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CIVIL POPULATION OF CHECHEN REPUBLIC IN “COUNTER- TERRORIST OPERATION”

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Abstract

Regardless of the official names of euphemisms - “restoring constitutional order”, “counter-terrorist operation”, military actions in the Chechen Republic, should be qualified under the international law as an armed conflict of non-international nature. In 1994-1996 and from 1999 to 2003, large-scale military campaigns that lasted for many months were launched in the Chechen Republic with almost all forces and means, except nuclear ones. These forces and means were used massively and indiscriminately, and their result was the death of many thousands people and missing of more than five thousand civil population. If the losses of the Russian servicemen and militants in both wars were meticulously counted in 1994-1996, according to official data (which cause great doubts) 4103 soldiers were killed, 19794 injured, 1906 missing, and militants' losses were estimated from 2740 to 10-15 thousand killed from August 1999 to December 2003, 13720 militants were killed and more than 4 thousand Russian soldiers, then for casualties among the civilian population are given approximate estimates: from 10-20 thousand to 120 thousand people in the war of 1994-1996, and from several thousand to 200 thousand people in 1999-2002. The same picture of the missing people, who in the absolute majority were detained or taken away by the representatives of the state security force. Their search, despite the rhetoric of state representatives, is practically not conducted. The lack of accurate information on these issues is a source of speculation for various political circles.

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1. Introduction

One of the most acute problems of the Chechen Republic was to ensure the safety of its citizens. The years 1999–2003, when the military machine acted practically without regard to Russian and international law, were evidenced by indiscriminate shelling and bombing of settlements, mass detentions of the republic's inhabitants, torture, extrajudicial executions, for example, Chernokozovo, Aldy, Katayama, the cases of Budanov, Ulman, Khudyakov-Arakcheev, etc.

In this series, the most problematic was the disappearance of people after their detention by various security forces. From the first days of the military operation in Chechnya after the detention of people by military personnel, employees of the Ministry of Internal Affairs or the Federal Security Service of the Russian Federation, relatives of the detainees usually could not find out the reason for the detention, the place where the detainee was being held, or whether he was charged, etc.

Different data was mentioned on this issue: 12000 missing people, about 3000 people in incomplete lists of the Memorial Human Rights Center. By December 1, 2001, 793 unsolved cases of missing people were registered with the Office of the Special Representative for Human Rights (Casula, 2015).

2. Problem Statement

The military forces and means in the course of the hostilities in the Chechen Republic were used massively and non-selectively, as a result of which thousands of civilians were killed and wounded. The losses of the Russian servicemen and militants in both wars were meticulously counted, but only approximate estimates were given for civilian casualties.

3. Research Questions

Civil population in armed conflict, in particular, in the Chechen Republic, and losses suffered by it.

4. Purpose of the Study

To establish the most accurate possible number of missing people from among the civil population of the Chechen Republic during the hostilities of 1999-2002.

5. Research Methods

Statistical methods, comparison of figures from different sources, field material of the authors including observers were used as research methods.

6. Findings

According to the problem of civil casualties, various figures are mentioned. In the report of the Prosecutor General of the Russian Federation in 2001, 940 appeals were reported about the search for people who went missing in 2000 and 246 appeals in 2001, and at a meeting of the government of the Chechen Republic on December 20, 2002 they spoke of “more than one thousand people who disappeared

missing”, 170 of which have been abducted in the past two months (terra incognita, 2002). In November 2002, a joint investigative-operational group was created, but no results were achieved. By 2003, arbitrary detentions, torture and enforced disappearances had already become a steady practice. According to unpublished official data, only in January-February 2003 in Chechnya there were taken away in an unknown direction and 126 people were considered to be “missing”. In mid-August, the Ministry of Internal Affairs of the Chechen Republic published the data according to which almost 400 people have been missing since the beginning of the year. In 2003, representatives of local authorities also acknowledged the presence in the republic of 49 mass graves with the remains of almost three thousand civilians. In 2003, 574 people were abducted, 19 people were found dead and 45 people were returned by the abductors. In 2004, Memorial recorded 411 cases of kidnapping, of which later 189 people were either released by the kidnappers or ransomed by relatives, 198 people disappeared without a trace, 24 bodies were found later with signs of torture and signs of violent death. According to the republic prosecutor’s office, on January 1, 2005, from the start of the counter-terrorist operation, 1793 criminal cases were initiated into the abduction of 2503 people. At a meeting with the President of the Chechen Republic, the prosecutor V. Kuznetsov reported that in just two months of the current year we received 28 complaints about 32 abductees (as cited in Rigi, 2007). At the beginning of February 2007, the Chechen prosecutor's office announced that for the whole of 2006, it had recorded 28 facts of abduction against 108 in 2005 and 153 in 2004. On February 9, the prosecutor of the Chechen Republic reported that in 2005 there were 168 abducted people, and in 2006 - 77 people, 61 criminal cases were opened. According to the republic’s Prosecutor’s Office of January 1, 2005, from the beginning of the counter-terrorist operation, 1793 criminal cases were initiated on the facts of the abduction of 2503 people (Khasuyev, 2005). In the Ministry of Internal Affairs of the Chechen Republic, summing up the results of 2005, it was emphasized: “The positive effect that joint efforts of law enforcement agencies have on preventing, suppressing and solving crimes of abduction of people is clearly insufficient. According to statistics, the number of reported abductions remained at the 2004 level. At the same time, excluding past crimes, in 2005, 77 abductions were registered, as a result of which 83 people were abducted. Detection of abductions increased by 4.2% but was only 12.8%. 25 kidnappings were revealed, and at the Collegium of the Ministry of Internal Affairs for the Chechen Republic in January 2007, it was noted that “as a result of the implementation of the activities of the Comprehensive Program to Combat Abductions and Search for Missing Persons for 2006-2010, the number of registered abductions in the republic decreased by 63.7%. Detection of abductions increased by 15.2%”. In the republic, there was a clear trend of a decrease in the number of recorded abductions: 163 in 1999, 639 in 2000, 478 in 2001, 677 in 2002, 383 in 2003, 166 in 2004, 114 in 2005 year, 24 in October 2006. Memorial Human Rights Center cited several other figures: 539 in 2002, 497 in 2003, 448 in 2004, 320 in 2005, 172 in 2006, but here there is a decline in numbers. In recent years, the proportion of disappeared or killed people out of the total number of abducted has decreased. In 2001-2002, during the period of mass “sweeps”, there were about 85% of those. As the work of the local Ministry of Internal Affairs intensified, people disappeared from the number of abducted people who disappeared or were killed. During the “counter-terrorist operation”, local residents more than once discovered secret burial places for people who were previously abducted by representatives of state power structures. For example, in February 2001, a burial was discovered in the ruins of the Zdorovye dacha settlement in the immediate vicinity of the main

military base of Khankala, and on February 24 the prosecutor's office opened an investigation. According to official data, 51 bodies were found and removed, according to unofficial information, there were more bodies, but they did not take them out. All the people whose bodies were found in the village of Zdorovyev were victims of extrajudicial executions: the majority had their throats cut and their hands were tied, a control shot was made in the head. 24 bodies were identified by relatives, all of which had previously been detained by representatives of the federal forces at checkpoints, during "sweeps", etc. Among those killed, in particular, were the bodies of N. Lulueva and her two cousins, who, according to relatives, were detained on June 3, 2000 at the bazaar in Grozny by Russian servicemen who arrived on an armored personnel carrier and then "disappeared". The complaint of N. Lulueva's relatives was satisfied by the European Court of Human Rights on November 9, 2006. The ECHR considered two more complaints about the "disappearances" of people detained by representatives of the Russian state. In both of these cases, Russia was found guilty of violating human rights (Bazorkina, Imakaev). In all decisions of the ECHR regarding complaints from residents of the Chechen Republic, the absence of an effective investigation into the applicants' complaints at the national level is indicated. The situation with crime investigation against civil population in the Chechen Republic was selective. The crimes committed by the militants were investigated, and harsh sentences are imposed on the perpetrators. With crimes committed by state agents, the situation is different. Since the end of 1999, more than two thousand criminal cases have been opened on the facts of crimes against civil people, in which there is reason to suspect representatives of the security forces, but only a small part of them have been transferred to the military prosecutor's office "in connection with the non-identification of persons to be brought as defendants". Representatives of the security forces at the highest level recognized the problem of abduction and missing people, but the emphasis was on the fact that members of illegal armed groups were involved in abductions. In 2003, Putin gave a similar assessment of the situation regarding the problem of kidnapping in Chechnya in an interview with American journalists: "The Russian special services do not need to kidnap people. We maintain control of this territory. We have the opportunity to detain anyone; we have the opportunity to interrogate anyone if we need to, and to open a criminal case. Regarding abductions, their meaning in Chechnya: this is part of the culture of certain people in the Caucasus - no matter how sad it sounds, but it is a fact. In the past, 99 people were openly sold on the market. According to our estimates, about 2 thousand people were bought or sold. Chechens themselves admit that in the past there has never been such a thing that Chechens abducted Chechens. Certain groups of people - there are not many of them, but still they exist - they commit crimes by wearing camouflage, and it is very difficult to establish who they are - federal forces, local law enforcement services or just some gangsters (Souleimanov & Aliyev, 2015). However, in the framework of the initiated criminal cases, specific servicemen or representatives of other law enforcement agencies were most often not brought to criminal responsibility, and the cases were suspended "because it was impossible to identify people who committed the crime".

7. Conclusion

Almost always, cases of "disappearances" of detained or arrested people remained unresolved. For the entire time of the "counter-terrorist operation", sentences were imposed on 103 military personnel. Eight of them were found not guilty. For example, a jury trial justified four members of the special forces

of the Main Intelligence Directorate (captain Ulman and others), who confessed that they had shot the detained civil people. In respect of three, the court terminated the criminal case in connection with the decriminalization of the act committed. In relation to twenty servicemen, the courts applied an amnesty - they included, for example, a contract soldier who opened fire with hooligan motives, killed one and injured another woman. Only 27 servicemen, most of whom committed the killing of civilians in non-official time, were sentenced by the courts to various periods of actual imprisonment: from the year of a colony settlement to eighteen years of strict regime. The absolute majority of those sentenced were given symbolic punishments: conditional sentences (including rape, robbery, extortion, torture of illegally detained persons, theft, intentional destruction of property, etc.), monetary fines (for beating, illegal detention of prosecutors, etc.) p.), restriction on the passage of military service. In mid-2005, 34 police officers were convicted of crimes against civil people. Most of the sentences are symbolic. Only 7 policemen were sentenced to real terms of imprisonment. The rest received suspended sentences (including for drunk shooting, which led to the death or injury of citizens, for extortion, accepting a bribe, threat of murder, hooliganism, etc.). The investigation has not been completed on any of the known episodes of massacres of civilians by representatives of the federal forces — in Staropromyslovsky district of Grozny, Alkhan-Yurt, Novyy Aldy. Not a single criminal case has been investigated into the discovery of mass graves.

Over the period 1999-2006, only two representatives of the federal security structures were convicted for kidnapping: Colonel Y. Budanov and police officer from Khanty-Mansiysk Autonomous Okrug Sergey Lapin. The Article 126 of the Criminal Code of the Russian Federation (“abduction of a person”) was in the verdict of Budanov, who in March 2000 abducted and brutally killed a Chechen girl E. Kungayeva. Lapin does not have Article 126, although in fact he was convicted for the abduction in January 2001 of Zelimkhan Murdalov, who was tortured in the Oktyabrskiy VOVD, and then “disappeared”. In no other case of kidnappings do security forces figure. The military operations in Chechnya have led to a sharp decline in the population of the mountain regions, which is actually being squeezed out of there by excesses of both the military and the militants. For example, according to the results of the 2002 All-Russian Population Census in such settlements of Vedeno district as Nizhny Kurchali, Upper Kurchali, Srednye Kurchali, Shirdi-Mokhk, Buni, Orsi, Rikhkha, Tungi-evla, Khoy, Duts-Khutor, Zhani-Vedeno , There are no residents left in the Upper Tsa-Vedeno, residents of Yarysh-Mardy, Grozny district, were driven out of their village; few inhabitants remained in the Shatoy and Itum-Kaly districts (Souleimanov & Siroky, 2016).

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