate military personnel to enter the village. What these servicemen did in the village, which of them killed people and set fire to houses, who took people and where to – the investigation has not yet established.

The ECtHR in its ruling, apart from other violations of the Convention for the Protection of Human Rights and Fundamental Freedoms, pointed to Russia’s violation of Article 13 (right to an effective remedy).

* * *

No one has been prosecuted for the taking of hostages by federal troops and using civilians as human shields.

One example: here is what Deputy Chief Military Prosecutor V.A. Smirnov wrote about using the residents of Samashki in March 1996 as ‘human shields’:

*[...] servicemen of one of the units of the Internal Troops of the Ministry of Internal Affairs of Russia were fired upon intensely from automatic weapons. At the same time, militants of illegal armed groups simultaneously fired at the houses of local residents. The latter, fleeing the shelling, went out onto the road, where they hid behind the armoured vehicles of the servicemen. Having reached the centre of the village together with the servicemen, the locals dispersed.*³⁴⁵

³⁴⁵ Answer of the Deputy Chief Military Prosecutor A.V. Smirnov No. SU-240 dated 21 November 1997 to the request of Memorial Human Rights Centre.

This is surprising cynicism even against the background of the usual responses from the prosecutor's office. It is not clear why the residents had left the houses, which provided at least minimal protection against shelling, gone into an open area and gone along with the vehicles in the direction from which bullets were being fired. In addition, the residents, according to their own words, did not 'hide behind the armoured vehicles,' but covered them with their bodies, walking in front or sitting on the armour.

* * *

As a rule, guilty verdicts were handed down on servicemen of the federal forces in Chechnya and policemen seconded there for crimes committed by them outside their official hours and not in the course of operations carried out by the federal forces. Most of these crimes were committed while drunk.

Most of the criminal cases initiated on this type of crime remained uninvestigated in the Prosecutor's Office of the Chechen Republic. Only the military prosecutor's office could investigate criminal cases against servicemen. But the military prosecutor's office refused to take cases from the Prosecutor's Office of the Chechen Republic for investigation without providing 'indisputable evidence' that it was military personnel who had committed the crime. In turn, the prosecutor's office of the Chechen Republic normally could not provide such evidence, since its employees could not carry out any

investigative actions against the military. It was a vicious circle.

In response to the Chief Military Prosecutor's Office,³⁴⁶ it was reported that during the period from January 1995 to November 1996, 147 criminal cases had been investigated by the military prosecutor's office (military unit 44662) on the facts of crimes committed by military personnel of the federal forces against the civilian population in the territory of the Chechen Republic. Of these, 45 were completed. Of these 45 completed criminal cases, 23 cases were sent to the courts, and 21 were dismissed. According to the information provided by the Chief Military Prosecutor's Office of the Russian Federation, 23 people were sentenced to various criminal penalties in these cases.

The Department of Military Courts of the Ministry of Justice of the Russian Federation provided other information:³⁴⁷ for crimes committed by military personnel against the civilian population during the period of hostilities in Chechnya, a total of 18 (!) military personnel of the Ministry of Defence and Internal Troops of the Ministry of Internal Affairs were convicted. This included premeditated murders where seven people were convicted, as well as one for robbery, one for theft of another's property, one, for careless grievous bodily harm, and the rest were convicted for hooliganism,

³⁴⁶ Information sent on 6 November 1996 by the military prosecutor of the Supervision Department of the Chief Military Prosecutor's Office A.P. Sinitsin to the Moscow Helsinki Group.

³⁴⁷ Answer of the Deputy Head of the Department of Military Courts S. Ilyushin No. 634 dated 29 September 1997 to the request of Memorial Human Rights Centre.

careless handling of weapons and car accidents. In total, 18 people died from the criminal actions of the convicts.

For those familiar with the real situation in Chechnya during the hostilities, it is obvious that these figures testify to the extreme inefficiency of the work of law enforcement agencies in investigating crimes committed by servicemen against the civilian population. Tens of thousands of people had died; the vast majority of them were civilians, and those responsible for the deaths of only eighteen civilians were punished.

The same thing happened again during the Second Chechen War. For example, as of mid-2005, since December 1999, 103 servicemen had been sentenced. Of these, eight were found not guilty. With regard to three, the court dismissed the criminal case due to the decriminalization of the act they had committed. In relation to twenty servicemen, the courts applied an amnesty – among them, for example, was a contract soldier who opened fire in an act of hooliganism, killing one woman and injuring another.

Only 27 military personnel, most of whom had committed murders of civilians off duty, were sentenced by the courts to various terms of imprisonment (from a year in a colony-settlement to eighteen years under a strict regime).

A typical example: *Conscript sergeant Anosov was sentenced to twelve years in prison to be served in a strict regime correctional colony for killing a local resident and his colleague in Grozny on 22 January 2001 while also*

wounding two local residents. On that day, the drunken sergeant and his drinking companion opened fire indiscriminately on the streets of the city and detonated several grenades. As a result, bystanders and one of the two drunken servicemen were injured.

However, the vast majority of those sentenced were given ‘symbolic’ punishments: suspended sentences (including for rape, robbery, extortion, torture of those illegally detained, theft, deliberate destruction of property, etc.), fines (for beating, the illegal detention of representatives of the prosecutor’s office, etc.), or restriction of military service.³⁴⁸

Here are a few examples of such symbolic punishments (quotes from the response of the Deputy Prosecutor General of the Russian Federation S.R. Fridinsky to the request of Deputy of the State Duma of the Russian Federation S.A. Kovalev):

On 29 August 2001, in Shali, during a special operation, military conscript **O.** openly stole property with a total of 1,500 roubles from the house of citizen **D.** and raped citizen **A.D.**

*‘The military court found serviceman **O.** guilty of committing crimes under Article 131, Part 1 [Rape], and Article 161, Part 2 [paras g and d] [Robbery with the use of violence not dangerous to life and health and causing significant damage], of the Criminal Code of the Russian*

³⁴⁸ Information from a letter sent by the General Prosecutor’s Office of the Russian Federation in response to a request from the Commissioner for Human Rights in the Russian Federation V.P. Lukin.

*Federation, and he was sentenced to 5 years in prison, conditionally, with a probationary period of 5 years.*³⁴⁹

‘On 21 November 2000, in the area around the checkpoint at the entrance to the settlement of Shatoi, servicemen S. and O. committed a robbery and assault on L. Abdulvakhidov.

The military court found the servicemen guilty: S., of committing a crime under Article 162, Part 2 [para d], of the Criminal Code of the Russian Federation, and he was sentenced to 4 years of imprisonment on probation, with a probationary period of 3 years; O., of committing a crime under Article 213, Part 3, of the Criminal Code of the Russian Federation, and he was sentenced to 3 years in prison, suspended, with a probationary period of 2 years.

‘On 22 December 2000, in the Shatoy district of the Chechen Republic, Private Ts. committed a violation of the rules for handling weapons, inflicting a gunshot wound on Shakhgirieva T.

The military court found the serviceman guilty of committing a crime under Article 349, Part 1, of the Criminal Code of the Russian Federation, and he was

³⁴⁹ From the answer of the Deputy Prosecutor General of the Russian Federation S.R. Fridinsky No. 52-3804-03 25 April 2003 to the request of Deputy of the State Duma of the Russian Federation S.A. Kovalev. The answer is given in full in the Memorial Human Rights Centre report, *Uslovnoje pravosudije* (Conditional Justice) <https://memohrc.org/ru/reports/uslovnoe-pravosudie-o-situacii-s-rassledovaniem-prestupleniy-protiv-grazhdanskih-lic>
<http://old.memo.ru/hr/hotpoints/chechen/d-d0603/eng/index.htm>

*sentenced to 6 months of restriction in military service.*³⁵⁰

That last incident was investigated by Memorial Human Rights Centre: in fact, on 22 December 2000 in the mountain *village of Redukhoy* a group of military men approached the house of 65-year-old local resident **Masani Shahgirieva**, a dealer in alcoholic beverages. The military called her outside and told her: ‘*Dad ordered you to give us vodka!*’ She said that she currently had no alcohol, and one of the soldiers fired a burst of automatic fire at her feet. Neighbours took the injured woman to the location of the Russian military unit on the territory of the village, where she received medical assistance. But the investigation qualified the incident as a ‘violation of the rules for handling weapons.’

Thirty-four policemen were convicted of crimes against civilians. Like those handed down to the military, most of the sentences were of a ‘symbolic’ nature: only seven were sentenced to imprisonment, the rest received suspended sentences (including for drunken shooting that led to the death or injury of citizens, for extortion, accepting a bribe, threat of murder, hooliganism, etc.)³⁵¹

³⁵⁰ Examples from the answer of the Deputy Prosecutor General of the Russian Federation S.R. Fridinsky No. 52-3804-03 on 25 April 2003 to the request of Deputy of the State Duma of the Russian Federation S.A. Kovalev. The answer is given in full in the Memorial Human Rights Centre report *Uslovnoje pravosudije* (Conditional Justice) <https://memohrc.org/ru/reports/uslovnoe-pravosudie-o-situacii-s-rassledovaniem-prestupleniy-protiv-grazhdanskih-lic>, <http://old.memo.ru/hr/hotpoints/chechen/d-d0603/eng/index.htm>.

³⁵¹ Information from a letter sent by the Prosecutor General’s Office of the Russian Federation in response to a request from the Commissioner for Human Rights in the Russian Federation V.P. Lukin.

Conclusion

We have tried to place the events of Russian aggression in Ukraine in the context of other major wars that the Russian Federation has waged over the three decades of its existence, and to present this to the reader. This perspective, of course, has turned out to be incomplete. The selection of events and episodes in each section may seem random or incorrect. Everyone who follows the events in Ukraine can say that here they are given in isolated brush strokes. The authors can rightly be reproached for the fact that the first and second Chechen wars are described in more detail than all subsequent events. But this is a feature of perspective: what is far away gets overwritten by new events and forgotten. Restoring the scale of events, we refine their assessment. Changing the perspective and returning to the events of the 1990s, to the First Chechen War of 1994–1996, we see how monstrously bloody, cruel, and vile it was. This approach seems to make it possible to understand that the chain of modern errors and crimes stretches further, and the problems that have given rise to them are deeper.

The post-Soviet wars that started in the early 1990s are not a chain of separate random events and coincidences. They should be seen as a chain of wars, a chain of crimes, a chain of impunity. The impunity of past crimes gives rise to new ones, generating new criminals.

Surovikin, Strelkov and other ‘heroes’ of the war in Ukraine brought to that country the experience of three decades of unpunished violence.

The butchered city of Mariupol is a consequence of the destruction of Grozny.

The impunity of the killers of Samashki and Novye Aldy inevitably gave rise to Bucha.

The ‘filtration camps’ through which the inhabitants of Mariupol passed derive from the ‘filtration system’ that existed in Chechnya.

And there can be no lasting peace without memory and justice.

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This report is only a first attempt, a first approach to the problem. And we will be grateful for any comments and corrections made by readers.