

# REPUBLIC OF FEAR

Human rights  
in modern-day Chechnya





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in modern-day Chechnya**

*Republic of fear. Human rights in modern-day Chechnya.*

Report

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# Introduction

The current report discusses a number of selected human rights issues in the Chechen Republic in Russia, with a particular focus on the period between 2016 and 2018. As the so-called Country of Origin Information (COI), the report constitutes a source of specific knowledge about the situation in Chechnya as a country of origin of people seeking international protection. For this reason, events of a strictly political nature, including historical, do not feature as the main object of interest, but rather provide background to illustrate selected and documented human rights violations, as well as the attitude thereto displayed by the Chechen local and federal authorities. Such publications which describe the human rights situation in countries of origin of applicants seeking international protection mainly target decision-makers in the area of asylum policy, officials who determine whether to grant or refuse international protection, lawyers representing asylum seekers and judges. They constitute a source of information necessary to issue substantiated decisions and make sure that people at risk of persecution are appropriately identified and protected.

The report describes the most serious human rights violations, including killings, torture and enforced disappearances, coupled with the authorities' use of the collective responsibility principle. Particular attention is given to the situation of groups at increased risk of human rights violations, such as human rights defenders and journalists, representatives of sexual minorities or adherents to non-traditional forms of Islam. Due to multiple (intersectional) discrimination and violence, women are also considered a group in a notably difficult predicament. The report further discusses the actions taken by the republic's authorities towards Chechens living abroad, including the government's use of international law enforcement mechanisms

aimed at pursuing people suspected of serious crimes in order to persecute political opponents. In view of the current public debates on the return policy of EU countries towards, among others, persons who were denied international protection, the report also pays attention to the situation of those who were forced to return to Chechnya.

The text was prepared based on openly available sources and expert interviews. The author used reports concerning the protection and monitoring of human rights produced by international and national organisations (e.g. Amnesty International, Human Rights Watch, International Crisis Group, Civil Rights Defenders, Front Line Defenders, International Federation for Human Rights, Memorial Human Rights Center, Committee «Grazhdanskoye Sodeystviye», Norwegian Helsinki Committee, Stichting Justice Initiative/Pravovaya Initsiativa), reports of the US Department of State, the European Asylum Support Office (EASO) and national asylum institutions. Media sources were also used (e.g. newspaper Novaya Gazeta, website Kavkazskiy Uzel, Radio Free Europe/Radio Svoboda, BBC).

The interviews with experts from the Committee «Grazhdanskoye Sodeystviye» from Moscow, the Norwegian Helsinki Committee, the Human Rights Analysis Centre from Oslo and a journalist of Novaya Gazeta were conducted in November 2018. The interviews concerned only some of the issues tackled in the report, i.e. the situation of human rights defenders, journalists and persons returning to Chechnya.

Since the status of women in the republics neighbouring Chechnya – Dagestan and Ingushetia – is similar, the report also contains examples from these regions.

# I. Overview of the human rights situation in Chechnya

For years, the human rights situation in Chechnya has raised concerns of international organisations, among others, Amnesty International and Human Rights Watch.<sup>1</sup> In the assessment of the US Department of State, human rights violations and an ever greater divergence from the rule of law principles can be observed in the republic.<sup>2</sup> Civilian authorities at the federal level retain limited control over the Chechen security forces which, in practice, respond only to Ramzan Kadyrov, the republic's head who has ruled with an iron fist uninterruptedly since 2007.<sup>3</sup> It is believed that his power derives, first and foremost, from the fact that after a period of bloody wars with Moscow he has maintained Chechnya as a loyal part of the Russian Federation.<sup>4</sup>

The local authorities persecute regime's critics and those deemed disloyal towards Kadyrov, reverting among others to extrajudicial executions, abductions and enforced disappearances, as well as death threats and violence towards relatives.<sup>5</sup> Frequently, these attacks target human rights defenders, journalists critical of the situation in the republic, as well as – particularly in recent times – representatives of sexual minorities (see more in chapter 3.4.). Ramzan Kadyrov's government does not investigate or prosecute abuses, consequently the security services responsible for violations almost always go unpunished.<sup>6</sup>

Although in principle the Chechen judiciary meets the formal standards set up within the Russian legal system, the republic largely functions outside Russian law. According to Amnesty International, with a passive approach from the Russian federal authorities, the Chechen government exerts pressure on the judicial system, for example, by forcing certain judges to resign.<sup>7</sup> By 2015, the European Court of Human Rights issued about 300 judgements against Russia in cases concerning Chechnya.<sup>8</sup> However, the rulings are executed only through payment of compensation to applicants, and the government ignores prescriptions relating to systemic changes (e.g. conducting a thorough investigation). Officials and state services in Chechnya treat customary Chechen law (*adat*) instrumentally and strongly interfere with people's private lives. In particular, the practices and rules severely violate women's rights, as they allow systemic tolerance for widespread domestic violence or the so-called honour killings, a phenomenon which is less common albeit of a growing scale in Chechnya (see chapter 3.3.4.).<sup>9</sup>

In the last couple of years, the international community has been more vocal about human rights violations in the republic. Most recently, in November 2018, 16 member states of the Organisation for Security and Cooperation in Europe (OSCE) called upon Russia to disclose and initiate an investigation into serious abuses in Chechnya<sup>10</sup> (as part of the

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<sup>1</sup> See Human Rights Watch, *World Report 2018 – Russia (events of 2017)*, available at: [www.hrw.org/world-report/2018/country-chapters/russia](http://www.hrw.org/world-report/2018/country-chapters/russia) and reports from previous years; Amnesty International, *The State of the World's Human Rights – Russian Federation 2017/2018*, available at: [www.amnesty.org/en/countries/europe-and-central-asia/russian-federation/report-russian-federation/](http://www.amnesty.org/en/countries/europe-and-central-asia/russian-federation/report-russian-federation/) and reports from previous years.

<sup>2</sup> US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*, available at: <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/russia/>.

<sup>3</sup> *Ibid.*

<sup>4</sup> Civil Rights Defenders, *Chechnya – Repression without borders*, 21 November 2016, available at: <https://fpc.org.uk/chechnya-repression-without-borders/>.

<sup>5</sup> Amnesty International, *The State of the World's Human Rights – Russian Federation 2016/2017*, available at: [www.amnesty.org/en/countries/europe-and-central-asia/russian-federation/report-russian-federation/](http://www.amnesty.org/en/countries/europe-and-central-asia/russian-federation/report-russian-federation/).

<sup>6</sup> US Department of State, *Country Report on Human Rights Practices for 2016 – Russia*, available at: <http://bit.ly/2ozlyri>.

<sup>7</sup> Amnesty International, *The State of the World's Human Rights – Russian Federation 2016/2017*.

<sup>8</sup> International Crisis Group, *Chechnya: The Inner Abroad*, 2015, Europe Report N°236, available at: [www.crisisgroup.org/europe-central-asia/caucasus/russianorth-caucasus/chechnya-inner-abroad](http://www.crisisgroup.org/europe-central-asia/caucasus/russianorth-caucasus/chechnya-inner-abroad).

<sup>9</sup> *Ibid.*

<sup>10</sup> Organization for Security and Cooperation in Europe, *OSCE's Moscow Mechanism invoked to look into alleged human rights violations in Russian Federation's Chechen Republic*, 2 November 2018, available at: [www.osce.org/odihr/401924](http://www.osce.org/odihr/401924); *Joint statement delivered at the OSCE Permanent Council by Ambassador Natasha Cayer, Delegation of Canada to the OSCE, on behalf of Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, Lithuania,*

so-called Moscow mechanism, i.e. a procedure which allows OSCE member states to react to human rights violations committed by another participating state including by carrying out fact-finding missions). In a joint statement, signatories drew the public's attention to "worrying actions taken by Chechen authorities against persons based on their perceived or actual sexual orientation or gender identity, as well as human right defenders, lawyers, independent media, civil society organizations." Particular concern was expressed at the imprisonment and trial of Oyub Titiyev, director of the regional office of the Memorial Human Rights Center. Delegations of 16 states interpreted these actions as retaliation for his work on documenting human rights violations and abuses in Chechnya, as well as for revealing information about the extrajudicial killings which were to take place in January 2017 in Grozny<sup>11</sup> (see chapters

**“The climate of intimidation has increased to the extent that hardly anybody in Chechnya feels free to speak about the human rights problems anymore”**

*Wolfgang Benedek,  
OSCE Rapporteur's Report under  
the Moscow Mechanism  
on the situation in Chechnya*

II and 3.2.). The report by the OSCE Rapporteur published in December 2018 confirmed "very serious human rights violations" in the republic, including harassment, persecution, arbitrary arrests, torture and extrajudicial killings of LGBT persons and alleged drug users, including teenagers.<sup>12</sup> Since Russia did not consent to an OSCE investigative mission to be sent to Chechnya, the organisation's assessment

of human rights violations was based on sources from outside Russia and on interviews with victims. The Rapporteur noted that "the climate of intimidation has increased to the extent that hardly anybody in Chechnya feels free to speak about the human rights problems anymore." The report lists a series of recommendations, addressed also to Russian federal authorities, on investigating the committed crimes and ensuring that local authorities in Chechnya abide by the principle of the rule of law and human rights.<sup>13</sup>

## II. Killings, torture and enforced disappearances

In recent years, the widespread use of violence by security forces has led to deaths or disappearances of numerous people.<sup>14</sup> Abuses are committed both by state officials and criminals, however, as a rule, the authorities do not prosecute the perpetrators.<sup>15</sup> By way of example, arrests are often carried out illegally and, before the official presentation of charges, security forces extract testimonies from arrestees through torture,

most often by electric shock.<sup>16</sup> Torture is common and systemic, and those state officials who engage in this practice do that with the authorities' permission.<sup>17</sup>

According to the International Crisis Group, physical violence can be applied against anyone who enters into a conflict or does not agree with representatives of the ruling elite or security forces,

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*the Netherlands, Norway, Sweden, the United Kingdom and the United States*, 30 August 2018, available at: <https://osce.usmission.gov/human-rights-abuses-in-chechnya-15-osce-countries-invoke-vienna-mechanism/>.

<sup>11</sup> *Ibid.*

<sup>12</sup> Organization for Security and Cooperation in Europe, *OSCE Rapporteur's Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation (by Professor Dr. Wolfgang Benedek)*, 21 December 2018, available at: <https://bit.ly/2rQcbUv>.

<sup>13</sup> *Ibid.*

<sup>14</sup> US Department of State, *Country Report on Human Rights Practices for 2016 – Russia*.

<sup>15</sup> *Ibid.*

<sup>16</sup> Organization for Security and Cooperation in Europe, *OSCE Rapporteur's Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation (by Professor Dr. Wolfgang Benedek)*.

<sup>17</sup> *Ibid.*

regardless of the reasons.<sup>18</sup> Intimidation and violence influence all spheres of public life and perpetuate the system, while perpetrators go unpunished, since federal law enforcement bodies prove helpless and fail to react.<sup>19</sup>

**Torture is common and systemic, and those state officials who engage in this practice do that with the authorities' permission**

The events which took place at the beginning of 2017 can serve as an example of a serious violation of the right to life and prohibition of torture. Based on an article in *Novaya Gazeta*, Amnesty International, Human Rights Watch, Memorial Human Rights Center and the US Department of State raised an alarm about an alleged extrajudicial execution of 27 people, committed in January 2017 in Grozny.<sup>20</sup> After an attack on police officers in the republic's capital in December 2016, the Chechen security forces conducted an extensive operation in which they claimed to have arrested hundreds of alleged militants.<sup>21</sup> In July 2017, *Novaya Gazeta* published an article reporting that, at night between 25<sup>th</sup> and 26<sup>th</sup> January, the Chechen security services killed 27 people arrested in the raids.<sup>22</sup> During the proceedings conducted by Tat'yana Moskal'kova, the Russia's Human Rights Commissioner, the Chechen authorities maintained that several of the alleged victims either lived, had died of natural causes or had left for the Syrian war.<sup>23</sup> The authorities tried to undermine the reports about an execution of two people whom they presented to Moskal'kova in person during her visit to the Chechen capital. The Memorial Human Rights Center reported, however, that the two men were, in fact, brothers

of the deceased.<sup>24</sup> Moreover, according to the BBC, in January the authorities forced the families of some of the disappeared people to sign statements that their relatives had fled from Chechnya to Syria or simply had left their homes.<sup>25</sup> *Novaya Gazeta* also reported about a serious

pressure on the families to terminate cooperation with the law enforcement and the Human Rights Commissioner, as well as cease any contacts with the press.<sup>26</sup> Data gathered during Memorial Human Rights Center's investigation show that 23 persons out of 27 described in the paper disappeared, and two died as a result of an abduction and imprisonment by security services.<sup>27</sup>

By the end of 2017, the authorities did not conduct the investigation nor prosecuted anyone in connection with the January events.<sup>28</sup>

In 2017, an increase in disappearances was noted in Chechnya.<sup>29</sup> According to the local sources quoted by the US Department of State, in the majority of cases persons who disappeared were abducted by government forces or law enforcement officials, then detained and killed. In many instances, relatives of the disappeared who informally or publicly pleaded with the regional or federal authorities for help, would eventually withdraw charges and apologise for "providing false testimony."<sup>30</sup>

In August 2017, singer Zelimkhan Bakayev disappeared in Chechnya after travelling from Moscow to

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<sup>18</sup> International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>19</sup> *Ibid.*

<sup>20</sup> See US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*; Human Rights Watch, *World Report 2018 – Russia (events of 2017)*; Amnesty International, *The State of the World's Human Rights – Russian Federation 2017/2018*.

<sup>21</sup> US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*.

<sup>22</sup> Е. Милашина, „Это была казнь. В ночь на 26 января в Грозном расстреляли десятки людей,” *Новая Газета* [Е. Milashina, “Eto byla kazn'. V noch' na 26 yanvaryav Groznom rasstrelyali desyatki lyudey,” *Novaya Gazeta*], 10 July 2017, available at: [www.novayagazeta.ru/articles/2017/07/09/73065-eto-byala-kazn-v-noch-na-26-yanvarya-v-groznom-rasstrelyany-desyatki-lyudey](http://www.novayagazeta.ru/articles/2017/07/09/73065-eto-byala-kazn-v-noch-na-26-yanvarya-v-groznom-rasstrelyany-desyatki-lyudey).

<sup>23</sup> US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*.

<sup>24</sup> *Ibid.*

<sup>25</sup> О. Просвинова, “Семьи пропавших в Чечне людей заставили писать, что те в Сирии,” *BBC News Русская служба* [О. Prosvirova, Sem'i propavshikh v Chechne lyudey zastavili pisat', chto te v Sirii, *BBCNews Russkaya sluzhba*], 27 July 2017, available at: [www.bbc.com/russian/news-40744436](http://www.bbc.com/russian/news-40744436).

<sup>26</sup> Е. Милашина, “Это была казнь...”

<sup>27</sup> Data quoted after Human Rights Watch, *World Report 2018 – Russia (events of 2017)*.

<sup>28</sup> Amnesty International, *The State of the World's Human Rights – Russian Federation 2017/2018*.

<sup>29</sup> US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*.

<sup>30</sup> *Ibid.*

his sister's wedding.<sup>31</sup> According to information based on media sources quoted by the US Department of State, the police were to arrest him in the centre of Grozny. The Chechen authorities denied these reports and the press and information minister Dzhambulat Umarov issued a statement in which he claimed that Bakayev was safe and "soon to reappear." However, a few days later, an announcement was made that the musician had secretly left the country. Later, in September, a film was posted on the Internet in which a man posing as Bakayev claimed to be in Germany. Human rights activists believe that the video was fake due to the differences in appearance and comportment between Bakayev and the recorded man, as well as the fact that the footage featured a beverage unavailable on the German market. Activists suspect that Bakayev could have been arrested because of his homosexuality. There were also reports that the signer was tortured on the day of his arrest, which eventually led to his death.<sup>32</sup> As a result, since December 2017, the musician's whereabouts have been unknown. In January 2018, Ramzan Kadyrov suggested that Bakayev had been killed and that the blame for the man's death rested on his relatives (who had allegedly committed a so-called honour killing).<sup>33</sup>

The Chechen officials apply the principle of collective responsibility to families of persons accused of violating the law or other rules established by the republic's authorities (whether formally, or not). This also relates

**"It shall no longer be said that parents are not responsible for the deeds of their sons and daughters. They will be responsible in Chechnya!"**

**Ramzan Kadyrov,  
Head of the Chechen Republic**

to the alleged members of illegal armed formations. Already in 2010, the then mayor of Grozny Muslim Khuchiyev and the Chechen Minister of the Interior Ruslan Alkhanov announced that the authorities would make sure that relatives of militants pay for the consequences of the latter's actions.<sup>34</sup> According to Chechen law, relatives pay compensation costs for damages caused by attacks.<sup>35</sup> In 2014, Kadyrov published a statement on Instagram in which he noted that: "It shall no longer be said that parents are not responsible for the deeds of their sons and daughters. They will be responsible in Chechnya!" He also promised that "if an insurgent murders a police officer or anyone else in Chechnya, his family will be immediately thrown out of Chechnya and banned from returning, and their home will be destroyed down to its very foundations."<sup>36</sup>

The Memorial Human Rights Center underlines the pervasive atmosphere of terror and distrust within the republic, which makes people particularly reluctant to talk to human rights activists and report violations of the law committed by security service officials, even when the violations concern the citizens themselves or their relatives.<sup>37</sup> The widespread fear in the society was confirmed by Svetlana Gannushkina, president of the «Grazhdanskoye Sodeystviye» Committee:

**"Chechnya is a place reigned by fear. People are afraid of the authorities. They're afraid of each other. They start fearing everything. The actual atmosphere is such as could have been in Hitler's Germany or in Russia under Stalin"**

**Svetlana Gannushkina,  
«Grazhdanskoye Sodeystviye»  
Committee**

*"Chechnya is a place reigned by fear. People are afraid of the*

<sup>31</sup> С. Хазов-Кассиа, "Глава Чечни заявил о возможной смерти пропавшего певца Бакаева," *Радио Свобода* [S. Khazov-Kassia, "Glava Chechni zayavil o vozmozhnoy smerti propavshogo pevtsa Bakayeva," *Radio Svoboda*], 18 January 2018, available at: [www.svoboda.org/a/28982182.html](http://www.svoboda.org/a/28982182.html).

<sup>32</sup> US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*.

<sup>33</sup> С. Хазов-Кассиа, "Глава Чечни заявил..."

<sup>34</sup> Кавказский Узел, "Глава МВД Чечни призвал силовиков активнее работать с родственниками боевиков" [Kavkazskiy Uzel, "Glava MVD Chechni prizval silovikov aktivneye rabotat' s rodstvennikami boyevikov"], 18 May 2016, available at: [www.kavkaz-uzel.eu/articles/168972/](http://www.kavkaz-uzel.eu/articles/168972/).

<sup>35</sup> US Department of State, *Country Report on Human Rights Practices for 2016 – Russia*.

<sup>36</sup> *Ibid.*

<sup>37</sup> Memorial Human Rights Center, *Counter-terrorism in the North Caucasus: a human rights perspective. 2014 – first half of 2016*, available at: <https://bit.ly/2DovGLN>.

authorities. They're afraid of each other. They start fearing everything. The actual atmosphere is such as could have been in Hitler's Germany or in Russia under Stalin."<sup>38</sup>

As members of the society are afraid to notify law enforcement bodies, including at the federal level, most of the crimes committed by security service officials remain unregistered either by law enforcement bodies, the media or civil society organisations dealing with human rights.<sup>39</sup> Apart from fearing that

a notification could prompt the authorities to retaliate, the republic's citizens do not believe that anyone would be able to offer them help. In a report from a monitoring mission to Chechnya, a group of British experts concluded that an average citizen does not indeed have any practical means – either political or legal – to protect their rights, if the latter have been violated by the local authorities.<sup>40</sup> The Memorial Human Rights Center, in turn, estimated that incidents of grave human rights violations in Chechnya reported to the organization are just the tip of the iceberg.<sup>41</sup>

## III. Groups at particular risk of human rights violations

### 3.1. Journalists

Journalists writing about North Caucasus or remaining in its territory are particularly at risk of attacks, including physical. There have even been reports about a „list of targets“ maintained by the Chechen authorities, containing eminent journalists, such as e.g. Aleksey Venediktov, the head of the independent radio station Ekho Moskvy.<sup>42</sup>

In the last two years, non-governmental organisations and the US Department of State have registered at least several serious human rights violations against media representatives. In March 2016, a group of 15 masked men connected to the Chechen security apparatus attacked a minibus carrying two employees of the Committee Against Torture and six Russian and international journalists (citizens of Norway and Sweden) travelling to Chechnya. The journalists and activists were assaulted and the bus was burnt down. All victims sustained injuries and five were transported to

the hospital. Despite an official condemnation of the attack by the government's spokesperson in Grozny, nobody was charged in relation to this event.<sup>43</sup>

In May 2016, the Chechen police without any grounds arrested and threatened a Russian journalist who investigated the case of retaliatory house arsons.<sup>44</sup>

In September 2016, after an unfair trial, the court in Shali in Chechnya convicted 23-year-old Zhalaudi Geriyev, a journalist of the Internet media outlet Kavkazskiy Uzel, to three years of imprisonment based on fabricated drug possession charges. In April 2017, the conviction was upheld and in July the Supreme Court refused to consider the case. The defence counsel, the accused and organisations protecting human rights maintain that the judgement was politically motivated and that it was the Chechen authorities' retaliation for Geriyev's

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<sup>38</sup> А. Позняков, „Над чеченскими беженцами в Европе навис дамоклов меч депортации,“ *Euronews* на русском [A. Poznyakov, „Nad chechenskimi bezhentsami v Yevrope navis damoklov mech deportatsii,“ *Euronews na russkom*], 19 December 2018, available at: <https://bit.ly/2GBQz8A>.

<sup>39</sup> Memorial Human Rights Center, *Counter-terrorism in the North Caucasus...*

<sup>40</sup> UK Parliamentary Human Rights Group, *Chechnya Fact-Finding Mission. Report*, 10 June 2010, [quoted after:] International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>41</sup> Memorial Human Rights Center, *Counter-terrorism in the North Caucasus...*

<sup>42</sup> US Department of State, *Country Report on Human Rights Practices for 2016 – Russia*.

<sup>43</sup> *Ibid.*

<sup>44</sup> Human Rights Watch, *World Report 2017 – Russia (events of 2016)*.

work on the website known for its criticism of the Chechen system.<sup>45</sup>

In January 2017, Magomed Daudov, the spokesman of the Chechen parliament, posted threats on Instagram against Grigoriy Shvedov, the editor-in-chief of Kavkazskiy Uzel.<sup>46</sup>

After disclosure in April 2017 of the large-scale violations of human rights committed against homosexual persons in Chechnya (see chapter 3.4.), local officials strongly criticised the independent Russian newspaper Novaya Gazeta which first reported on these events.<sup>47</sup> Adam Shakhidov, an advisor to the Chechen president, called the paper's journalists "enemies of our faith and our fatherland" and threatened them with revenge during his speech on 3<sup>rd</sup> April 2017 before a crowd of approximately 15,000 people gathered in the mosque. He also presented the government's stance that "punishment will befall people spreading hate, wherever and whoever they are," and that "it does not have a statute of limitations," which according to the newspaper's employees constituted incitement to violence against journalists. On 15<sup>th</sup> April 2017, Yelena Milashina who authored the article on the persecution of homosexual people announced that, in

light of the danger, she was forced to leave Russia. Soon after, on 19<sup>th</sup> April, Novaya Gazeta reported that it received an envelope posted from Chechnya containing an unidentified white powder.<sup>48</sup>

This was not the first instance when Milashina received threats. Already in 2015, when she went to Chechnya to prepare an article on a forced marriage between a high-ranking official and a minor girl (see also chapter 3.3.4.), Chechen security service officials threatened her during a control at a checkpoint.<sup>49</sup> Later the same year, a text published on the website Grozny Inform (closely linked to the Chechen government) contained a suggestion that Milashina may face the same fate as Anna Politkovskaya, a journalist murdered in 2006, or Boris Nemtsov, a leader of the Russian political opposition murdered in 2015. Upon the request of Novaya Gazeta, an inquest was initiated concerning this article, but it brought no tangible results.<sup>50</sup>

The authorities do not take any steps to prosecute the perpetrators of high-profile murders of journalists, including that of Politkovskaya. As noted by the US Department of State, in 2017 similarly to the previous years no progress was made in this regard.

## 3.2. Opposition activists and human rights defenders

For years, the Chechen leader Ramzan Kadyrov and other officials have vilified human rights defenders. In their rhetoric, activists turn into „puppets of the West" or "enemies of Russia" focused on destabilising Chechnya.<sup>51</sup> Oftentimes, the head of the republic has publicly discredited and threatened both activists of non-governmental organisations and

political opponents, including through social media. These threats have received no reaction from the Kremlin or Russian law enforcement.<sup>52</sup> The lack of an effective investigation which would result in punishment of perpetrators for physical attacks against human rights defenders perpetuates the cycle of impunity, which allows repressions to continue.<sup>53</sup>

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<sup>45</sup> *Ibid.* US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*.

<sup>46</sup> Amnesty International, *The State of the World's Human Rights – Russian Federation 2017/2018*.

<sup>47</sup> US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*.

<sup>48</sup> *Ibid.*

<sup>49</sup> Human Rights Watch, *Human Rights Violations in Russia's North Caucasus, Statement prepared by Tanya Lokshina, Russia Program Director at Human Rights Watch for the January 28, 2016 meeting of the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe*, 28 January 2016, available at: [www.hrw.org/news/2016/01/28/human-rights-violations-russias-north-caucasus](http://www.hrw.org/news/2016/01/28/human-rights-violations-russias-north-caucasus).

<sup>50</sup> *Ibid.*

<sup>51</sup> Amnesty International, *Chechnya: Persecuted for defending human rights*, 28 February 2018, available at: [www.amnesty.org/en/latest/campaigns/2018/02/chechnya-persecuted-for-defending-human-rights/](http://www.amnesty.org/en/latest/campaigns/2018/02/chechnya-persecuted-for-defending-human-rights/).

<sup>52</sup> US Department of State, *Country Report on Human Rights Practices for 2016 – Russia*.

<sup>53</sup> Amnesty International, *Chechnya: Persecuted for...*

As noted among others by Svetlana Gannushkina, the Chechen security services can silence any critic of the regime by using various methods, e.g. procuring criminal cases or planting drugs.<sup>54</sup>

In Chechnya, repressions also await those who criticize the Chechen government and omnipresent corruption via the social media.<sup>55</sup> Such critics receive threats, are kidnapped and their houses are burnt down. They are often forced to officially admit their guilt and apologise to the republic's president. The punishment for criticism thus takes the form of public humiliation in order to discourage any potential followers.<sup>56</sup> In November 2017, the Supreme Court in Chechnya ruled in a defamation case against «Grazhdanskoye Sodeystviye» Committee, Ramazan Dzhaldinov – an inhabitant of Chechnya who contacted the organization to get help – and Novaya Gazeta for “smearing the Chechen Ministry of the Interior.”<sup>57</sup> Dzhaldinov lives in the Chechen village of Kenkhi. He was persecuted by the local authorities after having filed a complaint with the Russian president Vladimir Putin concerning the situation in the village and corruption among local officials. His house was burnt down, and his family experienced harassment and threats.<sup>58</sup> The Supreme Court upheld the decision of the lower-instance court that an official was defamed in the case.<sup>59</sup> In December 2015, a social worker Ayshat Inayeva was forced to publicly admit guilt because she had openly appealed to Kadyrov for an intervention into extortions committed by Chechen

**“The Chechen security services can silence any critic of the regime by using various methods, e.g. procuring criminal cases or planting drugs”**

**Svetlana Gannushkina,  
«Grazhdanskoye Sodeystviye»  
Committee**

officials.<sup>60</sup> Human Rights Watch described the case of Khizir Yezhiyev, a lecturer in economics who, at the turn of 2015, was abducted and killed after he had criticized Kadyrov's policy in a discussion group on a social media platform.<sup>61</sup>

Repressions are also waged against those who endorse historic truths or scientific concepts at odds with the authorities' official point of view. In 2011, Kadyrov prohibited any public discussion on and commemoration of the deportations of the Chechen people by the Soviet

authorities in 1944. Persecutions affected, among others, Ruslan Kutayev, the head of the Assembly of the Peoples of the Caucasus, who in 2014 organised a scientific conference on the 70<sup>th</sup> anniversary of deportations. He was arrested two days later, officially for possession of three grams of heroin. After the arrest, he was beaten and tortured, and eventually sentenced to four years in prison.<sup>62</sup> In April 2016, in turn, two scientists and publicists – Rizvan Ibragimov and Abubakar Didiyev – were kidnapped and detained. Both are adherents to a particular interpretation of Chechen people's history and Islam, which runs counter to the beliefs imposed by the Chechen authorities.<sup>63</sup>

In March 2016, during his visit to Grozny, a group of unidentified people attacked Igor' Kalyapin, the president of the independent organisation Committee for the Prevention of Torture and the Joint Mobile Group for Human Rights Defenders in Chechnya (JMG) which works on, among others,

<sup>54</sup> Комитет «Гражданское Содействие», Любкой оппонент будет наказан [Комитет «Grazhdanskoye Sodeystviye», *Lyuboy opponent budet nakazan*], 11 January 2018, available at: <https://refugee.ru/news/lyuboj-opponent-budet-nakazan/>.

<sup>55</sup> Caucasian Knot, “Results of 2016 in NCFD: resonant attacks, echo of elections and human rights violations,” 8 January 2017, available at: [www.eng.kavkaz-uzel.eu/articles/38080/](http://www.eng.kavkaz-uzel.eu/articles/38080/).

<sup>56</sup> RFE/RL, “Chechen Parliament Speaker Back At The Public Shaming Game,” 30 March 2017, available at: [www.rferl.org/a/russia-chechnya-daudov-shames-woman-tv/28400638.html](http://www.rferl.org/a/russia-chechnya-daudov-shames-woman-tv/28400638.html); T. Lokshina, “Tyranny versus a village man in Chechnya,” *Open Democracy*, 26 December 2016, available at: [www.opendemocracy.net/od-russia/tanya-lokshina/tyranny-versus-village-man-in-chechnya](http://www.opendemocracy.net/od-russia/tanya-lokshina/tyranny-versus-village-man-in-chechnya).

<sup>57</sup> Кавказский Узел, “Ганнушкина и «Новая газета» раскритиковали решение суда по иску МВД Чечни” [Kavkazskiy Uzel, Gannushkina i «Novaya gazeta» raskritikovali resheniye suda po isku MVD Chechni], 10 November 2017, available at: [www.kavkaz-uzel.eu/articles/312287/](http://www.kavkaz-uzel.eu/articles/312287/).

<sup>58</sup> Human Rights Watch, *‘Like Walking a Minefield’: Vicious Crackdown in Critics in Russia’s Chechen Republic*, 2016, available at: [www.hrw.org/sites/default/files/report\\_pdf/chechnya0816\\_2.pdf](http://www.hrw.org/sites/default/files/report_pdf/chechnya0816_2.pdf).

<sup>59</sup> Кавказский Узел, „Ганнушкина и «Новая газета»...”

<sup>60</sup> Human Rights Watch, *‘Like Walking a Minefield’...*

<sup>61</sup> *Ibid.*

<sup>62</sup> International Crisis Group, *Chechnya: The Inner Abroad...*

<sup>63</sup> Human Rights Watch, *‘Like Walking a Minefield’...*

documentation of torture cases.<sup>64</sup> Local authorities investigated the case, but did not present any charges. After the incident, the so-called mobile groups temporarily withdrew from Chechnya for security reasons.<sup>65</sup> The creation of such structures by the Committee aimed at limiting the risks faced by those human rights defenders who work permanently in Chechnya. As part of the groups' work, activists from various regions of Russia would temporarily, for a couple of months, stay in the republic and conduct cases on a rotational basis. Yet despite implementing such security measures, employees of the mobile groups were attacked and the organisation's offices in Chechnya<sup>66</sup> and Ingushetia<sup>67</sup> were set on fire. Representatives of the Presidential Council for Civil Society and Human Rights also cancelled their fact-finding mission planned for June 2017. They made such a decision after Kadyrov's announcement that he could not guarantee the safety of the group if Kalyapin was to accompany them, as initially planned.<sup>68</sup>

Recently, the most prominent case concerning repressions against human rights defenders in Chechnya was the arrest in January 2018 of Oyub Titiyev, the head of the Memorial Human Rights Center's office in Grozny. As official grounds for arrest, the authorities quoted drugs found during a search in the activist's car.<sup>69</sup> Titiyev was accused of a crime based on Article 228 of the Russian Criminal code (illegal possession of drugs), which carries a maximum penalty of 10 years of imprisonment. Soon after the arrest, his family was harassed and threatened by the authorities and,

**Memorial Human Rights Center has consistently called contemporary Chechnya a „totalitarian enclave in Russia” where local authorities under the leadership of Ramzan Kadyrov interfere with all aspects of social life, including politics, religion, academic discourse and family matters**

as a consequence, had to leave Chechnya. Persecution has also been intensifying against other members of the Memorial Human Rights Center, including Titiyev's colleagues from offices in Ingushetia and Dagestan, his lawyer and defence team.<sup>70</sup> During Titiyev's detention, attempts were made to force him to falsely self-incriminate, but the activist refused to succumb to pressure. His trial began in July 2018 before a court in the town of Shali in Chechnya.<sup>71</sup>

In December 2018, the OSCE Rapporteur examining the situation in Chechnya recommended that the trial be conducted outside the republic's borders which would ensure the independence of the court.<sup>72</sup>

Oyub Titiyev has worked in Grozny for many years and has been harassed multiple times in the past in connection with his activity in defence of human rights. He took over as the director of the local Memorial office soon after the death of its previous head Natal'ya Estemirova murdered in 2009. Memorial itself has monitored human rights violations in Chechnya for 25 years. Its employees have documented violations committed by both sides to two Chechen conflicts and, subsequently, abuses committed by the Chechen authorities appointed by the Kremlin. In the last decade, the organization has described multiple cases of torture, enforced disappearances, house arsons and extrajudicial executions committed by local security officials. Memorial has consistently called contemporary Chechnya a „totalitarian enclave in Russia” where local authorities under the leadership of Ramzan Kadyrov interfere with all aspects of social

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<sup>64</sup> Human Rights Watch, *World Report 2017 – Russia (events of 2016)*.

<sup>65</sup> *Ibid.*

<sup>66</sup> BBC News Русская служба, “В Грозном разгромили офис «Комитета против пыток»” [BBC News Russkaya sluzhba, “V Groznom razgromili ofis «Komiteta protiv pytokk»”], 3 June 2015, available at: [www.bbc.com/russian/russia/2015/06/150603\\_grozny\\_torture\\_committee\\_attack](http://www.bbc.com/russian/russia/2015/06/150603_grozny_torture_committee_attack).

<sup>67</sup> И. Сотников, “В Ингушетии напали на офис «Комитета против пыток»,” [I. Sotnikov, “V Ingushetii napali na ofis «Komiteta protiv pytokk»”], *Deutsche Welle*, 9 March 2016, available at: <https://bit.ly/2r17AhK>.

<sup>68</sup> US Department of State, *Country Report on Human Rights Practices for 2016 – Russia*.

<sup>69</sup> Amnesty International, *Chechnya: Persecuted for...*

<sup>70</sup> *Ibid.*

<sup>71</sup> Front Line Defenders, *Oyub Titiyev detained and facing criminal investigation*, available at: [www.frontlinedefenders.org/en/case/oyub-titiyev-detained-and-facing-criminal-investigation](http://www.frontlinedefenders.org/en/case/oyub-titiyev-detained-and-facing-criminal-investigation).

<sup>72</sup> Organization for Security and Cooperation in Europe, *OSCE Rapporteur's Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic...*

life, including politics, religion, academic discourse and family matters.<sup>73</sup>

Amnesty International pronounced Titiyev a prisoner of conscience and called upon the authorities to immediately set him free.<sup>74</sup> The organisation claims that, while in detention, he is at risk of torture and other forms of maltreatment,<sup>75</sup> and that the evidence against him had been fabricated, while the whole trial aims at silencing the activist and hindering the work of human rights defenders in general. Titiyev's arrest was also condemned by other organisations, including the Norwegian Helsinki Committee,<sup>76</sup> Human Rights Watch,<sup>77</sup> Front Line Defenders,<sup>78</sup> and the International Federation for Human Rights.<sup>79</sup> The EU Delegation in Russia called upon the federal and regional authorities to respect Titiyev's rights in accordance with Russia's international obligations and to quickly order his release.<sup>80</sup> In July 2018, the Council of Europe's Commissioner for Human Rights directed a similar appeal towards the Russian general prosecution.<sup>81</sup> Additionally, in October 2018, the Parliamentary Assembly of the Council of Europe honoured Titiyev with the Václav Havel Human Rights Prize.<sup>82</sup>

**“Since the murder of Natal’ya Estemirova and two humanitarian activists in the summer of 2009, Chechnya has witnessed a process of a gradual removal of organisations working to protect human rights. This is a deliberate policy of the authorities which will allow Kadyrov to get rid of all persons or organisations critical towards him”**

**Inna Sangadzhieva  
Norwegian Helsinki Committee**

According to Inna Sangadzhieva from the Norwegian Helsinki Committee, since the murder of Natal’ya Estemirova in July 2009 and of a couple of humanitarian activists in August the same year,<sup>83</sup> a process can be observed in Chechnya of a gradual removal of organisations working to protect human rights. In her opinion, this is a deliberate policy of the authorities which will allow Kadyrov to get rid of all persons or organisations critical towards him.<sup>84</sup> The expert also believes that local activists have been persecuted for years and pan-Russian organisations such as Memorial have so far been considered as less at risk. However, as Titiyev's

trial has shown, this period is over. According to the Norwegian Helsinki Committee's representative, the case against the activist should be seen as the next step in Kadyrov's crackdown on human rights defenders. Sangadzhieva also claims that neither Titiyev nor other people in similar situations can expect a fair trial in Chechnya, since “nobody there has any rights, nor do human rights defenders.”<sup>85</sup>

Yelena Milashina, a Novaya Gazeta journalist, is of a similar opinion.<sup>86</sup> She believes that Kadyrov has

<sup>73</sup> Amnesty International, *Chechnya: Persecuted for...*

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> Norwegian Helsinki Committee, *International pressure: Release Oyub Titiev*, 22 March 2018, available at: [www.nhc.no/en/international-pressure-release-oyub-titiev/](http://www.nhc.no/en/international-pressure-release-oyub-titiev/).

<sup>77</sup> Human Rights Watch, *Russia: Rights Defender Arbitrarily Arrested in Chechnya*, 10 January 2018, available at: [www.hrw.org/news/2018/01/11/russia-rights-defender-arbitrarily-arrested-chechnya](http://www.hrw.org/news/2018/01/11/russia-rights-defender-arbitrarily-arrested-chechnya).

<sup>78</sup> Front Line Defenders, *Oyub Titiev, Human Rights Defender, Arbitrarily Arrested in Chechnya*, 10 January 2018, available at: [www.frontlinedefenders.org/en/statement-report/oyub-titiev-human-rights-defender-arbitrarily-arrested-chechnya](http://www.frontlinedefenders.org/en/statement-report/oyub-titiev-human-rights-defender-arbitrarily-arrested-chechnya).

<sup>79</sup> International Federation for Human Rights, *Russian Federation: Arbitrary detention and judicial harassment of Mr. Oyub Titiev*, 9 January 2018, available at: <https://bit.ly/2APktBq>.

<sup>80</sup> European Union External Action Service, *Statement on the detention of the Director of the Memorial Human Rights Center in the Chechen Republic*, 11 January 2018, available at: [https://eeas.europa.eu/headquarters/headquarters-homepage/38144/statement-detention-director-memorial-human-rights-centre-chechen-republic\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/38144/statement-detention-director-memorial-human-rights-centre-chechen-republic_en).

<sup>81</sup> Council of Europe, *The Commissioner requests decisive measures to safeguard Oyub Titiev's rights*, 17 July 2018, available at: [www.coe.int/nn/web/commissioner/-/the-commissioner-requests-decisive-measures-to-safeguard-oyub-titiev-s-rights](http://www.coe.int/nn/web/commissioner/-/the-commissioner-requests-decisive-measures-to-safeguard-oyub-titiev-s-rights).

<sup>82</sup> Parliamentary Assembly of the Council of Europe, *Václav Havel Human Rights Prize 2018 awarded to Oyub Titiev*, 8 October 2018, available at: <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=7218>.

<sup>83</sup> In August 2009, unidentified law enforcement officials kidnapped the director of a humanitarian organisation Spasem pokoleniye [Let's Save the Generation] Zarema Sadulayeva and her husband Alik Dzhabrailov. They were found dead on the next day. Their bodies displayed numerous marks of torture. See, International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>84</sup> Interview conducted by HFHR in November 2018.

<sup>85</sup> *Ibid.*

<sup>86</sup> Interview conducted by HFHR in November 2018.

obtained an informal consent from Moscow to implement his plan of a total crackdown on the internal opposition in Chechnya in which federal authorities have no intention of interfering (as she stated: "Chechens were practically handed down to Kadyrov"). At the same time, according to Milashina, human rights defenders and journalists from outside the region (mainly Russian), many of whom have been coming to the republic to observe Titiyev's trial, have benefited from a certain protective period. As she believes, Kadyrov was to receive an order from the Kremlin to refrain from murders and physical attacks on activists from outside Chechnya during the trial, but "has had difficulty accepting it." That such a top-down order came from the federal authorities could be evidenced by Kadyrov's statement from August 2018 in which he unambiguously threatened activists and compared them to terrorists:

*"I'm officially telling human rights defenders, once the court delivers its ruling [in Titiyev's case], Chechnya will be a forbidden territory for them, like for terrorists and extremists and the like..."<sup>87</sup>*

According to Hugh Williamson from Human Rights Watch, Kadyrov's statement indirectly testifies to the fact that the security of human rights defenders and their capacity to work in Chechnya depends, indeed, on Moscow.<sup>88</sup>

According to Milashina, in the last two years Kadyrov has had particular difficulty tolerating criticism and its possible consequences which he blames precisely on activists (e.g. placing him on the so-called Magnitsky list,<sup>89</sup> which entails a travel ban and blocking access to Instagram). The journalist thinks that the republic's head is extremely sensitive to negative opinions and has displayed megalomaniac tendencies. She also believes that the situation of human rights defenders from outside Chechnya seems to depend on the outcome of Titiyev's trial:

*"I'm afraid that next year, after the trial's over, this red line will be crossed and physical violence will be used against human rights defenders from outside Chechnya."<sup>90</sup>*

### 3.3. Women

Women are a group particularly at risk of human rights violations in Chechnya, especially due to the multiple (intersectional) character of discrimination and violence. The reasons for this lie both in the weak protection of women's rights at the central level, as well as cultural factors and the policy of Kadyrov's government. In Chechnya, Sharia and *adat* (local traditions, customary law) enjoy practically the same status as Russian federal law, despite the formal superiority of the latter. Because of that, the republic remains in fact outside the jurisdiction of Russian legislation.<sup>91</sup> In the opinion of Yekaterina

Sokiryanskaya, an expert of the International Crisis Group, each of these legal systems is subject to arbitrary interpretations, which additionally weakens the position of women.<sup>92</sup> Even if Russian courts rule in women's favour (e.g. in cases of custody over children), the local authorities in Chechnya openly sabotage their implementation and rely on "tradition." Sokiryanskaya believes that officials at the central level do not pay enough attention to examining crimes against women either because they are unaware of the problem or they consider it insignificant. One of the high-ranking federal officials

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<sup>87</sup> Human Rights Watch, *Russia: Chechen Leader Threatens Human Rights Defenders*, 28 August 28 2018, available at: [www.hrw.org/news/2018/08/28/russia-chechen-leader-threatens-human-rights-defenders](http://www.hrw.org/news/2018/08/28/russia-chechen-leader-threatens-human-rights-defenders).

<sup>88</sup> *Ibid.*

<sup>89</sup> The Magnitsky list includes officials who were banned from entering the United States and had their assets frozen as punishment for human rights violations. The list was created based on the Magnitsky Act adopted in December 2012 by the US Congress and named after a Russian lawyer Sergey Magnitskiy who died in prison in 2009. The list initially concerned only Russian officials, but since 2016 has taken effect in relation to all representatives of authorities violating human rights all over the world.

<sup>90</sup> Interview conducted by HFHR in November 2018.

<sup>91</sup> I. Kaliszewska, *Everyday Life in North Caucasus*, COI Unit of the Office for Foreigners of the Republic of Poland, December 2010, cited in European Asylum Support Office, *Chechnya: Women, Marriage, Divorce and Child Custody*, 2014, available at: [www.easo.europa.eu/sites/default/files/public/COI-Report-Chechnya.pdf](http://www.easo.europa.eu/sites/default/files/public/COI-Report-Chechnya.pdf).

<sup>92</sup> E. Sokirianskaia, *Women in the North Caucasus Conflicts: An Under-reported Plight*, 9 June 2016, available at: [www.crisisgroup.org/europe-central-asia/caucasus/north-caucasus/women-north-caucasus-conflicts-under-reported-plight](http://www.crisisgroup.org/europe-central-asia/caucasus/north-caucasus/women-north-caucasus-conflicts-under-reported-plight).

dealing with human rights was to tell her that: "They've lived like this for centuries, we can't do anything."<sup>93</sup>

Specialists working on the social situation in Chechnya believe that Kadyrov's rule has brought a significant deterioration of the position of women in the society, mainly due to the progressing radicalisation of the law and Islamisation of the country, as well as invocation of local traditions – often misinterpreted – in order to build the Chechen national identity.<sup>94</sup> Experts of the International Crisis Group emphasise the instrumentalisation of customary law in Chechnya with the authorities interpreting local norms in a manner which benefits their current policy. This particularly affects the situation of women whose rights are progressively limited.<sup>95</sup>

The low position of women is also influenced by another negative factor – a lowering average level of education. The generation of Chechens born and raised after the collapse of the Soviet Union had a significantly limited access to education, mostly due to two civil wars which had the strongest influence on women (in particular those living in rural areas).<sup>96</sup>

**Women are a group particularly at risk of human rights violations in Chechnya, especially due to the multiple (intersectional) character of discrimination and violence**

**Kadyrov's rule has brought a significant deterioration of the position of women in the society, mainly due to the progressing radicalization of the law and Islamization of the country, as well as invocation of local traditions – often misinterpreted – in order to build the Chechen national identity**

In October 2015, Stichting Justice Initiative/Pravovaya Initsiativa (an organization headquartered in the Netherlands, conducting strategic litigation<sup>97</sup> in cases originating from the North Caucasus) and Chechnya Advocacy Network (organization supporting civil society in the region) submitted to the Committee on the Elimination of Discrimination against Women (CEDAW) an alternative report on Russia's compliance with the UN Convention on the Elimination of Discrimination Against Women in the North Caucasus.<sup>98</sup> In the report, its authors identified four main issues related to the implementation of the Convention obligations by Russian authorities in the North Caucasus: application of religious rules to the way women and girls dress, discrimination of women in marital and family relations, violence against women and tolerance of traditional practices harmful for women. Particular problems related to these issues are described in detail below, with inclusion of newer reports and studies, as well as other available information from the years 2016-2018. Some of the examples provided in this part of the report come from Dagestan or Ingushetia, since the situation of women is very similar in those republics.

### **3.3.1. Application of religious rules concerning the dress code of women and girls**

As part of the so-called "chastity campaign" which was announced by Kadyrov in 2007 and aims at forcing women to return to traditional social rules, Chechen

women were ordered to cover their heads with a scarf in public (including in schools, universities and public administration offices) and dress modestly.<sup>99</sup>

<sup>93</sup> *Ibid.*

<sup>94</sup> European Asylum Support Office, *Chechnya: Women, Marriage...*

<sup>95</sup> International Crisis Group, *Chechnya: The Inner Abroad...*

<sup>96</sup> I. Kaliszewska, *Everyday Life in North Caucasus...*

<sup>97</sup> Strategic litigation entails conducting court cases in public interest, among others, in order to change those practices and laws which violate individual's freedoms and rights, as well as to draw the public's and authorities' attention to a specific problem.

<sup>98</sup> Stichting Justice Initiative/Pravovaya Initsiativa, *Submission from Russian Justice Initiative and Chechnya Advocacy Network concerning the Russian Federation's compliance with the CEDAW Convention in the North Caucasus region*, CEDAW 62nd session, October 2015, available at: [www.srji.org/upload/medialibrary/1a6/report-for-cedaw-rji-can\\_october-2015-final.pdf](http://www.srji.org/upload/medialibrary/1a6/report-for-cedaw-rji-can_october-2015-final.pdf).

<sup>99</sup> *Ibid.*

Those women in the republic who did not obey the order were deprived of access to public education. In 2008-2009, the obligation was extended to cinemas and outdoor areas.<sup>100</sup> According to information from local non-governmental organizations, women

wearing headscarves – the so-called “ramzanki” – are perceived as submissive, which makes it easier for them to get a job. At the same time, disobedience of the new rules exposes women to public criticism or, even, physical attacks from men.<sup>101</sup>

### 3.3.2. Discrimination of women in marital and family relations

In Chechnya, it is the man – father, husband or brother – who guarantees a woman’s social position and safety. Until they get married, girls and adult women are under the care of the so-called guardian (father or brother) who makes decisions for them in legal matters and everyday life (e.g. gives his consent to a job or travel). After marriage, which is considered a woman’s natural destiny, her husband takes over the role of a guardian.<sup>102</sup>

The practice of early marriage of girls between the age of 16-18, and sometimes even younger – after they turn 13, is common in Chechnya.<sup>103</sup> Chechen women are very often forced by their family to get married and have no chance to resist this choice. After marriage, a woman usually has to move to her spouse’s house and obey the orders of his mother.<sup>104</sup> The authorities also encourage men to live in polygamy. Subsequent wives are, however, in a difficult situation: upon divorce they have no rights, since such marriages are not officially registered.<sup>105</sup> Even though relationships with minors and polygamy are prohibited under Russian federal law, they receive approval from

local officials, while the federal authorities do not interfere in such matters.<sup>106</sup>

Divorces do happen in Chechnya, however more rarely than in other parts of Russia.<sup>107</sup> The social status of a divorced woman is lower than that of a widow, and men often do not want to marry divorcees.<sup>108</sup> If a relationship is terminated, custody over children is given in most cases to the man and his family. According to the rules of *adat*, children are the property of their father and it is with him or his family that they stay after divorce.<sup>109</sup> Unlike in Soviet times, Chechen courts now look unfavourably at mothers who want to retain custody of their children,<sup>110</sup> hence obtaining full custody by a woman is practically impossible.

In 2018, the European Court of Human Rights for the first time ruled on these matters in two cases from the North Caucasus. In *Magomadova against Russia* the Court ruled that the applicant’s right to family life was violated and granted 15,000 EUR in just satisfaction.<sup>111</sup> Elita Magomadova’s son was kidnapped from Grozny by her ex-spouse and transported to Moscow. The courts in Russia repeatedly ruled that the child was to remain with the father.

**According to the rules of *adat*, children are the property of their father and it is with him or his family that they stay after divorce. Unlike in Soviet times, Chechen courts now look unfavourably at mothers who want to retain custody of their children**

<sup>100</sup> EASO, *Chechnya: Women, Marriage...*

<sup>101</sup> *Ibid.*

<sup>102</sup> Проект „Квир-женщины Северного Кавказа”, *Насилие над лесбиянками, бисексуальными и трансгендерными женщинами на Северном Кавказе в Российской Федерации* [Projekt „Kvir-zhenshchiny Severnogo Kavkaza”, *Nasiliye nad lesbiyankami, biseksual'nymi i transgendernymi zhenshchinami na Severnom Kavkaze v Rossiyskoy Federatsyi*], 2018, available at: [www.outrightinternational.org/reportcaucasus](http://www.outrightinternational.org/reportcaucasus).

<sup>103</sup> EASO, *Chechnya: Women, Marriage...*

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>111</sup> S. Anokhina, “Women’s rights in Russia’s North Caucasus: between “national traditions” and “ordinary” murders,” *Open Democracy*, 5 June 2018, available at: [www.opendemocracy.net/od-russia/svetlana-anokhina/womens-rights-in-the-north-caucasus](http://www.opendemocracy.net/od-russia/svetlana-anokhina/womens-rights-in-the-north-caucasus).

After the father's death in a car accident, his relatives refused to return the child to their mother, and the courts granted their case justifying such a decision by the "cultural specificity of children upbringing in Chechen families." Ms Magomadova was only able to have her son returned after three years.<sup>112</sup> In the case *Muruzheva against Russia*, in turn, the Court granted 12,500 EUR in just satisfaction to a woman who ineffectively struggled to get her two children back. In 2014, the children were kidnapped by the woman's former husband and transported from Moscow where they lived to Ingushetia. Despite the court's judgement granting custody over children to their mother, the man's family refused to hand the children over, while the authorities were incapable of executing the court's decision.<sup>113</sup> According to media reports from September 2017, Leyla Muruzheva managed to have her daughter returned, but her son still remains under the custody of her husband's parents in Ingushetia.<sup>114</sup>

Kadyrov's efforts to return the Chechen society to its traditional ways particularly strongly affect women. The Chechen leader has repeatedly and publicly described women as "the man's property" and their

**Throughout the whole Russian Federation, problems with protection of women's rights abound, in particular with domestic violence. The situation in North Caucasus is even more difficult due to the cultural norms which grant a higher status to men, a social taboo and little perspectives of receiving help**

main role as bearing children.<sup>115</sup> While praising polygamy, he stated in turn that "it is better to be the second or third wife than to be killed (...). We have strict customs – if a young woman or a divorcee maintains relations with men, her brother would kill her and the man she was seeing."<sup>116</sup> In June 2017, Kadyrov initiated a programme of reuniting families. He set up local councils composed of public officials and religious authorities which create lists of divorced couples and contact ex-spouses personally to suggest that they reconcile.<sup>117</sup>

In September, Chechen media reported that such a policy led to renewed commitments from over a thousand couples. However, they overlooked the fact that some people were reluctant to cooperate with the authorities, including women who had fled their husbands due to violence. There are also reports about pressure being exerted on ex-spouses by members of the councils.<sup>118</sup> Irina Kosterina, an expert of the German Heinrich Böll Foundation, explains that perhaps the authorities' interest in the situation of married couples results from the fact that the number of divorces in Chechnya has risen in recent years (despite their strong stigmatisation), mainly due to domestic violence.<sup>119</sup>

### 3.3.3. Violence against women

Throughout the whole Russian Federation, problems with protection of women's rights abound, in particular with domestic violence. The situation in North

Caucasus is even more difficult due to the cultural norms which grant a higher status to men, a social taboo and little perspectives on receiving help.

<sup>112</sup> *Ibid.*

<sup>113</sup> Stichting Justice Initiative, *Мурузева против России (перевод постановления ЕСПЧ от 15 мая 2018)* [*Muruzheva protiv Rossii (perevod postanovleniya YETPCH ot 15 maya 2018)*], available at: [www.srji.org/resources/search/muruzheva-protiv-rossii-perevod-postanovleniya](http://www.srji.org/resources/search/muruzheva-protiv-rossii-perevod-postanovleniya).

<sup>114</sup> Ю. Сугуева, "Матери, добивавшейся доступа к детям 3 года, вернули дочь", *Кавказ.Реалии* [Yu. Suguyeva, "Materi, dobivavsheysya dostupa k detyam 3 goda, vernuli doch'", *Kavkaz.Realii*], 26 September 2017, available at: [www.kavkazr.com/a/adaty-pobez-hdeny-napolovinu/28758408.html](http://www.kavkazr.com/a/adaty-pobez-hdeny-napolovinu/28758408.html).

<sup>115</sup> Комсомольская Правда, "Рамзан Кадыров: 'Россия – это матушка родная'" [Komsomol'skaya Pravda, "Ramzan Kadyrov: 'Rossiya – eto matushka rodnaya'"], 24 September 2008; Эхо Москвы, "Воспитание по-чеченски" [Ekho Moskvy, "Vospitaniye po-chechenski"], 13 January 2006, cited in International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>116</sup> Infox.ru, "Кадыров призвал чеченцев брать по второй жене" ["Kadyrov prizval chechentsev brat' po vtoroy zhene"], 7 April 2009, cited in International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>117</sup> Human Rights Watch, *World Report 2018 – Russia (events of 2017)*.

<sup>118</sup> *Ibid.*

<sup>119</sup> P. Baumgartner, "Marriage Guidance, Kadyrov-Style: Stay Married No Matter What," *RFE/RL*, 27 July 2017, available at: [www.rferl.org/a/chechnya-kadyrov-marriage-guidance/28643322.html](http://www.rferl.org/a/chechnya-kadyrov-marriage-guidance/28643322.html).

In August 2018, the UN Committee Against Torture published its concluding observations on Russia's periodic report. In the chapter on violence against women, it expressed concern at the absence of this term from the Russian legal system and the recent amendment to the Criminal code (in February 2017) based on which certain kinds of violence within families do not constitute a crime but an administrative offence in case of first-time offenders.<sup>120</sup> According to Human Rights Watch, the 2017 legislative changes were a substantial step backwards in protecting victims of domestic violence.<sup>121</sup> Decriminalisation of such behaviour grants approval to continuing violence and perpetuates a sense of impunity among perpetrators. The UN Committee Against Torture notes as well that Russian police officers often do not want to register notifications concerning violence within families and even discourage victims from reporting their cases. Victims are, however, forced to participate in a further process of reconciliation with perpetrators.<sup>122</sup> The Committee also noted that the conviction rate in rape cases in the whole of Russia is very low and the changes introduced to the Criminal code allow first-time offenders in cases of sexual assault to escape liability.<sup>123</sup>

The Human Rights Watch report on domestic violence in Russia in 2018 notes a couple of other problems which significantly limit women's possibilities to receive actual support.<sup>124</sup> The number of shelters and institutions where victims would be able to live temporarily is too small as compared to the needs, and admission to such institutions is related to complicated application procedures

and long waiting periods. Shelters maintained by non-governmental organisations are much more accessible to victims, but these entities face the consequences of the Russian authorities' repressive policies towards the third sector, in particular the laws on "foreign agents."<sup>125</sup> According to Human Rights Watch, very few women decide to enter the legal path against their oppressors, as the legal and systemic conditions in Russia work against victims of domestic violence.<sup>126</sup> Domestic violence cases are prosecuted privately, and the burden of proof and trial costs have to be borne by victims. Moreover, Russian law does not foresee any restraining orders which could protect the victims against repeated attacks from perpetrators.<sup>127</sup> However, Ol'ga Gnezdilova, a lawyer at the Stichting Justice Initiative/Pravovaya Initsiativa in Moscow who conducts numerous cases concerning women's rights in the whole of Russia (including before international bodies), observed that in June 2018 the Russian Criminal code was amended to include certain mechanisms similar to restraining orders, such as a prohibition to appear in particular places and contacts with specific people.<sup>128</sup> They will, however, be applicable only to those persons who have already heard the charges. Gnezdilova believes these changes to be positive, but notes that an assessment of their real effectiveness would only be possible after some time. Her practice to date suggests that even in rare cases when victims received protection, the perpetrators attempting to find them were able to bypass these limitations. In the most extreme cases, the victims were forced to leave the country.<sup>129</sup>

**In the Russian society as a whole, and in the North Caucasus in particular, domestic violence is perceived as a private matter which should not be revealed to anyone. There are no support centres in the territory of the North Caucasus where women victims of violence could find shelter**

<sup>120</sup> UN Committee Against Torture, *Concluding observations on the sixth periodic report of the Russian Federation*, 8 August 2018, available at: <https://bit.ly/2G2djVw>.

<sup>121</sup> Human Rights Watch, *'I Could Kill You and No One Would Stop Me' – Weak State Response to Domestic Violence in Russia*, 2018, available at: [www.hrw.org/sites/default/files/report\\_pdf/russia1018\\_web3.pdf](http://www.hrw.org/sites/default/files/report_pdf/russia1018_web3.pdf).

<sup>122</sup> UN Committee Against Torture, *Concluding observations on the sixth periodic report...*

<sup>123</sup> *Ibid.*

<sup>124</sup> Human Rights Watch, *'I Could Kill You...*

<sup>125</sup> *Ibid.*

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid.*

<sup>128</sup> D. Shabelnikov, "Violence is usually revealed only after the woman is murdered," *Legal Dialogue*, 15 August 2018, available at: <https://legal-dialogue.org/violence-is-usually-revealed-only-after-the-woman-is-murdered>.

<sup>129</sup> *Ibid.*

According to the experts and local activists quoted by EASO, the most prevalent form of violence in Chechnya is that practiced against family members, and in recent years its level has constantly been increasing.<sup>130</sup> It is believed to have been caused by the general change in the attitude towards women. The latter, in turn, has been fostered by the authorities' various public pronouncements in which women feature as men's property and attacks on "fallen women" are actually encouraged. Law enforcement bodies often force victims to resign from reporting cases of domestic violence, so only in rare instances are perpetrators prosecuted and sentenced. In the Russian society as a whole, and in the North Caucasus in particular, domestic violence is perceived as a private matter which should not be revealed to anyone. The fear of divorce and losing contacts with children is an important reason for refraining from reporting such abuses to law enforcement bodies. The lack of institutions offering help constitutes yet another complication. There are no support centres in the territory of the North Caucasus where women victims of violence could find shelter. Possibly, the sheer fact of turning to such an institution could expose a woman to danger and in the best-case scenario – social ostracism.<sup>131</sup>

Ol'ga Gnezdilova believes that in the North Caucasus brutal treatment of the family comes to light only when a woman is killed or seriously injured.<sup>132</sup> The lawyer recalls the case of Marem Aliyeva from Ingushetia who reported her abusive husband to the police. The police officers did not order a medical examination of the victim, and her husband was released from detention despite the fact that he pleaded guilty of violence. A couple of months later, after a domestic quarrel, Aliyeva disappeared without a trace. Her body has not been found. In

**“In the North Caucasus brutal treatment of the family comes to light only when a woman is killed or seriously injured”**

*Ol'ga Gnezdilova,  
Stichting Justice Initiative/  
Pravovaya Initsiativa*

the course of the criminal proceedings on account of murder no suspect was identified and Marem's husband was not considered as a potential suspect.<sup>133</sup>

In 2013, lawyers from two non-governmental organisations dealing with women's rights (Pravovaya Initsiativa from Moscow and Prava Zhenshchin from Grozny) submitted the

first complaint against Russian in a domestic violence case to the Committee on the Elimination of Discrimination Against Women (CEDAW).<sup>134</sup> In the case *Timagova against Russia*, the applicant living in Chechnya claims that the punishment of nine months in prison imposed by the Russian court on her husband for using brutal violence against her was disproportionately lenient. Shema Timagova suffered physical attacks from her husband for many years. In 2009, the man attacked her with a shovel and she sustained injuries to the head, elbow and knee. She reported the incident to the police. As a result, her husband was punished with a fine of 15,000 roubles (approx. 200 USD) for causing minor harm to the woman's health. The applicant divorced her husband, but was forced to live with him in one house which constituted their joint property. At this time, she suffered yet another attack in the course of which her husband hit her with an axe and caused serious injuries to her head. During the trial, the judge stated that Shema had provoked the man who attacked her in a moment of passion.<sup>135</sup>

Rape is a common form of violence against women in Chechnya, even though it remains taboo.<sup>136</sup> Non-governmental organisations report that when a woman is raped, it is doubtful that she will be able to receive any form of support. But once the sexual assault comes to light, the victim will be pushed to the margin of social life, since it is commonly

<sup>130</sup> EASO, *Chechnya: Women, Marriage...*

<sup>131</sup> *Ibid.*

<sup>132</sup> D. Shabelnikov, "Violence is usually revealed..."

<sup>133</sup> D. Shabelnikov, "Violence is usually revealed..."; С. Голубев, "«Женщину он за человека не считал». Суд освободил осужденного за похищение жителя Ингушетии; жена, которую он бил, пропала," *Медиазона* [S. Golubev, "«Zhenshchinu on za cheloveka ne schital». Sud osvobodil osuzhdennogo za pokhishcheniye zhitelya Ingushetii; zhena, kotoruyu on bil, propala," *Mediazona*], 16 August 2017, available at: <https://zona.media/article/2017/08/16/evloev-free>.

<sup>134</sup> D. Shabelnikov, "Violence is usually revealed..."

<sup>135</sup> *Ibid.*

<sup>136</sup> EASO, *Chechnya: Women, Marriage...*

believed that she is to blame. For this reason, such events are rarely reported to law enforcement

bodies. What is more, marital rape is not considered a crime at all.<sup>137</sup>

### 3.3.4. Tolerance for traditional practices harmful for women

#### Bride-kidnapping and forced marriage

Kidnapping women for forced marriage is part of the tradition in Chechnya and other regions of the North Caucasus (e.g. Ingushetia).<sup>138</sup> The origins of this custom are traced to *adat*. Even though Ramzan Kadyrov officially banned such kidnapping, the practice still remains alive.<sup>139</sup> There are instances when men – relying on an old, local custom – simply kidnap and rape young women and, in some cases, also force them into marriage.<sup>140</sup> A woman who refuses to get married under such circumstances often faces a serious danger. In the majority of cases, the kidnapper's will is executed through recourse to violence. Even if the marriage is not concluded, the sheer fact of spending a night in a house belonging to an unknown man makes marrying someone else practically impossible.<sup>141</sup>

According to data from 2008 quoted in the EASO report, it is believed that almost a half of Chechen marriages had been entered into as a result of kidnapping (however some of them could have been arranged and carried out with consent of the parties).<sup>142</sup> Hardly ever are law enforcement bodies informed about kidnapping for forced marriage. After 2010, the situation has somewhat improved and some men have been convicted. However, the majority of kidnappers remain

unpunished, in particular if they are high-ranking regime officials.<sup>143</sup>

In May 2015, the media reported a case of a middle-aged, Chechen commander of police (46 or 57 years old, according to different sources) who married a 17-year-old girl even though he was already married.<sup>144</sup> According to the press, the girl entered into this marriage “under some form of duress,” with full approval and support from the republic's leader. The Russian authorities made no steps to protect the woman, even though Russian law does not allow polygamy or marriage before the age of 18.<sup>145</sup> The Russian authorities did not interfere either when Kadyrov called on the Chechen men to keep women in their families “off social networks” in an effort “to prevent negative information from spreading” in this case.<sup>146</sup> According to the International Crisis Group, the case shows that relatives are not able to resist the pressure of high-ranking representatives of the regime in Chechnya, even if the case concerns a polygamous relationship with a minor girl.<sup>147</sup>

In February 2018, the European Court of Human Rights awarded €20,000 in compensation to Khava Bopkhoyeva from Ingushetia. In 2009, her daughter

**Even though Ramzan Kadyrov officially banned bride-kidnapping, the practice still remains alive. However, the majority of kidnappers remain unpunished, in particular if they are high-ranking regime officials**

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<sup>137</sup> *Ibid.*

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

<sup>142</sup> *Ibid.*

<sup>143</sup> *Ibid.*

<sup>144</sup> Human Rights Watch, *Human Rights Violations in Russia's North Caucasus...*

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> International Crisis Group, *Chechnya: The Inner Abroad*.

Zaira (then 19 years old) was kidnapped, forced to marry and stay in the house of her husband's family. This occurred despite the fact that the kidnapper's mother was dissatisfied with the decision, as Zaira had already been a divorcee by that time. The man's relatives abused the teenager for a couple of weeks, e.g. used physical violence and tried to poison the girl. Khava Bopkhoyeva was repeatedly denied intervention and any investigation into Zaira's abuse. After

two months, the girl was admitted to the hospital yet again with a diagnosis of having been poisoned with "unknown substances" which led to her falling into a coma. The woman is currently 27 years old, her state has not improved and she is fully dependent on the help of her mother. The applicant alleged that the Russian authorities failed to conduct an effective investigation to explain the circumstances in which Zaira lost her health.<sup>148</sup>

## Honour killings

Human Rights Watch defines the so-called honour killings as murders committed by male family members against female family members who are perceived to have brought dishonour upon the family.<sup>149</sup> There have been reports, however, that similar killings may be committed against men, e.g. suspected of being homosexual (see more in Chapter 3.4.). Reports of international bodies, such as e.g. the UN Committee Against Torture, International Crisis Group and the US Department of State suggest that honour killings have been practiced in the North Caucasus, in particular in Chechnya, Dagestan and Ingushetia.<sup>150</sup>

The above-mentioned organisations and institutions observe that such cases are usually covered-up and rarely reach the justice system, while perpetrators most often go unpunished. According to research conducted by Stichting Justice Initiative/Pravovaya Initsiativa, in a decade between 2008-2017 at least 39 people died in the North Caucasus as a result of possible honour killings. However, the actual number of these crimes may be much higher.<sup>151</sup> Collection of precise data on

the subject is exceptionally difficult, and official statistics on the phenomenon remain unavailable.<sup>152</sup>

**Honour killing is a murder committed by male family members against female family members who are perceived to have brought dishonour upon the family. Oftentimes, these are daughters, sisters, wives, nieces or stepdaughters of their murderers**

The majority of victims of honour killings are young, unmarried or divorced girls, less often married women between 20 and 30 years of age. Oftentimes, these are daughters, sisters, wives, nieces or stepdaughters of their murderers.<sup>153</sup> The information from experts and local activists quoted by EASO shows that honour killings take place in all kinds of families regardless of their social status and financial situation.

Suspicious about infidelity or – in case of unmarried women – the loss of virginity before wedding are the most frequent motives for such crimes. Cheating is understood broadly – it encompasses as little as sending an SMS to a man. Simply staying alone with a man who is not a husband can be deemed a dishonour to the family. Yet another reason for an honour killing may be the woman's refusal to marry the candidate indicated by the relatives or rape. The blame for sexual assault is usually put on the woman who is thus believed to have shamed her whole family.<sup>154</sup>

<sup>148</sup> S. Anokhina, "Women's rights in Russia's North Caucasus..."

<sup>149</sup> Human Rights Watch, *Item 12 – Integration of the human rights of women and the gender perspective: Violence Against Women and "Honor" Crimes*, Oral Intervention at the 57th Session of the UN Commission on Human Rights, 5 April 2001, available at: [www.hrw.org/news/2001/04/05/item-12-integration-human-rights-women-and-gender-perspective-violence-against-women](http://www.hrw.org/news/2001/04/05/item-12-integration-human-rights-women-and-gender-perspective-violence-against-women).

<sup>150</sup> UN Committee Against Torture, *Concluding observations on the sixth periodic report...*; US Department of State, *Country Report on Human Rights Practices for 2016 – Russia*; International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>151</sup> Ю.А. Антонова, С.В. Сиражудинова, «Убитые сплетнями». Убийства женщин по мотивам «чести» на Северном Кавказе. Отчет по результатам качественного социологического исследования в республиках Дагестан, Ингушетия и Чечня (Российская Федерация) [Yu.A. Antonova, S.V. Sirazhudinova, «Ubiyye spletnyami». Ubiystva zhenshchin po motivam «chesti» na Severnom Kavkaze. Otchet po rezul'tatam kachestvennogo sotsiologicheskogo issledovaniya v respublikakh Dagestan, Ingushetiya i Chechnya (Rossiyskaya Federatsiya)], Stichting Justice Initiative/Pravovaya Initsiativa, 2018, available at: <https://bit.ly/2PspkMO>.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*

According to the respondents (experts and inhabitants of Chechnya) in the above-mentioned research by Stichting Justice Initiative/Pravovaya Initsiativa, honour killings have three main functions – punishment for breaking traditional norms of behaviour; an act of cleansing – washing away the family's blame and shame; and a preventive mechanism against insubordination of other women in the community.<sup>155</sup> The authors of the report emphasise, however, that honour killings, even though often justified by religion and tradition, are not formally sanctioned by sharia law or local *adat*. In their view, the roots of honour killings' persistence in the region should be seen in the unrestrained, arbitrary pursuit of personal and tribal ambitions of their perpetrators, which are supported by the strong pressure of the public and specific cultural factors.<sup>156</sup>

In the majority of cases, a decision to kill is made by the woman's male relatives who feel offended by her actual or – most often – alleged behaviour which was to compromise the family's honour. While both sharia law and *adat* proscribe that witnesses to the deed should be called, this requirement is usually completely ignored. Murder is also committed by male family members who are sometimes ordered to kill their own daughter or sister. It may also be that the family forces the girl to commit suicide or stages the suicide. One of the reports describes a case in which the brother brought a gun to his sister crying and pleading that she kills herself because this would be the best solution to the situation for the whole family.<sup>157</sup>

As recalled earlier, honour killings are only rarely reported to law enforcement bodies. Such crimes are considered family secrets and are covered with a veil

of silence to hide both the “blame” of the victim and the identities of the killers.<sup>158</sup> Murderers are protected because, on the one hand, the community shares a belief that “they have done what should have been done” and, on the other, community members are perfectly aware that the committed act is, first and foremost, a crime prosecuted under criminal law and do not want to contribute to the imprisonment of their neighbours.<sup>159</sup> Out of 33 revealed cases analysed by Stichting Justice Initiative/Pravovaya Initsiativa, only 14 reached the trial stage and in 13 the accused were sentenced (to penalties between 6 to 15 years of imprisonment in an increased security colony), and one case ended in an acquittal. In the authors' opinion, the crimes disclosed constitute but a fraction of the actual number of such crimes.<sup>160</sup>

**Honour killings are considered family secrets and covered with a veil of silence to hide both the “blame” of the victim and the identities of the killers**

The killing of Mar'yam Magomedova in 2010 was one such honour killing which came to the surface. The woman – divorced and living with her mother in Moscow – was lured to her home town in Dagestan on the pretext of attending her cousin's wedding. She was then killed by her father's relatives, and her mother found her buried in a freshly dug grave at a local cemetery. The killing was caused by the fact that an unknown man made attempts to contact Mar'yam over the phone two years before the incident. Determined to reach justice, Muslimat Magomedova (the victim's mother) decided to publicise the case.<sup>161</sup>

EASO notes in its report after local activists that the number of honour killings has significantly increased under Ramzan Kadyrov's rule, but the authorities have covered up this fact.<sup>162</sup> According to the International Crisis Group these crimes have become more common in recent years and they are committed not only by the closest relatives, but also cousins and uncles serving in the police or administration.<sup>163</sup> The words

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<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> Проект „Квир-женщины Северного Кавказа”, *Насилие над лесбиянками, бисексуальными...*

<sup>158</sup> Ю.А. Антонова, С.В. Сиражудинова, «Убитые сплетнями...

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*

<sup>161</sup> Правозащитный Центр «Мемориал», *Дажестан: девушку убили из-за sms-сообщения и телефонного звонка* [Pravozashchitnyy Tsentr «Memorial», *Dagestan: devushku ubili iz-za sms-soobshcheniya i telefonnogo zvonka*], 1 March 2012, available at: <https://memohrc.org/ru/news/dagestan-devushku-ubili-iz-za-sms-soobshcheniya-i-telefonnogo-zvonka>.

<sup>162</sup> EASO, *Chechnya: Women, Marriage...*

<sup>163</sup> International Crisis Group, *Chechnya: The Inner Abroad*.

of Ramzan Kadyrov reflect the authorities' attitude towards this problem. When commenting on the killings of a couple of women which took place in 2008, the leader said that the victims were persons of "loose mores."<sup>164</sup> Law enforcement bodies reluctantly intervene in cases of such crimes and often tolerate them.

In its report, the International Crisis Group describes the case of Sergey Bobrov, a federal official heading the Investigative Committee in Chechnya. He received threats and in 2013 was removed from office after having initiated an investigation into

a murder of three women which involved police officers from the Shali district.<sup>165</sup> In an article for Open Democracy, Svetlana Anokhina described the trial of Sultan Daurbekov who admitted that he killed his daughter in 2015. His lawyer Ilyas Temishev claimed that honour killings are in fact "a good custom which protects women's honour and dignity."<sup>166</sup> When referring directly to his client's deed, Temishev stated that "he didn't kill her, we ought to put it like this: he removed her from life so she wouldn't bring shame on herself, her father and all close relatives. This is a more fitting description."<sup>167</sup>

## Female Genital Mutilation (FGM)

Female genital mutilation is not directly prohibited by the Russian Criminal code.<sup>168</sup> Local non-governmental organisations have been registering FGM of girls in certain villages in the Dagestan republic.<sup>169</sup> According to the report prepared by Stichting Justice Initiative/Pravovaya Initsiativa in 2016, FGM is practiced in remote mountain villages in the east of Dagestan and in locations to which people from the mountainous region were displaced. In some of those areas, over 90% of girls were subject to FGM.<sup>170</sup> The report provoked a wide debate. Some religious leaders have expressed support for this custom,<sup>171</sup> which is prohibited by the UN as harmful for women's health and violating their rights.<sup>172</sup> In 2018, the same organisation published

another report on FGM in which it estimated that over 1200 girls are subject to this practice in Dagestan annually.<sup>173</sup> The publication's authors also stated that since 2016 the authorities have done little to eradicate this practice. At the same time, they admitted that the task itself was exceptionally difficult due to, among others, the reluctance in closed communities in some regions of Dagestan to disclose the identities of persons performing FGM.<sup>174</sup>

Much less information was collected on FGM in Chechnya and Ingushetia. There have, however, been reports that such practices also occur in those republics, among isolated communities.<sup>175</sup>

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<sup>164</sup> *Ibid.*

<sup>165</sup> *Ibid.*

<sup>166</sup> S. Anokhina, "Women's rights in Russia's North Caucasus..."

<sup>167</sup> *Ibid.*

<sup>168</sup> US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*.

<sup>169</sup> *Ibid.*

<sup>170</sup> Stichting Justice Initiative/Pravovaya Initsiativa, *Отчет по результатам качественного исследования Производство калечащих операций на половых органах у девочек в Республике Дагестан* [*Otchet po rezul'tatam kachestvennogo issledovaniya 'Proizvodstvo kalechashchikh operatsiy napolovykh organakh u devochek v Respublike Dagestan'*], 2016, available at: [www.srji.org/resources/search/proizvodstvo-kalechashchikh-operatsiy-na-polovykh-organakh-u-devochek-v-respublike-dagestan/](http://www.srji.org/resources/search/proizvodstvo-kalechashchikh-operatsiy-na-polovykh-organakh-u-devochek-v-respublike-dagestan/).

<sup>171</sup> Meduza, "Вышел новый доклад о «женском обрезании» в России. Калечащей практике подвергаются больше тысячи девочек в год" [*Vyshel novyy doklad o «zhenskom obrezanii» v Rossii. Kalechashchey praktike podvergayut-sya bol'she tysyachi devochek v god*], 1 June 2018, available at: <https://meduza.io/feature/2018/06/01/vyshel-novyy-doklad-o-zhenskom-obrezanii-v-rossii-kalechaschey--praktike-podvergayutsya-bolshe-tsyachi-devochek-v-god>.

<sup>172</sup> World Health Organization, *Eliminating Female genital mutilation. An interagency statement*, 2008, available at: [www.un.org/womenwatch/daw/csw/csw52/statements\\_missions/Interagency\\_Statement\\_on\\_Eliminating\\_FGM.pdf](http://www.un.org/womenwatch/daw/csw/csw52/statements_missions/Interagency_Statement_on_Eliminating_FGM.pdf).

<sup>173</sup> Ю.А. Антонова, С.В. Сираждинова, *Практики калечащих операций в республиках Северного Кавказа: стратегии преодоления* [Yu.A. Antonova, S.V. Sirazhudinova, *Praktiki kalechashchikh operatsiy v respublikakh Severnogo Kavkaza: strategii preodoleniya*], Stichting Justice Initiative/Pravovaya Initsiativa, 2018, available at: <https://bit.ly/2Q4Cncr>.

<sup>174</sup> *Ibid.*

<sup>175</sup> Информационный Центр ООН в Москве, «Женское обрезание» выявлено в Чечне и Ингушетии [Informatsionny Tsentr OON v Moskve, «Zhenskoye obrezaniye» vyavleno v Chechne i Ingushetii], 2 June 2017, available at: <https://bit.ly/2Gyue1Y>; Кавказский Узел, "Женское обрезание на Кавказе" [Kavkazskiy Uzel, "Zhenskoye obrezaniye na Kavkaze"], 7 June 2018, available at: <https://bit.ly/2PXsOay>.

### 3.4. Sexual minorities

Representatives of sexual minorities (LGBT) in Chechnya are particularly at risk of persecution which is exacerbated by homophobia, common in the society also beyond the North Caucasus; the lack of acceptance for non-heterosexual relationships in the Chechen culture; and the taboo surrounding the matters of sexual orientation. In recent years, it can clearly be observed that aversion towards LGBT people takes the form of regular persecution, not only supported but also organized by the authorities.

In April 2017, *Novaya Gazeta* published the results of a journalistic investigation concerning widespread persecution of homosexual men in Chechnya.<sup>176</sup> Between February and April 2017, at least 100 such men were imprisoned in a centre described as a concentration camp, where they were subjected to violence and torture, including by electric shock. Officers of the Chechen security services searched the mobile phones of detainees (also with the use of torture) looking for evidence of contacts with other homosexual men. They also tried to force the detainees to disclose identities of all gay men known to them.<sup>177</sup> After some time, part of these men were freed and released to their family members who, in turn, were encouraged by law enforcement officers to commit honour killings on their relatives.<sup>178</sup>

Imams of Grozny's main mosque described media publications

**In recent years, it can clearly be observed that aversion towards LGBT people takes the form of regular persecution, not only supported but also organized by the authorities**

concerning these persecutions as lies. A similar opinion was expressed by the Human Rights Council of Chechnya, which is subordinate to the republic's leader.<sup>179</sup> Kadyrov publicly stated that such information cannot be true, since "no gay men exist in Chechnya."<sup>180</sup> Moreover, in May 2017, a group of LGBT activists was detained in front of the General Prosecutor's Office in Moscow when they wanted to file a petition with the Russian authorities, requesting renewal of proceedings in the case of torture and killings of homosexual people in Chechnya.<sup>181</sup>

According to Human Rights Watch, as a result of strong international pressure, the Russian federal authorities initially intended to conduct an investigation into brutal persecution of homosexuals.<sup>182</sup> However, a year after disclosure of the events in Chechnya, in April 2018, Amnesty International observed that the state did not make any effective effort.<sup>183</sup> No perpetrator was identified and the organisation wrote about „a shocking display of denial, evasion and inaction by the authorities, who have repeatedly refused to launch an official investigation into the reported heinous crimes and ignored credible evidence provided by *Novaya Gazeta* and others."<sup>184</sup> After they received the only notification of a crime, filed by Maksim Lapunov (ethnic Russian who has survived detention and torture) in spring 2017 in connection with persecution

<sup>176</sup> E. Милашина, "Убийство чести," *Новая Газета* [E. Milashina, "Ubiystvo chesti," *Novaya Gazeta*], 1 April 2017, available at: [www.novayagazeta.ru/articles/2017/04/01/71983-ubiystvo-chesti](http://www.novayagazeta.ru/articles/2017/04/01/71983-ubiystvo-chesti).

<sup>177</sup> Human Rights Watch, *World Report 2018 – Russia (events of 2017)*.

<sup>178</sup> *Ibid.*

<sup>179</sup> Caucasian Knot, "In Chechnya, religious figures condemn publications about persecution of gays," 4 April 2017, available at: [www.eng.kavkaz-uzel.eu/articles/38952/](http://www.eng.kavkaz-uzel.eu/articles/38952/).

<sup>180</sup> The Independent, "Chechen leader Ramzan Kadyrov claims no gay people exist in region just fake Chechens," 7 May 2017, available at: [www.independent.co.uk/news/world/europe/ramzan-kadyrov-chechen-leader-no-gay-people-just-fake-chechens-a7722246.html](http://www.independent.co.uk/news/world/europe/ramzan-kadyrov-chechen-leader-no-gay-people-just-fake-chechens-a7722246.html).

<sup>181</sup> BBC News, "Chechnya gay rights: Activists with petition held in Moscow," 11 May 2017, available at: [www.bbc.com/news/world-europe-39881452](http://www.bbc.com/news/world-europe-39881452).

<sup>182</sup> Human Rights Watch, *World Report 2018 – Russia (events of 2017)*.

<sup>183</sup> Amnesty International, *Russia: One year after 'gay purge' in Chechnya, still no justice for victims*, 4 April 2018, available at: [www.amnesty.org/en/latest/news/2018/04/russia-one-year-after-gay-purge-in-chechnya-still-no-justice-for-victims/](http://www.amnesty.org/en/latest/news/2018/04/russia-one-year-after-gay-purge-in-chechnya-still-no-justice-for-victims/).

<sup>184</sup> Denis Krivosheyev, Deputy Director for Eastern Europe and Central Asia at Amnesty International, quoted in Amnesty International, *Russia: One year after 'gay purge'...*

of homosexuals in Chechnya, the Russian law enforcement bodies worked sluggishly, violated procedural standards and eventually refused to present any charges.<sup>185</sup> According to information presented by the OSCE rapporteur, in Lapunov's case an application has already been prepared to the European Court of Human Rights together with a motion to the International Criminal Court to examine the whole campaign against sexual minorities in Chechnya.<sup>186</sup> Victims of repressions have so far been able to rely only on the Russian community of human rights defenders (including the Russian LGBT Network) which provided support and safety to persons pursued in Chechnya and ignored by the authorities in other parts of Russia. Thanks to these actions, as of April 2018, it was possible to safely relocate 116 people from Chechnya, including 98 who later left Russia altogether.<sup>187</sup>

While there are no reports on a similar campaign against women belonging to sexual minorities (LBT), according to experts and activists this community lives in extreme fear of being outed and persecuted.<sup>188</sup> Some respondents in one of the studies provided information on a list of lesbian women prepared by law enforcement bodies, but this information was not confirmed in other sources.<sup>189</sup> LBT women belong at the same time to two minority groups whose status in the Chechen culture is low and whose rights are not protected by the legal system. The majority hide their sexual orientation completely. Those women whose sexual orientation is revealed are in real danger of falling victim to honour killings committed by families which thus attempt to protect their reputation or – in the best case scenario – they will be forced to marry quickly.<sup>190</sup> For these reasons, according to Irina Kosterina, an expert from the Heinrich Böll Foundation

**“Lesbians and other women of non-heterosexual identity and sexual orientation are the most vulnerable social group in the North Caucasus”**

*Irina Kosterina,  
Heinrich Böll Foundation*

who conducts research on the situation of women in the region, lesbian and other women of non-heterosexual identity and sexual orientation are “the most vulnerable social group in the North Caucasus.”<sup>191</sup>

The report prepared by activists from the project „Kvir-zhenshchiny Severnogo Kavkaza” (Queer Women of the North Caucasus) with the support of the Heinrich

Böll Foundation describes conclusions of a two-year-long research and work with LBT women in the region.<sup>192</sup> The research consisted of 21 interviews – 11 of the respondents left Chechnya or Russia completely, and eight still lived in the republic. There is no contact with the remaining two participants, but one of them was probably a victim of an honour killing. The report presents a tragic image of systemic violence against LBT women, which they experience both on account of their gender and sexual orientation. All interviewees admitted that they had repeatedly been subjected to violence at home, also as small children, and they had witnessed their fathers' violence towards their mothers. Some were also victims of sexual abuse by relatives. The attacks would usually intensify when the family learnt about the women's sexual orientation. According to the authors, corrective rape on lesbian women is not rare, and is committed both by private individuals and representatives of law enforcement. The respondents, especially those who stayed in the Caucasus, suffered from depression, while about a half described their situation as without escape. Seven women have made attempts to commit suicide.

As noted by the authors of the report, it is impossible to assess how many women died in honour killings because of their sexual orientation. However, they note that as many as eight respondents had knowledge about such a killing in their closest circles. The

<sup>185</sup> Organization for Security and Cooperation in Europe, *OSCE Rapporteur's Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic...*

<sup>186</sup> *Ibid.*

<sup>187</sup> Amnesty International, *Russia: One year after 'gay purge' in Chechnya...*

<sup>188</sup> S. Khazov-Cassia, “«A Lot Of Girls Would Probably Rather Die»: In Russia's Chechnya, Lesbians Tell of Suffocating Existence,” *RFE/RL*, 20 September 2017, available at: [www.rferl.org/a/chechnya-lesbians-repression-suffocating-existence/28746353.html](http://www.rferl.org/a/chechnya-lesbians-repression-suffocating-existence/28746353.html).

<sup>189</sup> Проект „Квир-женщины Северного Кавказа”, *Насилие над лесбиянками, бисексуальными...*

<sup>190</sup> S. Khazov-Cassia, S. Khazov-Cassia, “«A Lot Of Girls Would Probably Rather Die»...”

<sup>191</sup> *Ibid.*

<sup>192</sup> Проект „Квир-женщины Северного Кавказа”, *Насилие над лесбиянками, бисексуальными...*

researchers also report that after their sexual orientation had been disclosed, some women were forced to undergo a brutal ritual – the so-called jinn eviction, a particular local form of exorcisms. The rituals were to be conducted in the Centre of Islamic Medicine in Grozny.

Often the only solution for LBT women is to leave Chechnya, or Russia altogether, but this requires an international passport (issued only with the consent of a male guardian) and financial resources. Such an escape also carries a high risk of being found and, consequently, intensification of abuse by the family. The Russian LGBT Network notes, for example, that in 2017 a 22-year-old woman,

whom the activists had repeatedly tried to help in leaving Chechnya, died in unclear circumstances.<sup>193</sup> She managed to leave the republic once, but was then convinced by her family to temporarily return home. While the official cause of death was renal failure, the activists suspect that their client fell victim to an honour killing through poisoning.<sup>194</sup> The authors of the report prepared during the project „Kvir-zhenshchiny Severnogo Kavkaza” note that escapees from Chechnya are pursued by their families with the support of law enforcement bodies in other regions. The services do not take into account the requests of women, who are mostly adults, to not disclose their place of residence. That way they expose them to grave danger.<sup>195</sup>

### 3.5. Adherents to non-traditional forms of Islam

Religious life in Chechnya is strictly regulated by the local authorities. Sufism – Islamic mysticism in the form that has been practiced for ages by about 75% of inhabitants including the president’s family – is part of the official ideology.<sup>196</sup> Forced Islamisation leads to a gradual transformation from a secular into a religious state. Kadyrov poses as a leader (emir) of the Chechen nation in the Russian Federation, and his closest collaborators present him as a God-chosen man. Moreover, Kadyrov personally instructs religious leaders and believers as to the appropriate interpretation of the orders and prohibitions of faith.<sup>197</sup>

The Chechen authorities are hostile towards all forms of religious cult or theories which divert from the teachings of Akhmat-Hadji Kadyrov, a Chechen mufti killed in 2004 in a bomb attack and the father of the current president.

**The republic’s authorities have often and openly said that there is no place in Chechnya for defectors from traditional Sufism, and that Wahhabis should even be killed**

Other forms of Sufism face official criticism, while Shia is considered a sect.<sup>198</sup> However, the most intense repressions are experienced by Salafists, followers of a fundamentalist branch of Islam prohibited in Chechnya, pejoratively referred to by the authorities as “Wahhabis.” The republic’s authorities have often and openly said that there is no place in Chechnya for defectors from traditional Sufism, and that Wahhabis should even be killed. In one of his TV appearances from 2014, Kadyrov announced:

*“The Prophet showed us clearly and accurately the way according to his Hadith, where he states that this suits God. Precisely because of faith in this path we fight [them].*

*... I fought Wahhabis for Allah. ... You all know tens of cases how and where I killed them ... such people must not exist in the Chechen Republic. The Prophet prescribed us to kill people like them.”<sup>199</sup>*

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<sup>193</sup> S. Khazov-Cassia, S. Khazov-Cassia, “«A Lot Of Girls Would Probably Rather Die»...”

<sup>194</sup> *Ibid.*

<sup>195</sup> Проект „Квир-женщины Северного Кавказа”, *Насилие над лесбиянками, бисексуальными...*

<sup>196</sup> International Crisis Group, *Chechnya: The Inner Abroad.*

<sup>197</sup> *Ibid.*

<sup>198</sup> *Ibid.*

<sup>199</sup> Ramzan Kadyrov’s interview for Grozny TV, Programme Wiesti [Вести], 31 January 2014 r. (in Chechen). Archive of the Memorial Human Rights Center, quoted in International Crisis Group, *Chechnya: The Inner Abroad.*

Kadyrov's close associate, Deputy Minister of Interior Aпти Alaudinov publicly instructed a regional police chief on how to deal with Wahhabis:

*"I swear by the Quran sent down to us, if there is even a slight similarity with Wahhabis, I have taken it upon myself .... I'm personally saying to mow them down. Those you can, throw in prison. If there's an opportunity to plant something in their pockets, do it. Do what you want and kill whomever you want. The ruler said to pass this on... I swear by Allah, I support this."*<sup>200</sup>

The authorities regularly use violence against believers following Salafi rules of appearance (e.g. having long beards or headscarves covering the chin). Collective punishment is also used, including burning the houses of relatives of persons suspected of radicalism.<sup>201</sup> Between 2013 and 2014, reports appeared on mass detentions concerning more than a thousand men. Officials of the Ministry

of Interior took action against persons whose appearance and behaviour they found to be inappropriate, often directly in mosques and madrasas. Men were brought to the police stations where they were detained for a couple of hours and had their beards shaven.<sup>202</sup> According to information shared by human rights organisations, some of the detainees died as a result of detention.<sup>203</sup>

As described by the International Crisis Group, the line between acceptable and forbidden religious practices is thin and may be arbitrarily drawn by the security services.<sup>204</sup> Kadyrov's policy of forced Islamisation promotes polygamy and prohibits alcohol. It also allowed the leader to introduce a strict dress code for women in public institutions, schools and universities. And while beards are worn both by followers of Salafism and Sufism, officials' arbitrary assessment of their "appropriateness" leads to numerous abuses.<sup>205</sup>

## IV. Attacks on the Chechen diaspora

Since around 2016, human rights defenders have observed an increased pressure from the authorities in Grozny on Chechens permanently living outside the republic.<sup>206</sup> As explained by Yekaterina Sokiryanskaya, an expert of the International Crisis Group, the policy towards the Chechen diaspora is multifaceted. One of its elements, especially in the Middle East, is building influence through charitable activities, e.g. establishing mosques, organising events on various occasions, reinstating links with the Chechen culture, renovation of monuments, e.g. Sufi shrines. Ramzan Kadyrov maintains relations with selected leaders in Middle Eastern countries and helps Chechen refugees from Syria who live e.g. in Jordan.<sup>207</sup>

Apart from these activities, according to Sokiryanskaya, Kadyrov constantly tightens his control over the Chechen diaspora, including through threats and recourse to collective liability.<sup>208</sup> He has repeatedly publicly threatened emigrants fleeing to European Union countries. There have been numerous reports on murders of Chechens who were inconvenient for or critical of the regime outside Chechnya, e.g. in the EU, Turkey or United Arab Emirates. These executions are probably carried out by persons closely tied to the leader.<sup>209</sup> According to the organization Civil Rights Defenders, only information about the killings of the most prominent critics reaches the public, while murders of

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<sup>200</sup> Recording from a meeting in Urus-Martan on 12 December 2013, available at: <http://youtu.be/iZS3d-habuE>, quoted in International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>201</sup> Human Rights Watch, *World Report 2017 – Russia (events of 2016)*.

<sup>202</sup> International Crisis Group, *Chechnya: The Inner Abroad*.

<sup>203</sup> *Ibid.*

<sup>204</sup> *Ibid.*

<sup>205</sup> *Ibid.*

<sup>206</sup> Кавказский Узел, "Правозащитники констатировали усиление влияния Кадырова на чеченские диаспоры" [Kavkazskiy Uzel, "Pravozashchitniki konstatirovali usileniye vliyaniya Kadyrova na chechenskiye diaspori"], 7 January 2017, available at: [www.kavkaz-uzel.eu/articles/295531/](http://www.kavkaz-uzel.eu/articles/295531/).

<sup>207</sup> *Ibid.*

<sup>208</sup> *Ibid.*

<sup>209</sup> Civil Rights Defenders, *Chechnya – Repression without borders*.

average citizens who had to flee because of conflicts with Kadyrov's circles are probably much more frequent.<sup>210</sup>

The Chechen leader strongly denies that the republic's citizens have to leave the country for any reason and calls the runaways "hostages of European secret services which deceive Chechens with stories of a heavenly life."<sup>211</sup> For many years, there have also been reports about agents sent to Europe by the Chechen government to pose as refugees.<sup>212</sup> The main task of such people is to monitor political attitudes in the diaspora. Some reveal their identities in migrant circles and remind their members that an escape from Chechnya does not mean avoiding punishment for real or alleged guilt.<sup>213</sup> In one of the messages for the Chechen diaspora published on 5<sup>th</sup> June 2016 (with English translation), Kadyrov stated that he follows all activities of the escapees, including on social media, and warned them that they will "answer for every word."<sup>214</sup> In turn, in a message from September 2016, the republic's leader confirmed the presence of Chechen agents in the Belarusian city of Brest. The officers were deployed to follow a group of Chechens attempting to apply for international protection in Poland, at the Polish-Belarusian border crossing in Brest/Terespol:

*"I sent people there on purpose, but none of those who try to cross the border could rationally explain who they were, where from and why they came there. If they really need help, I was ready to send equipment to take them home. These are our people and*

**Diaspora members fear for the safety of their numerous relatives living in the republic, as Kadyrov uses collective liability as a method of fighting his opponents**

*regardless of their intentions, we need to take care of them."*<sup>215</sup>

Attempts to increase pressure on persons who left Chechnya intensified in 2016 when the diaspora itself became more active and started to organise political protests against public humiliation of regime's critics

and events commemorating the deportations of the Chechen people in 1944.<sup>216</sup> Sokiryanskaya believes that the more liberal and forward-looking Chechens currently live outside the republic and display a clearly negative attitude towards the authorities in Grozny. However, diaspora members fear for the safety of their numerous relatives living in the republic, as Kadyrov uses collective liability as a method of fighting his opponents.<sup>217</sup> According to Svetlana Gannushkina, the director of the «Grazhdanskoye Sodeystviye» Committee, and Tat'yana Lokshina from the Human Rights Watch's Europe and Central Asia Division, there have been cases when Chechens were forced to return from abroad (where they often enjoyed the refugee status) in fear for the health and lives of their relatives who had fallen victim to violence in their homeland. The authorities expect the diaspora to display an even laudatory attitude towards Ramzan Kadyrov, and the Kremlin – according to Lokshina – turns a blind eye to these practices.<sup>218</sup> Oleg Orlov, a member of the Memorial Human Rights Center, notes that the authorities in Grozny have been putting pressure on the leaders of neighbouring republics for several years to introduce amendments into law which would make it possible to prosecute family members for crimes committed by their relatives.<sup>219</sup>

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<sup>210</sup> *Ibid.*

<sup>211</sup> И. Азар, ««Когда вернетесь, мы вас убьем» Илья Азар – о том, как сотни чеченцев пытаются убежать в Европу через Брест» [I. Azar, ««Kogda vernetes', my vas ub'yem» Il'ya Azar – o tom, kak sotni chechentsev pytayutsya ubezhat' v Yevropu cherez Brest'], *Meduza*, 6 December 2016, available at: <https://meduza.io/feature/2016/12/06/kogda-vernetes-my-vas-ubiem>.

<sup>212</sup> Civil Rights Defenders, *Chechnya – Repression without borders*.

<sup>213</sup> *Ibid.*

<sup>214</sup> Translation service from Caucasian languages, "Kadyrov promises revenge for every critical comment made in his address," *Youtube*, available at: [www.youtube.com/watch?v=ov3tVG19JMs](http://www.youtube.com/watch?v=ov3tVG19JMs) [video].

<sup>215</sup> Tut.by, "Кадыров о «белорусских» чеченцах: покинули республику в поисках легкой жизни" ["Kadyrov o "belorusskikh" chechentsakh: pokinuli respubliku v poiskakh legkoy zhizni"], 17 September 2016, available at: <https://news.tut.by/society/512512.html>.

<sup>216</sup> Кавказский Узел, "Правозащитники констатировали усиление влияния Кадырова..."

<sup>217</sup> *Ibid.*

<sup>218</sup> *Ibid.*

<sup>219</sup> *Ibid.*

## V. Use of Interpol by Russian authorities to pursue political opponents

In recent years, concerns have been raised that authoritarian regimes (including Russia) have been using Interpol to search for and punish political opponents.<sup>220</sup> Well-known is the case of Akhmed Zakayev, the leader of the Chechen opposition apprehended twice (in 2002 and 2010) under bogus terrorist charges who now enjoys the refugee status in the United Kingdom. The apprehension in 2012 of an environmental activist Petr Silayev is yet another example.<sup>221</sup> Such cases also concern e.g. the former Prime Minister of Ukraine Arseniy Yatsenyuk who in April 2017 was accused by Russia of allegedly participating in the Chechen conflict in the 1990s and killing dozens of people<sup>222</sup> (Interpol refused to place his name on the list of wanted persons)<sup>223</sup> or Isa Yamadayev, a Chechen who was in conflict with Kadyrov's family.<sup>224</sup>

On 26 April 2017, the Council of Europe condemned Russia and Iran for abusing the Interpol system and the Red Notice mechanism (a mechanism similar to an international arrest warrant) for harassing political opponents and suppressing freedom of expression.<sup>225</sup> According to the Council of Europe's estimates, these practices have led to a five times increase in the number of Red Notices in the last decade (from 2,343 in 2005 to 12,787 in 2016). The Parliamentary Assembly of the Council of Europe

(PACE) noted that Interpol had taken some remedial actions, e.g. by recently introducing provisions foreseeing that notices will be disseminated only when there are serious suspicions that a wanted person has committed a crime. At the same time, PACE stated that Interpol should do more to protect the pursued persons, including through the introduction of stronger appeal mechanisms for individuals covered by a Red Notice.<sup>226</sup> Bernd Fabritius, the PACE rapporteur for human rights, observed that currently targeted persons "cannot successfully challenge Red Notices before any national or international courts"<sup>227</sup> and emphasised that "[s]ometimes people are arrested and extradited to countries where they cannot expect a fair trial, or where they are threatened by torture or inhuman and degrading treatment, without even knowing that they were the subject of an Interpol notice."<sup>228</sup>

In 2018, human rights defenders observed an increase in the number of motions for transfer of Chechen terrorism suspects to Russia. Organisation VAYFOND (in Chechen "Our Foundation"), which offers legal aid to Chechens targeted by Russian extradition motions, reported that in 2018 (until November) 20 people requested its support (while a year before, there were five, but the organization has only been operating since 2017).<sup>229</sup> According

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<sup>220</sup> Открытая Россия, "Путинизация Интерпола" [Otkrytaya Rossiya, "Putinizatsiya Interpola"], 3 December 2016, available at: <https://openrussia.org/notes/703163/>.

<sup>221</sup> *Ibid.*

<sup>222</sup> РБК, "Россия отправила в Интерпол запрос на объявление в розыск Яценюка" [RBK, "Rossiya otpravila v Interpol zapros na ob'yavleniye v rozysk Yatsenyuka"], 28 April 2017, available at: [www.rbc.ru/politics/28/04/2017/590317b59a79479a48ced498](http://www.rbc.ru/politics/28/04/2017/590317b59a79479a48ced498).

<sup>223</sup> Interfaks-Ukraina, "Интерпол официально отказал РФ в запросе на международный розыск Яценюка" ["Interpol ofitsial'no otkazal RF v zaprose na mezhdunarodnyy rozysk Yatsenyuka"], 3 May 2017, available at: <http://interfax.com.ua/news/general/419386.html>.

<sup>224</sup> Росбалт, "Чеченские силовики начали «охоту» на Ямадаева" [Rosbalt, "Chechenskiye siloviki nachali «okhotu» na Yamadayeva"], 20 April 2017, available at: [www.rosbalt.ru/moscow/2017/04/20/1609249.html](http://www.rosbalt.ru/moscow/2017/04/20/1609249.html).

<sup>225</sup> RFE/RL, "Council Of Europe Says Russia, Iran Abusing Interpol For Political Purposes", 26 April 2017, available at: [www.rferl.org/a/interpol-res-notcies-abused-russia-iran/28453825.html](http://www.rferl.org/a/interpol-res-notcies-abused-russia-iran/28453825.html).

<sup>226</sup> PACE, *Resolution 2161 (2017) of the Parliamentary Assembly of the Council of Europe, 26 April 2017, and report of Bernd Fabritius (Germany, EPP/CD), rapporteur of PACE of 29 March 2017: Abusive use of the Interpol system: the need for more stringent legal safeguards*, available at: [www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6634&lang=2&cat=5](http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6634&lang=2&cat=5).

<sup>227</sup> B. Fabritius, *Abusive use of the Interpol system: the need for more stringent legal safeguards*, 29 March 2017, available at: <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=23524>.

<sup>228</sup> *Ibid.*

<sup>229</sup> BBC News Русская служба, "В Европе не скрывать. Чеченцев возвращают на родину, обвиняя в терроризме" [BBC News-russkaya sluzhba, "V Yevrope ne skryt'sya. Chechentsev vozvrashchayut na rodinu, obvinaya v terrorizme"], 2 November 2018, available at: [www.bbc.com/russian/features-46020039?ocid=socialflow\\_facebook](http://www.bbc.com/russian/features-46020039?ocid=socialflow_facebook).

to BBC, in November 2018 the open Interpol database contained 200 names of Chechen citizens.<sup>230</sup> Advocate Alexey Obolenets, a lawyer dealing with requests reaching VAYFOND, believes that some of the cases have been fabricated by the Chechen authorities, and part of the responsibility rests on the Russian Interpol section's employees who have been feeding data into the system without checking their reliability (this is, for example, the case with economic crimes).<sup>231</sup> In his view, in the past, European countries did not extradite persons with a refugee status. Currently, however, the same countries increasingly decide to revoke international protection granted to individuals after having received a motion for their extradition. Since the beginning of 2016, Obolenets has managed to demonstrate the groundlessness of charges against nine Chechens living in Europe, and he is currently working on 14 similar cases.<sup>232</sup> Sasha Kulayeva, who heads the Eastern Europe and Central Asia Section of the International Federation for Human Rights (fr. *Fédération internationale des ligues des droits de l'homme*, FIDH) also points to the change of approach to surrendering refugees among EU Member States. She believes that until recently the French authorities, for example, would not decide to surrender a person to Chechnya and would try targeted persons before national courts, regardless of the charges, which was justified by

concerns about the use of torture and lack of a fair trial in the country of origin. However, currently, this line of policy has been abandoned.<sup>233</sup>

Obolenets' observation is further confirmed by Svetlana Gannushkina in whose opinion the change in practices among European states resulted from the migration crisis and improvement in relations between the EU and Russia.<sup>234</sup> At the same time, in Gannushkina's opinion, the Chechen authorities conduct "an imitation of a war on terrorism," both inside the republic and beyond its borders. As it seems, the EU, the Chechen authorities and Russia treat the war on terrorism as a common denominator in their interests. Gannushkina also believes that the authorities in European states refuse to surrender people using extradition proceedings (which are subject to far stronger control mechanisms) and initiate deportation proceedings instead. This makes relocating a foreigner to Russia far easier, among others, due to the fact that in many countries an appeal against a deportation decision does not suspend the execution of said decision.<sup>235</sup> Gannushkina is of the opinion that Russia's guarantees that extradited Chechens will not be tried in their homeland republic holds little value, as this ethnic group faces serious discrimination in the penitentiary system all over Russia.<sup>236</sup>

## VI. Situation of forced returnees

According to information provided by EASO sourced, among others, from the German diplomatic corps and the ACCORD report,<sup>237</sup> there have been no notifications about the persecution of Chechens either returning from abroad or applying

for international protection outside their country by the Russian authorities.<sup>238</sup> A general assessment of the risks upon return is difficult, since these are clearly dependent on an individual case and the situation of a returning person. It is, however, the

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<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

<sup>232</sup> *Ibid.*

<sup>233</sup> RFI, „Больше не убежище: как Франция начала высылать чеченцев [“Bol'she ne ubezhishche: kak Frantsiya nachala vysylat'chechentsev”], 2 March 2018, available at: <http://ru.rfi.fr/rossiya/20180302-bolshe-ne-ubezhishche-kak-frantsiya-nachala-vysylat-chechen-skikh-bezhentsev>.

<sup>234</sup> BBC News Русская служба, „В Европе не скраться...”

<sup>235</sup> RFI, “Больше не убежище...”

<sup>236</sup> BBC News Русская служба, „В Европе не скраться...”

<sup>237</sup> ACCORD is an independent organisation affiliated with the Austrian Red Cross, which studies the situation in refugee countries of origin.

<sup>238</sup> EASO, *Russian Federation: The situation for Chechens in Russia, Country of Origin Information Report*, 2018, available at: [https://coi.easo.europa.eu/administration/easo/PLib/Chechens\\_in\\_RF.pdf](https://coi.easo.europa.eu/administration/easo/PLib/Chechens_in_RF.pdf); ACCORD – Austrian Centre for Country of Origin and Asylum

case that particular social groups and individuals of specific importance are under surveillance.

EASO points out that repressions may, above all, be waged against former fighters returning from Syria who fought for ISIS or who are subject to such suspicions.<sup>239</sup> In its report, the International Crisis Group quotes Russian officials' estimates from 2016, indicating that the number of Russian citizens who had joined the ranks of the so-called Islamic State may reach 3,500; while some of the informants noted that the number could have been as high as 5,000.<sup>240</sup> The administration in Grozny, in turn, was to report that some 4,000 ethnic Chechens went to Syria, including many directly from European states which constituted their permanent place of residence.<sup>241</sup> According to data from 2016 quoted by the Memorial Human Rights Center, criminal proceedings in connection with travels to Syria were initiated against a couple of hundred Chechens, between 477 and 800.<sup>242</sup> In the opinion of the International Crisis Group, there is a risk that persons returning from the Middle East may be exposed to danger of persecution from the authorities, but repressions may also reach their relatives, as was the case in the past with families of fighters.<sup>243</sup>

According to Yelena Milashina, one of the groups particularly at risk are relatives, including children, of former Chechen guerrilla fighters connected to president Aslan Maskhadov, the advocates of an independent Chechnya, the so-called "Ichkerians."<sup>244,245</sup> The journalist believes that Moscow has recently started re-opening old cases dating back to the period of the Chechen wars and is investigating the former members of the resistance movement who refused to accept Kadyrov's leadership and left the country. They are prosecuted and imprisoned for long terms without a fair trial; they are often sentenced based on fabricated

evidence (e.g. planted drugs) or articles on terrorist activity. She notes that similar practices are not only the Chechen peculiarity, and the number of such cases has been on the increase in all Russian regions. They are dealt with by the Federal Security Services (FSB) which, as part of combatting terrorism and extremism, conduct wide-reaching operations aimed at apprehending as many people as possible. The current strategy also entails reopening old cases initiated already in the period of the Chechen wars.

A somewhat different group at risk is constituted, according to Milashina, by persons included in various law enforcement registers and suspected of supporting Islamic radicals. The registers create a large area for abuse for the security services, since in Russia assessment of the efficiency of law enforcement bodies is based on presenting quantitative indicators, which leads to artificial inflation of statistics (this is also a pan-Russian practice). Moreover, as the journalist also claims, persons who remain under security services' surveillance on various grounds are often "sentenced for sheer ideas" and not real actions.<sup>246</sup> These mechanisms are also mentioned in other sources. According to an unpublished report by the German Ministry of Foreign Affairs quoted by EASO, returning Chechens can potentially be targets of the authorities' attacks in the form of proceedings initiated based on fabricated evidence in order to increase the number of solved cases. They can also be accused of taking part in military action.<sup>247</sup>

As experts from human rights organisations admit, there are more groups of people who have reasons to fear repressions upon return to Chechnya. Akhmed Gisayev from the Human Rights Analysis Centre in Oslo believes that the circle includes those who were previously persecuted for dissenting political opinions by Russian and Chechen

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Research and Documentation, *Anfragebeantwortung zur Russischen Föderation: Lage von Personen, die nach negativem Asylbescheid zurückgekehrt sind*, 31 May 2016, available at: [www.ecoi.net/en/document/1394806.html](http://www.ecoi.net/en/document/1394806.html).

<sup>239</sup> *Ibid.*

<sup>240</sup> International Crisis Group, *ISIS Returnees Bring Both Hope and Fear to Chechnya*, 26 March 2018, available at: [www.crisis-group.org/europe-central-asia/caucasus/chechnya-russia/isis-returnees-bring-both-hope-and-fear-chechnya](http://www.crisis-group.org/europe-central-asia/caucasus/chechnya-russia/isis-returnees-bring-both-hope-and-fear-chechnya).

<sup>241</sup> *Ibid.*

<sup>242</sup> Memorial Human Rights Center, *Counter-terrorism in the North Caucasus...*

<sup>243</sup> International Crisis Group, *ISIS Returnees Bring Both Hope...*

<sup>244</sup> "Ichkerians" is a term derived from the Chechen Republic of Ichkeria, a state proclaimed in 1991, but not recognised by the international community (RU: ичкерийцы, *ichkeriytsy*).

<sup>245</sup> Interview conducted by HFHR in November 2018.

<sup>246</sup> *Ibid.*

<sup>247</sup> EASO, *Russian Federation: The situation for Chechens in Russia, op.cit.*; Auswärtiges Amt, *Bericht über die asyl- und abschiebungsrelevante Lage in der Russischen Föderation*, 5 Januar 2016, cited in BVwG, *Entscheidungstext W215 1402384-5/12E*, 7 April 2016

authorities, opposition activists and their families, human rights defenders and others who, for various reasons, are not approved of by the Chechen regime.<sup>248</sup> He is also of the opinion that the civilian population as a whole is generally at high risk in the republic: "I am convinced that in Chechnya nobody who does not work for the security apparatus is entirely safe."<sup>249</sup> The republic's leader himself stated that Chechens returning from Europe who have fallen into disfavour with the authorities can be exposed to danger. In a message to his fellow countrymen quoted earlier, Kadyrov warned them about the consequences of "inappropriate activity in social media," including upon return to their homeland:

*"You are harming yourselves. Someday, maybe in ten or five years, when you become a little wiser, or when your parents say that you need to come home, or when you are kicked out of Europe, you will have nowhere to go! And then you will answer to me for every word!"<sup>250</sup>*

The situation of persons returning to Chechnya may differ depending on whether the return was voluntary or forced. Data from 2014 of the Moscow branch of the International Organization for Migration<sup>251</sup> show that there were no notifications of maltreatment by local authorities filed by persons who made an independent decision to return to Russia (mostly Chechens leaving Poland).<sup>252</sup> However, other sources indicate singular cases when

**"You are harming yourselves. Someday, maybe in ten or five years, when you become a little wiser, or when your parents say that you need to come home, or when you are kicked out of Europe, you will have nowhere to go! And then you will answer to me for every word!"**

*Ramzan Karydov's message from 2016 addressed to the Chechen diaspora*

voluntarily returning migrants were arrested a couple of hours after landing in the Moscow airport and a situation when a voluntary returnee was considered an alleged former fighter of the resistance movement.<sup>253</sup>

As confirmed by Inna Sangadzhieva and Svetlana Gannushkina, forced returnees are usually deported to Moscow and not directly to Chechnya.<sup>254</sup> According to the information shared by Gannushkina, all returnees are interrogated by FSB in the capital, sometimes for many hours, and later handed over directly to the republic's officials.

In practice, returning Chechens often do not have any possibility to go to other regions in Russia. The risk of human rights abuses is particularly high when the federal authorities decide to hand over to the Chechen services those persons against whom the local security forces have initiated criminal proceedings (usually without any evidentiary material).<sup>255</sup>

In recent years, the media has reported that in several cases Chechens deported to the Russian Federation have disappeared or have been exposed to grave danger. For example, on 31 August 2018, Azamat Bayduyev was deported from Poland.<sup>256</sup> According to the information shared by Amnesty International, in 2007 the man received international protection in Poland and later migrated to Belgium where he was arrested on suspicions of terrorist activity in 2017.<sup>257</sup> He was not presented

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[Judgement of the Austrian Federal Administrative Court], available at: [www.ris.bka.gv.at/Dokumente/Bwvg/BVWGT\\_20160407\\_W215\\_1402384\\_5\\_00/BVWGT\\_20160407\\_W215\\_1402384\\_5\\_00.html](http://www.ris.bka.gv.at/Dokumente/Bwvg/BVWGT_20160407_W215_1402384_5_00/BVWGT_20160407_W215_1402384_5_00.html)

<sup>248</sup> Interview conducted by HFHR in November 2018.

<sup>249</sup> *Ibid.*

<sup>250</sup> Translation service from Caucasian languages, "Kadyrov promises revenge for every critical comment made in his address," *Youtube, op.cit.*; See also Civil Rights Defenders, *Chechnya – Repression without borders*.

<sup>251</sup> International Organization for Migration implements, among others, a programme of volunteer returns of migrants.

<sup>252</sup> Danish Immigration Service, *Security and human rights in Chechnya and the situation of Chechens in the Russian Federation – residence registration, racism and false accusations*, January 2015, available at: [www.refworld.org/docid/54fee1964.html](http://www.refworld.org/docid/54fee1964.html).

<sup>253</sup> Auswärtiges Amt, *Bericht über die asyl...*, cited in BVwG, *Entscheidungstext W215 1402384-5/12E*.

<sup>254</sup> Interviews conducted by HFHR in November 2018.

<sup>255</sup> *Ibid.*; See also BVwG, *Entscheidungstext W215 1402384-5/12E*.

<sup>256</sup> Amnesty International, *Russia: Chechen refugee forcibly disappeared after being unlawfully deported from Poland*, 3 September 2018, available at: <https://bit.ly/2OHJKBY>.

<sup>257</sup> *Ibid.*

with charges, however, and the Belgian authorities surrendered him to Poland which further deported him to Chechnya. Based on the information from eye-witnesses, around midnight on 1 September, dozens of armed men in uniforms (with insignia of the Ministry of Interior and the Federal Security Services) appeared at the door of the house in the Chechen village of Shalazhi where Bayduyev lived. He was taken to an unknown location without any justification. His family was refused information as to the man's fate and whereabouts.<sup>258</sup> According to media reports, the administrative decision which formed basis for deportation relied on confidential materials which Bayduyev himself could not access. As a consequence, he did not have a possibility to contest the charges.<sup>259</sup> In the opinion of Denis Krivosheyev, heading Amnesty International's Eastern Europe and Central Asia Division, by deporting Bayduyev, Poland "violated international obligations" and the man's arrest is "the best possible illustration of why returning Chechen refugees to Russia is not safe."<sup>260</sup>

Other cases of unexplained disappearances and abuse of Chechens deported from EU countries are also known. The case of Zaurbek Dzhamaldinov can serve as an example. The man was last seen in Moscow in July 2015, after being surrendered from Poland to Russia.<sup>261</sup> Shoip Tutayev, in turn, was deported to Russia by Bulgaria in August 2016. He was tortured and publicly humiliated by being forced to apologise to Kadyrov whose government he was critical of while staying abroad.<sup>262</sup>

Further, in March 2016, Swiss authorities separated three adult children (aged 20, 19 and 18) from their Chechen mother Nebila Borzayeva and deported them to Russia. The children were subsequently detained by the Russian authorities for three days in the Domodedovo airport outside Moscow.<sup>263</sup>

At least two cases are known of people who were subjected to torture after their forced return to Russia from Norway where they had been refused international protection. Umar Belimkhanov from Tsentaroy, Kadyrov's hometown, was in possession of detailed information about the Chechen security apparatus, which he shared with the Norwegian authorities during asylum proceedings.<sup>264</sup> His brother Adam Belimkhanov, one of the most famous fighters of the resistance movement, was killed in 2009, which the Chechen authorities announced as their great success.<sup>265</sup> Norwegian officials decided, however, that despite the risk of persecution in Chechnya, the man has a possibility of settling down in other parts of Russia (the so-called internal flight alternative) and deported him in November 2011.<sup>266</sup> After an interrogation by the Russian security forces at the Moscow airport, Belimkhanov was sent to Chechnya where he was imprisoned and subjected to torture. In January 2013, news spread that the man had died in a car accident in circumstances described as suspicious.<sup>267</sup> In 2011, the Norwegian authorities surrendered another person – Apti Nazhuyev – to Russia. Two years later, the man was found dead in a river and the examination conducted by the doctor from Chechnya confirmed that he had died as a result of torture.<sup>268</sup>

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<sup>258</sup> *Ibid.*

<sup>259</sup> M. Wyrwał, M. Żmudka, "Poland vs. Azamat Baiduyev: how an EU member state deported a Chechen refugee back to face the Kadyrov regime," *Open Democracy*, 21 September 2018, available at: <https://bit.ly/2ARNMmJ>.

<sup>260</sup> RFE/RL, "Chechen Refugee Forcibly Disappeared Hours After 'Unlawful' Deportation From Poland," 3 September 2018, available at: <https://bit.ly/2DrTNJA>.

<sup>261</sup> Caucasian Knot, "Rights defenders report disappearance of Chechen native in Moscow," 22 July 2015, available at: [www.eng.kavkaz-uzel.eu/articles/32424/](http://www.eng.kavkaz-uzel.eu/articles/32424/); Сноб, "Пропавшие: как и куда исчезают россияне" [Snob, "Propavshiy: kak i kuda ischezayut rossiyane"], 20 July 2016, <https://snob.ru/selected/entry/111063>.

<sup>262</sup> Кавказский Узел, "Правозащитники указали на признаки применения пыток к Шоипу Тутаяеву" [Kavkazskiy Uzel, "Pravozashchitniki ukazali na priznaki primeneniya pytok k Shoipu Tutayevu"], 14 August 2016, available at: <https://www.kavkaz-uzel.eu/articles/287528/>.

<sup>263</sup> Caucasus Knot, "Natives of Chechnya deported to Russia not let out of Domodedovo for three days," 1 March 2016, available at: [www.eng.kavkaz-uzel.eu/articles/34776/](http://www.eng.kavkaz-uzel.eu/articles/34776/).

<sup>264</sup> Правозащитный Центр «Мемориал», Комитет «Гражданское Содействие», *Чеченцы в России* [Pravozashchitnyy Tsentri «Memorial», Komitet «Grazhdanskoye Sodeystviye», *Chechentsy v Rossii*], 2014, available at: <https://refugee.ru/publications/chechentsy-v-rossii-2013-2014/>.

<sup>265</sup> *Ibid.*

<sup>266</sup> *Ibid.*

<sup>267</sup> *Ibid.*

<sup>268</sup> Interview with Inna Sangadzhieva conducted by HFHR in November 2018. See also A. Альдебиров, Как поехать в Европу и получить статус «убеженца», *Кавказский Узел* [A. Al'debirov, Kak poeyekhat' v Yevropu i poluchit' status «ubezhentsa», *Kavkazskiy Uzel*], 5 April 2016, available at: [www.kavkaz-uzel.eu/articles/279550.html](http://www.kavkaz-uzel.eu/articles/279550.html).

There have also been reports concerning disappearances of persons surrendered to the republic from Belarus. In September 2017, Luiza Dudurkayeva was arrested in Belarus through which she tried to flee from Chechnya to Norway. Belarusian authorities sent her to Chechnya despite the danger she was exposed to in the republic.<sup>269</sup> Imran Salamov was deported in the same month and disappeared upon his return to Grozny. His wife and lawyer were threatened when they tried to obtain information on the disappeared.<sup>270</sup> Somewhat earlier in June 2017, Belarus surrendered Murad Amriyev, a former MMA champion, to Chechnya.<sup>271</sup> In 2013, the Chechen security services captured and tortured the sportsman and tried to force him to disclose information about his brother who had left the republic. Amriyev turned to the Committee for the Prevention of Torture in Nizhny Novgorod and even though the organisation filed a complaint about the behaviour of the investigators on his behalf, the prosecution refused to initiate proceedings. The Ministry of Interior accused the man of defamation.<sup>272</sup> Amriyev decided to leave Russia for security reasons and settled in Ukraine. In June 2017, he went to Russia again to motion for a new travel document. On his way, he was detained in a Russian town of Bryansk based on an entry in the register of wanted persons in connection with charges of using a falsified document – his passport indicated an incorrect date of birth.<sup>273</sup> However, human rights defenders claimed that his inclusion on the list in February

**“FSB uses Chechnya like America does Guantanamo or CIA black sites. All is possible there, and absolute impunity reigns”**

*Yelena Milashina,  
journalist of the Novaya Gazeta*

2017 was related to earlier charges Amriyev made on the abduction and use of torture by the Chechen law enforcement officials.<sup>274</sup> The man managed to flee from Bryansk to Belarus where he fruitlessly tried to apply for protection with the Belarusian authorities. The latter, however, surrendered him back to Chechnya. The case gained international publicity and thanks to international pressure Amriyev was released from detention in Grozny (on condition that he would not leave Chechnya)<sup>275</sup> and his name was removed from the federal list of wanted persons.<sup>276</sup> The Committee for the Prevention of Torture uninterruptedly offered legal aid to the man.

Experts point to two practices employed by European states which expose Chechens surrendered to Russia to the risk of human rights violations. The first practice by some countries consists in refusing international protection when the authorities recognise that the person is at risk of persecution, but conclude that in a given case it is possible for the applicant to use the internal flight alternative (i.e. a possibility to settle down in other parts of Russia). According to Inna Sangadzhiyeva, in reality, such a solution does not exist for Chechens as “Russia is not a rule of law state, but an authoritarian regime, and Kadyrov remains fully unpunished.”<sup>277</sup> The expert adds that:

*“One needs to understand that Russia was at war with Chechnya. For these reasons, Chechens who*

<sup>269</sup> According to information provided to HFHR by activists from Russia, one of the reasons why Dudurkayeva fled Chechnya was her homosexual orientation and the risk related to revealing it to her family. See also, Meduza, “A woman fled Chechnya and won political asylum in Norway, but police stopped her in Minsk and handed her over to her father,” 6 September 2017, available at: <https://bit.ly/2z4cpeT>; Meduza, “Жительницу Аргуна, которая после угроз пыталась уехать в Норвегию, задержали для допроса в Чечне” [Meduza, “Zhitel'nitsu Arguna, kotoraya posle ugroz pytalas' uyekhat' v Norvegiyu, zaderzhali dlya doprosa v Chechne”], 16 September 2017, available at: <https://bit.ly/2qww5zb>.

<sup>270</sup> US Department of State, *Country Report on Human Rights Practices for 2017 – Russia*.

<sup>271</sup> Y. Gorbunova, “Protect Murad Amriyev – Martial Arts Athlete in Grave Danger of Torture in Chechnya,” *Human Rights Watch*, 9 June 2017, available at: [www.hrw.org/news/2017/06/09/protect-murad-amriyev](http://www.hrw.org/news/2017/06/09/protect-murad-amriyev); Amnesty International, *Urgent Action Victory! Torture Survivor Released in Chechnya (Belarus: UA 132.17)*, 6 December 2017, available at: [www.amnestyusa.org/urgent-actions/urgent-action-update-torture-survivor-released-in-chechnya-belarus-132-17/](http://www.amnestyusa.org/urgent-actions/urgent-action-update-torture-survivor-released-in-chechnya-belarus-132-17/).

<sup>272</sup> BBC News Русская служба, “Чемпиона мира по MMA Амриева сняли с федерального розыска” [BBC News Russkaya sluzhba, “Chempiona mira po MMA Amriyeva snyali s federal'nogo rozyska”], 14 July 2017, available at: <https://www.bbc.com/russian/news-40600396>.

<sup>273</sup> *Ibid.*

<sup>274</sup> *Ibid.*

<sup>275</sup> Amnesty International, *Urgent Action Victory!...*

<sup>276</sup> BBC News Русская служба, “Чемпиона мира по MMA Амриева...”

<sup>277</sup> Interview conducted by HFHR in November 2018.

*try to settle down in other parts of Russia are not treated well. Many of them live in hiding and constant fear, and at the same time have no guarantees from the state that their rights will be respected. Besides, information on the registration of residence in other parts of Russia (which is obligatory) is passed on to the Chechen authorities as part of internal information systems.*<sup>278</sup>

Yelena Milashina notes, in turn, that Chechens are often handed over by FSB to the republic's services also because these formations are treated in Russia as a division for doing "dirty work" (e.g. eliciting testimony through torture).

*"FSB uses Chechnya like America does Guantanamo or CIA black sites. All is possible there, and absolute impunity reigns."*

In her view, strong relations between federal and Chechen services constitutes one of the causes for the lack of reaction from central bodies to reports of serious human rights violations in Chechnya perpetrated by officials of the security apparatus.

Milashina also points to the fact that services and courts of European states automatically accept statements by Russian authorities on particular wanted persons. According to the journalist, the European justice system blindly believes the Russian services, so decisions on a deportation or extradition are not subject to objective judicial review which would allow to verify the basis on which the persons were included in various registers. According to the experts, the courts should supervise the actions of services and demand that they document their decisions:

*"Bypassing [by security services in European states] the necessity to obtain their own evidence that a persons considered dangerous in Russia in reality constitutes any danger, no requirement to defend these claims before an independent tribunal and automatic surrender of people to Russia, where without a shadow of a doubt their rights will be violated, all look like using the Russian services to solve difficult problems lying before the security services in Europe. This way they themselves become perpetrators of human rights violations."*

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<sup>278</sup> *Ibid.*

# Conclusions

When summarising the human rights violations in the Chechen Republic, presented above, three aspects should be taken into account. They should also each time be considered by institutions responsible for deciding on applications for international protection filed by Chechens.

Firstly, due to the widespread atmosphere of terror – including threats against Chechens living outside the country – and the risks faced by people who communicate with journalists, non-governmental organisations and human rights defenders, the information that reaches the public reflects only a fraction of the actual crimes committed by the security services on the republic's people. Even families of victims often hide the murders and disappearances of relatives from their communities. In these circumstances, the work of journalists and persons documenting human rights violations is extremely dangerous for them and their associates, and falls short of collecting all the evidence and assessing the scale of violations which are committed in the republic. It is probably greater than suggested by the available materials.

Secondly, it should be borne in mind that the list of groups particularly exposed to human rights violations presented in this report is not exhaustive,

since – as indicated in numerous publications – in modern day Chechnya anyone who resists the official ideology, criticises the authorities or makes attempts to assess the situation in the republic can fall victim to persecution. In recent years, repressive actions of the regime in Grozny have been intensifying and have encompassed all voices which, for various reasons, are not in line with the narration on the Chechen identity promoted by the government or with the officially imposed norms of behaviour. Moreover, in view of a specific understanding of the family which includes also distant relatives, application of the collective liability principle in Chechnya, sanctioned by the regime, may potentially lead to a situation when a substantial part of the society is considered jointly liable for actions which it does not support, knows little about or does not take part in.

Thirdly, a lack of reaction from the Russian authorities to exhaustively and reliably documented cases of mass persecutions<sup>279</sup> proves that people in Chechnya (in these or other cases) have little chance of receiving adequate, real protection of their rights within the Russian Federation. For a growing number of Chechens, not just leaving the republic but the country itself, and applying for international protection at a different state, constitutes the only real means of escape.

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<sup>279</sup> A response provided by the Russian representative to the OSCE's request for consent to organise a monitoring mission to Chechnya can serve as a clear example. The goal of the mission was to examine reports on a campaign of persecution against homosexual people. The Russian counterparts refused and stated that the charges raised were biased and groundless. See also, Response by the Russian Mission at OSCE to request by rapporteur for support of 16 November 2017, cited in Organization for Security and Cooperation in Europe, *OSCE Rapporteur's Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic*.

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