

IN THE EYE OF THE STORM: CHECHNYA AND THE MOUNTING VIOLENCE IN THE NORTH CAUCASUS



JULY 21, 2010

**Briefing of the
Commission on Security and Cooperation in Europe**

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ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 56 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

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Commission on Security and Cooperation in Europe Washington, DC

The briefing was held at 10 a.m. in room 340, Cannon House Office Building, Washington, DC, Ronald McNamara, International Policy Director, Commission on Security and Cooperation in Europe, moderating.

Commissioner present: Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe.

Panelists present: Ronald McNamara, International Policy Director, Commission on Security and Cooperation in Europe; Elena Milashina, Investigative Reporter, Novaya Gazeta; Igor Kalyapin, Chair, Committee Against Torture; and Raisa Turlueva, victim whose son was abducted in Chechnya by security services.

Mr. McNAMARA. Good morning and welcome to this briefing of the Commission on Security and Cooperation in Europe. My name is Ron McNamara and on behalf of our Chairman, Senator Cardin, and our Co-Chairman, Congressman Alcee Hastings, welcome to this briefing, which is part of the Commission's ongoing efforts to draw attention to human rights in the OSCE region in the Russian Federation and particularly in the North Caucasus region.

This morning I actually looked and saw that our first hearing was on May 1st of 1995, exclusively focused on the situation in Chechnya. I would invite you to visit the Commission's Web site, www.csce.gov, where you can review the materials related to this, today's subject, "In the Eye of the Storm: Chechnya and the Mounting Violence in the North Caucasus Region."

I want to, at the outset, express appreciation for Freedom House and their assistance in facilitating the experts that will be sharing today with us regarding their observations with respect to the situation in that part of the Russian Federation. I would point out that yesterday our Co-Chairman, Congressman Hastings, introduced a resolution—copies of the text are available—H.Res. 1539, which, among other things, expresses solidarity with human rights defenders in the Russian Federation.

The introduction timing is, of course, in close proximity to the 1-year anniversary of the murder of human rights defender Natalya Estemirova. And I thought in terms of sort of introducing the subject matter today, what I'll do is read from Congressman Hastings'

brief statement of introduction related to the subjects of human rights defenders in the Russian Federation:

“A year ago this month Natalya Estemirova, the leading human rights defender in Chechnya was abducted near her apartment in the capital city of Grozny by unidentified men, transported to the neighboring republic of Ingushetia and brutally killed. She led a courageous life of denouncing corruption, calling for a fair judicial system, and standing up for human rights. For that she was cut down.

“While her killers may have ended her life, they will never silence the voice she brought to these issues. Ms. Estemirova’s work was well known to the Helsinki Commission and colleagues here as we recall her visit in 2006 to the commission to discuss the situation in Chechnya. Like Estemirova, all too many of her fellow human rights defenders and journalists are targeted because they have the temerity to speak out about human rights abuses in the Russian Federation.” End quote.

Yesterday, as I mentioned, Congressman Hastings introduced a resolution, a measure expressing solidarity with human rights defenders in the Russian Federation; urging the Russian authorities to take appropriate steps to end the harassment, persecution and attacks against activists; and calling for an end to the impunity for those responsible for such acts, including through the conducting of timely, transparent and thorough criminal investigations into the unresolved murders of human rights defenders, journalists and political opposition members and the prosecution of all of those responsible for these crimes. And I would emphasize all those responsible.

The Helsinki Commission has been at the forefront of drawing attention to the human rights situation in Chechnya and elsewhere in the North Caucasus region of Russia, having held numerous hearings and briefings on related concerns. Notwithstanding the assertions by the powers that be in Moscow that the situation in Chechnya has returned to normal, the reality on the ground reveals otherwise.

The recently released 2009 Country Reports on Human Rights Practices, issued by the State Department, found that the Russian Government’s already poor human rights record in the North Caucasus worsened during the reporting period, with a marked increase in extrajudicial killings by both government and rebel forces and politically motivated disappearances in Chechnya as well as in neighboring Ingushetia and Dagestan. The Helsinki Commission remains deeply concerned over ongoing human rights abuses, legal impunity and the permeating climate of fear in the North Caucasus.

While one cannot discount that terrorist elements are responsible for some of the rights violations in the region, many of the reported abuses are perpetrated by federal and local security forces in Chechnya, including the private militia of Chechen strongman Ramzan Kadyrov, the republic’s Kremlin-backed President.

While it remains unclear what, if any role Kadyrov had in Estemirova’s killing, his contempt for her and others involved in human rights defense is palpable. Earlier this month Kadyrov publicly labeled independent journalists and rights activists as, quote, “traitors and enemies of the state,” end quote. Among those targeted by the Chechen leader is the respected Russian human rights organization Memorial.

Our concern over the deterioration in situation of human rights in the North Caucasus generally, and Chechnya specifically, is held by others as well. I would point out that the Council of Europe’s Parliamentary Assembly adopted a resolution late last month on the North Caucasus.

The measure pointed to a series of specific concerns in Chechnya against the backdrop of what it characterized as, quote, “a climate of pervading fear,” end quote, nurtured by the current authorities: Recurrent disappearances of government opponents and human rights defenders still remain widely unpunished; continuing threats and reprisals, including abductions of relatives of persons suspected of belonging to illegal armed factions; and ongoing intimidation of media and civil society, among other concerns.

Ramzan Kadyrov’s utter contempt for human rights and fundamental freedoms was again manifested recently in his reaction to paintball gun attacks against women on the streets of Grozny apparently because they were not wearing head scarves. Instead of condemning these assaults, the Chechen president reportedly praised the perpetrators. While Kadyrov has largely had free reins in Chechnya, that does not absolve his backers in Moscow from responsibility for the deteriorating human rights situation in that part of the Russian Federation.

As a participating State of the Organization for Security and Cooperation in Europe, it is incumbent upon the Russian authorities to ensure that fundamental freedoms are respected throughout the country, including in the North Caucasus. Turning a blind eye to human rights violations is unacceptable.

Congressman Hastings urged President Medvedev and Prime Minister Putin to take effective measures to stop the harassment, persecution, and attacks against human rights activists and journalists in the Russian Federation and to end the impunity for those responsible for the murder of Ms. Estemirova and others. Only then will there be hope of the situation in Chechnya will return to anything approaching normal.

Before turning to our expert panelists this morning, I would note a couple of recent items: One, for example, an open letter that was sent by the human rights chamber, led by Ms. Pamfilova and that was cosigned by about a dozen other human rights activists and veterans including Lyudmila Alexeyeva, concerned exactly with this question of Kadyrov’s threats directed to or against human rights defenders.

Finally, an item that I was reading just before coming over here is by Sergei Kovalev, the veteran human rights activist himself, where he concluded that Moscow is seeking to extend to the entire North Caucasus the political model which has taken shape in Chechnya where the bandits serve as a prop for the federal powers that be.

Again, welcome to this briefing and we look forward to the comments of our experts this morning. And we’ll start with Elena Milashina, investigative reporter for Novaya Gazeta.

Ms. MILASHINA. Hi. A year ago a leading Chechen human rights activist and defender, Natasha Estemirova was killed. It happened one day after I left Chechnya, coming back from my business trip there. From 9th until 14th of July last year, I worked together with Natasha and lived at her house. Natasha was my friend for many years and was my guide in Chechnya and her house was my place to live in Chechnya. And so many people can say about Natasha.

Early in the morning 14th of July, we said goodbye to each other. She was going to her work to the office of the Chechen organization Memorial where she worked. And I was leaving for the airport and coming back to Moscow. On 15th of July at 7:30 in the morning she left her house, but she couldn’t reach the bus station to go to her work because she was kidnapped.

Several people in camouflage form with ski masks put her in the car and took her away. And it happened in the center of Grozny, the capital of Chechnya. And several eyewitnesses saw that, but none of them was complaining or called the police. And this is a sign that people knew who did it. Around 14, 40, 16 p.m., Natasha was found in neighboring republic Ingushetia, shot. The experts found five bullets in her body. Three were in the chest and two in the head. This was not the usual contract killer. I think it was the public execution of the enemy of state.

Recently on 3rd of July, Chechen President of Chechnya appointed by Kremlin, Ramzan Kadyrov, gave an interview to a public TV channel in Chechnya and called human rights defenders working in Chechnya enemies of the people, enemies of law and enemies of state. These statements were made while there was complete official silence about the investigation of Natasha Estemirova's murder. Neither investigators, official investigators nor the government representatives or public Russian politics mentioned this investigation or Natasha Estemirova's death. They didn't actually remember this a year later.

And thanks to German journalists only, we got to know that the president of Russia, Dmitry Medvedev, still remember about Natasha Estemirova. It happened during the second Russian-German consultation and for the second time German journalists did what Russian journalists can't do anymore. They asked a direct question to Dmitry Medvedev and Angela Merkel, the chancellor of Germany, what and how the investigation of Natasha Estemirova's murder goes.

As a year ago, Dmitry Medvedev, the President of Russia, had to say something about this to German people, to German journalists, not to Russian people. He was not feeling and wanting to talk a lot about it. He said that the investigation went in full swing, the killer was actually identified and he was on an international wanted list. And Mr. Medvedev said, you should—he was actually talking to German people, to German journalists—you should understand that that kind of crimes are really hard to investigate and the investigation can be really slow.

Well, as an eyewitness of the last week of Natasha's life, I had to deal with the investigation really close because me and Natasha's colleague and friends took this crime, took this order as a personal question. And we were trying to do our best to clear this crime and to bring those who guilty to the answer.

And maybe because we took it as a personal thing, we got to know more that President Medvedev knows. So I can say that the murder of Natasha Estemirova was not really a tough crime because from the beginning, the investigators got really important thing: They got DNA samples of killers. And from this information, we get to know that at least three people—well, actually, the exact killers who—contract killers who did the murder, there were three of them. And they found that from the expertise of Natasha's body.

You know, when you got the DNA samples of killers and it is really rare when the contract murder happens because contract murder actually doesn't happen without direct physical contact of murderer and his victim because the murderer just shoot the victim and go away. But Natasha was kidnapped. And Natasha was fighting for her freedom. And that's why it was possible to discover DNA samples of those who committed it.

And from the first—from the beginning of the investigation, there was—the investigation had a really tight circle of concrete policemen, Chechen policemen who were under

suspicion that they have relationship to this concrete murder. And I can name those people. This policemen of local police department of Kurchaloyevski district—it's close to Grozny in Chechnya and their names are Sultan Bilayev, Musa Salmanev, and the commander of this local police department and one of the closest friends of Ramzan Kadyrov, Hamzad Edelgeryev.

In the last week of her life, Natasha was investigating several situations of kidnaping and public executions, which were made—and we have some evidence and provements [sic] that and not only we but investigators do—were made by policemen of this local police department. And I want to tell you about one situation that got world famous because Natasha's death. I want you to look after the dates because it is important.

Seventh of July last year, the policemen of this local police department of Kurchaloyevski district kidnapped two people: Rizvan Albekov and his 17-years-old son, Aziz. Rizvan—at the evening of this day, Rizvan was killed, publicly killed in the village, Chechen village Akhinchu-Borzoi and there were several people who live in this village, they were eyewitnesses of this killing because it was public.

After Natasha's death, his son, Aziz, was actually—he was kept for 3 weeks in an unknown place. He was released. And investigators who are trying to have an investigation of Natasha's murder, they didn't find him. And they told me, why should we look for him? Why should we search for him? He wouldn't tell us anything because he is afraid.

On 9th of July, it happened—the kidnaping and killing of Rizvan Albekov happened on 7th of July. The 9th of July, Natasha gave an interview where she said that in Chechnya, they have a new wave of violence. Yes, and she named concrete Chechen policemen who were responsible for the summary execution of Rizvan Albekov.

On 10th of July, Ramzan Kadyrov gave the order to the Chechen ombudsman to put pressure on the human-rights defender organization Memorial, where Natasha worked. The Chechen ombudsman, Nukhazhiev, he asked the human-rights defenders to come to his place. And in front of TV journalists, he accused them that they blackened the authorities of Chechnya and told them, listen carefully. If Anna Politkovskaya had been more careful, she would be alive till now. On the 15th of July, Natasha Estemirova was killed.

Five months, the official investigation team had only one lead of her murderer, Natasha's murderer. We call this lead, "Kurchaloyevski lead," by the name of the local police department where those people who, I think, responsible for her murder work till now.

And the investigators, from the beginning of investigation, had the DNA samples of real killers. And the investigation team had information of eyewitnesses who were actually at the same time when Natasha was kidnapped. And the investigation team had concrete people under suspicion, who might be responsible for Natasha's death.

To prove their guilt, or to clear them from these suspicions, the investigators had to do—by law, had to do one simple thing. They had to take samples of their blood—the people whom they suspect—and to compare it with DNA samples they got from Natasha's body, the DNA samples of real killers. They didn't do that. The investigators didn't even find the eyewitnesses of Natasha's kidnaping. But their testimony was really important and could be the—could be a real improvement in the process of identification of Natasha's killers.

I think the investigation was really passive. Maybe, I think, I guess because all those things led to the person who made contract on this killing. And I think the main problems of this investigation were that from the very beginning, on the second day after Natasha's death, the President of Russia, Medvedev, made a really clear statement that the President of Chechnya, Ramzan Kadyrov, has nothing to do to this crime. And Natasha was killed by those who were trying to blacken the image of Ramzan Kadyrov.

So she was killed by the enemies of Kadyrov. And those statements of President Medvedev actually were put in the base of the second lead of Natasha's killers. And this lead was made not only by investigators, but with a great help, I would say, from the Russian secret service, FSB. Well, this lead says that Natasha was killed by the insurgents. And the motive of the insurgents to kill Natasha was to blacken the image of Ramzan Kadyrov. It's written, I mean, in investigators' papers.

When Dmitry Medvedev told the German journalist that the killer, actually, is known and he is on international wanted list, he was partly lying. Yes, the killer is known. His name is Alkhazur Bashaev. He is from a small, tiny Chechen village, Shalazhiy. And he is from the so-named Shalazhenskiy Dzhemat. It's a kind of a—oh, don't know how to explain it. Maybe my translator will help me; dzhemat, it is—okay, thanks. Thank you that you know what is dzhemat, actually.

Well, and this person can't be on an international wanted list because he is dead. He was killed last year, in November. And I am so sorry for Mr. Medvedev that he wasn't told that. It's very convenient and it's very common in Russia to make guilty those who can't actually speak up because they are dead. And this happened—happening, actually because the investigation of Natasha Estemirova's murder is not closed and far from the end; it's happening with Natasha's case.

I think it's a kind of typical Russian tragedy to investigate such kinds of crimes, like contract murders. And the most important thing is to take as much time as possible. So in a year, at next the German-Russian consulting, someone from international journalists will remember about this murder and ask the question to Mr. Medvedev. And I think in a year, Mr. Medvedev will answer, well, the killer of Natasha Estemirova got what he deserved and that will be the end.

Thank you. I want to say one thing in conclusion. It's a typical situation. It happens not only with Natasha, not only with Anna Politkovskaya's murder and those murders are still different because well-known people were killed. It happens every day in Chechnya with tens and maybe hundreds of people who still continue to be kidnapped and killed without any chance that their killers will be brought to the court and to justice.

And it's very important because everybody in Chechnya is scared to death and keeps his mouth shut. It's very important from you and from us to support those who are still there to speak. And I want to represent one person, a mother, whose son was kidnapped and he's still alive—to support her because he is one of you, those who want and dare to speak about those who kidnapped her son. Because she wants to save him.

Mr. MCNAMARA. Thank you. Now we'll here from Raisa Turlueva, whose son was abducted in Chechnya.

Ms. TURLUEVA [through interpreter]. On October the 21st of 2009, there was a special operation conducted on the premises of my house by law enforcement. And as a result of this operation, my house was burned down to the ground, with all the property that

was inside. And my son was kidnapped as he was coming back from college. As my son was detained, he was not charged with any crime by the law enforcement.

I and the uncle of my son were taken to the police station. And we were held there for 5 hours. And I was released after 9 p.m. And in about an hour, I received a phone call on my cell phone. The person on the other end of the line introduced himself as a detective and he asked me to go back to the police station and take my son with me. And actually, my son was in police detention at that time.

That I had learned from the uncle of my son, who was also brought back to the police station, to the office of Sharif Delimkhanov. He is a cousin of Ramzan Kadyrov. He is also head of a special unit responsible for, for a special police unit. Later, the uncle of my son was released. And before the uncle was released, he was asked to renounce his nephew. And he did not do that. And right after he was released, he saw my son being taken into the same office.

And the uncle was told that my son is a dead man for sure because of the blood vendetta. Apparently, during this special operation at the premises of my house, one of the law enforcement officers was shot. So since our family is now responsible, we have to be culpable and pay with blood for blood spilled by the law enforcement officer. And they were told—and he was told that we're not going to wait for the relatives of the law enforcement officer to pick up on that.

They would not need the relatives to decide on whether they're going to commit vendetta against my family because prior to that, they formed a fellowship, a brotherhood of sorts, that regardless of whose relatives involved, they will have to execute those who they think would be responsible for blood of one of their killed brethren. This all happened the night of October the 21st and into October the 22nd, probably around 1 a.m. in the morning.

So the uncle was released and my son remained in detention at the headquarters of this unit. And the day after, both my neighbors and my relatives were advising me against writing complains to law enforcement. They were telling me that it will be of no use. And actually, it might work against us. They might come back to the village and burn everybody else's houses and kill more people.

Our people are intimidated and scared of the atrocities committed by official law enforcement, to the point that they are even afraid to raise their voice. In the wake of that incident, on October—on November the 30th, I got an invitation from the prosecutor's office. And the prosecutor advised us against making an official statement or writing a complaint about the kidnapping of my son. He said it's not going to do you any good.

Nevertheless, I was able to convince the uncle of my son to write a statement and testify about what he saw because he was the last person who saw my son alive. After the documents were signed, Sharif Delimkhanov had another conversation with the uncle of my son in his office. And he was greatly displeased with the fact that this document, the complaint, existed. And he told him, well, you can say all you want that you saw him in my office. I will maintain that I released him.

He had no authority to interrogate either my son or the uncle of my son. It was clearly the exceeding of the authority that the person had. And for some reason, there was no single person who saw my son after that interrogation a free man. And questions still remain where and how he disappeared.

Those who are charged with detective work are afraid to approach and question high-level officials in law enforcement or security forces or security services. The criminal investigation and the criminal case were opened but it has got us nowhere so far. The only information I received is that my son is alive and kept somewhere in a cellar.

What happens is young people are kept in long detention, just long enough for their beards to grow long, for their hair and nails to grow long. Then they escort them out to the woods, put camouflage uniforms on them, give them Kalashnikovs and then kill them, and then report that they were able to eliminate another group of insurgents.

Well, and if you're asking the question why there are so many law enforcement officers die of attacks on law enforcement, you would realize that sometimes our sons, the young people, are pretty much forced to take this path of resisting unlawful law enforcement.

And if you ask the official authorities, they would say, well, you see, the situation in Chechnya is tranquil; look at these beautiful houses, the new development, the clean streets. But we can argue that it's a too-high price to pay for this exterior. We don't have to pay with the lives of our brothers and our sons for this type of exterior.

We're not able to tell the truth and we're not able to describe things as they are. People are scared and intimidated daily. For example, the relatives on my husband's side pretty much withdrew from my cause. And pretty much because I signed written statements and because I came here. But it's understandable because they're afraid for their own children and for their own families because it's not an individual who bear responsibility for his action. His entire family.

My last visit to a detective—or, to an investigator was in December. He took an incomplete testimony from me and he told me that he would call me when he needs more information. And I'm still waiting for that call.

Thank you very much.

Mr. MCNAMARA. Thank you. I'd note Congressman McIntyre, one of our Commissioners, has just arrived. If you have any comments you wanted to make, sir?

Thank you. We'll next hear from Igor Kalyapin, Chairman of the Committee Against Torture.

Mr. KALYAPIN [through interpreter]. Good morning, ladies and gentlemen, dear colleagues. I would like to start my presentation with a few words about my organization and what I do. My organization employs services of professional attorneys who provide services to victims who suffered from abuses of law enforcement agencies and those who were tortured.

In November of last year, and after the murder of Natalya Estemirova, we've come to a realization that we probably need to establish a permanent representation in Chechnya for providing services directly to victims of abuse and torture by law enforcement and those whose relatives were kidnapped, those like Raisa. And unlike the work that is done by Memorial and by colleagues of Natalya Estemirova, we've emphasized our efforts as using regulations and procedural rules stipulated by Russian law in trying to address the same issue.

There's a common misunderstanding, or even a myth, that imperfections or inefficiencies of Russian law or regulatory framework does not allow for effective investigation or persecution of government officials responsible for committing unlawful acts.

As a practicing attorney, I can tell you that this is not true. The issue is not in gaps in Russian law or in its inefficiency. The problem is that the provisions of laws and regulations are systematically—daily—violated and ignored by those who are supposed to follow them and enforce them.

And just for clarification, I want to inform you that the felonies, the most heinous crimes, and crimes committed by law enforcement officers are investigated and prosecuted not by law enforcement; by a special committee within the prosecutor's office. It's called investigative committee.

Investigators in the investigative committee have a wide range of authority; more than sufficient in order to successfully investigate crimes and incidents that we were referring to here. And in the province of Chechnya, representatives of this investigative committee received additional authority under the home rule, so they will have even more resources available to them to investigate these crimes.

And in the case of the kidnapping of the son of Raisa Turlueva is actually investigated by this very elite unit of the investigative committee. And now I will tell you my observation of how it is done in practice.

And I would like also to mention that our associates are involved in the investigation and in this particular criminal case as attorneys on behalf of the victim, or relatives of the victim.

Well, actually, there's no investigation at all. What we witness is a total sabotage. There's an undisputed fact that Raisa's son was accosted and taken into custody by police officers that are assigned to this special unit. And their only responsibility is providing security for oil-producing facilities. And it is an undisputed fact that Said Ibragimov, the son of Ms. Turlueva, was taken into custody by these security personnel and taken into the headquarters of the unit to the commander of the unit.

And the uncle testified that the commander of the unit told him that the son would be killed as a vendetta revenge for a fallen comrade of theirs, who was killed during the counterinsurgency operation because apparently there is some link between the son and the insurgent who was responsible for the death of the officer.

So you see, there are undisputed facts. People are coming and taking into custody a young man without charging him with any crime. There was no indictment; there was no summons to come to the prosecutor or to the detective to give testimony. He was just brought to a police station while a relative, a close relative of that person, was told that the nephew is a dead man. Then the person disappears and the mother goes to the investigator in the investigative committee. The first thing the investigator does is try to convince the claimant to withdraw the complaint. He tells her, please, don't make that statement.

Then on the second visit to the investigative committee when Raisa was actually accompanied by her attorney, she stated that there were police officers from this particular unit that took her son into custody. And she also relayed a conversation that she had with the uncle and the statement that the commander of the unit made referring to the blood vendetta, saying that the son will have to pay for the spilled blood of one of their brethren. The investigator of the investigative committee flatly refused to write these words down in the police report. We had to go to the boss of that investigator in order to make this investigator comply with the regulations and his professional duties.

When we asked the—or requested that the investigator and the uncle of Raisa’s son would visit the crime scene—basically, go into the unit’s headquarters and go into the office where the conversation between the commander of the unit and uncle took place, it was visible that the investigator was simply scared. Off the record, the investigator told the attorney that nobody would grant him access to the office of the commander. And if he tries to obtain the access, he probably would get beaten up.

I have another example from a different case, but very similar circumstances. We requested that the inspector in the investigative committee would find out what particular units were involved in the special counterinsurgency operations at a particular area. Danish Council of Refugees associate Zarema Gaisanova was kidnapped during that incident. So here’s what’s happening. The investigator sends an official request to provide information to the head of the local law enforcement department so he would provide names and ranks of police officers who were involved in that particular counterinsurgency operation.

By law, the person has to respond to the request by investigative committee within five days. But the investigators got no response at all, and they repeatedly sent those requests to the head of the local law enforcement department. And the police simply ignored the request from the investigative committee. The district attorney, the prosecutor, states that, you know, the requests have to be replied to and sends an accompanying letter, with another request, to the local police chief.

Again, no response. And since the departments are vertically integrated within each province, the line investigator writes to his boss and the boss writes a letter to the minister of the interior of the Chechen ethnic province with a complaint, saying that one of the line agencies and the head of the line agencies is not responding to an official request submitted by the investigative committee. Again, no response.

And these are all—all of these are official documents, official papers, official letters that now are a part of the criminal case. And there’s only one remarkable thing about this case. It’s the persistence of the investigator. The absolute majority of investigators get the drift, get the signal when they’re stonewalled. You know, they just send a couple of requests and if no response would come, they would just give up.

And you know, even the investigators themselves grow cynical about the situation to an extent, you know, even, we’re talking about summoning lower-rank police officer. They might say, well, you know, first of all, it’s no use to me because I can call him and I can write to him; he would not come anyway. And most likely, if they receive the summons, they would arrange for a beating for me the same night. And I have this fundamental question that I can’t find an answer to: Who’s to blame for what’s going on in Chechnya?

Either the party at fault would be the Chechnyan [sic] law enforcement, who choose to, daily, ignore and disregard the law and regulations that are written for them, or we have to blame the investigators of the investigative committee, who are not persistent enough and do not use the full range of authority given to them in order to successfully prosecute those who commit crimes. I personally have not found an answer to this question for myself.

Mr. McNAMARA. Excuse me. I think we’re going to have to wrap up this. So if you could sum up. Because I would like to open it up, as we do at our briefings, to any questions that the audience might have. So if you could sort of sum things up—

Mr. KALYAPIN [through interpreter]. And you know, I ask this question to many people and I receive somewhat similar answers. Everybody is telling me that they are writing letters to their bosses. Eventually, these letters go to Moscow, to the higher-ups there. And unfortunately, they get no response from Moscow. They're just waiting for a clear signal. And I can tell you that I talked to the deputy prosecutor-general of Chechnya, who told me the same thing. And I know I have to wrap up and I'll be happy to answer your questions.

Mr. MCNAMARA. Thank you very much. As part of our normal format for our briefings, we will entertain a few questions. I should have also indicated that, at the formal conclusion of the briefing, we will have the showing of a documentary film, "Victims Take the Floor," which is about 30 minutes in length. So we invite any of you who have the time to view that documentary.

I had two very quick questions, and hopefully, short responses. I wondered if you could indicate the volume of cases that the committee is looking into in Chechnya—maybe if you're working, also, in other republics of the North Caucasus region as well, if you could briefly respond to that. And then we've heard a lot of allegations regarding the special role played by Kadyrov's sort of special, personal forces.

And I wonder if any of you want to make any comments on that. And then, once we have the answers to those questions, we have a microphone at the end of the dais here. Please come forward. If you state your name, any affiliation you have, and briefly make the question. Because I'd like to see if we can wrap up in around 10 or 15 minutes. So thank you.

Ms. MILASHINA. I can answer the second question. While all the time we say Chechen policemen, we mean Kadyrovzi, that means Kadyrov's special troops.

[Off-side conversation.]

Ms. MILASHINA. And for the first question, I think [in Russian].

Mr. KALYAPIN [through interpreter]. I can't give you exact figures, but if we're talking about kidnappings and killings, we're probably dealing with about 150 cases like that.

Ms. MILASHINA. And compared to neighboring republics on the Northern Caucasus, the situation is that all crimes connected with abductions or executions of the former insurgents or people who are connected to them and those crimes are, actually, made by official policemen.

This situation is typical for Chechnya, for Ingushetia, for Dagestan, for Kabardino-Balkaria. And what is more typical, that really—I mean, I don't know any cases where the policemen would be charged for tortures, for abductions, for killing. It's typical situation, not for Chechnya, but for almost the whole region on the Northern Caucasus region.

Mr. MCNAMARA. So if there are any questions from the audience.

QUESTIONER. Thank you very much for your very disturbing testimony. I'm Kathy Kosman from the U.S. Commission on International Religious Freedom, and my organization has recommended that the United States consider issuing a visa ban on Kadyrov entering the United States, as well as freezing the bank assets of Kadyrov.

But I'm wondering, in that connection, whether any of you have information about Kadyrov being personally responsible for some of the crimes that you have described—I mean, directly legally—like, you can point to his personal involvement, not to mention the fact that one might argue that being the head of the Kadyrovzi and the head of the Republic of Chechnya—not a province—he also had legal responsibility? Thank you.

Ms. MILASHINA. Okay, I think I can answer this question. Since 2006, I think—it began in September 2006 till now, as I commented with my friends, more than 10 people who were considered to be different people with different life stories, but they had one thing in common.

All of them were, you can consider, as enemies of Kadyrov—personal enemies of Kadyrov. Some of them were political, some of them were victims who actually escaped and tried to get justice abroad. And some of them were critics of Kadyrov, like Anna Politkovskaya and Natasha Estemirova. And all of them were killed.

Well, not all of them were killed in Russia. Some of them were killed abroad. For example, in Dubai, in April 2008, a big Chechen person, actually, who switched sides at the same time as Kadyrov—Ramzan Kadyrov and his father did, he was killed in Dubai and he was a political concurrent of Ramzan Kadyrov. He was killed in Dubai.

And then one, who was actually a bodyguard of Kadyrov, and then he was captured in Santori in the secret prison by order made on Ramzan Kadyrov. He escaped. He managed to escape from Russia and then his family—his father—was taken to this prison and was captured there more than 11 months, I think, and also was released and he moved out of Russia. They were victims of Kadyrov and they made application to European Court. And Umar Israilov, the first man, a former bodyguard of Kadyrov, he was killed in Vienna in 2009.

And those crimes were investigated because they were made abroad. And in Dubai's case, the, actually, personal responsibility and guilt of Ramzan Kadyrov and his closest person, Adam Delimkhanov, were proved. And I think the same thing can happen in Austrian murder. What about the Russian murders? Investigations, like we were talking about today—there was no real investigation. So we can't be sure it's Kadyrov's fault or Kadyrov's guilt, personally. But I think the sign that there's no investigation, it's kind of a provement [sic] that he is and might be guilty, directly.

Mr. KALYAPIN [through interpreter]. I would like to follow up. Again, I think you were referring to having a body of evidence sufficient to implicate Kadyrov in any of the crimes that were committed in Chechnya. Well, talking about Russia, we can unequivocally say that there's no body of evidence that would implicate Kadyrov in a court of law in any of the crimes that we were referring to here, and it's practically impossible to have this body of evidence.

I will just give you one example, of Zarema Gaisanova, who was kidnapped during a counterinsurgency operation. We took up this case and we pressured the investigator to summon Ramzan Kadyrov for a questioning, an interview. He refused to do so. We were able to get a court order to have Ramzan Kadyrov questioned by the investigators.

Even though formally, the investigator agreed to question Kadyrov, he hasn't questioned him yet, even though Kadyrov made a statement saying he is not opposed to coming for questioning. He's not trying to evade the questioning or try to escape. I actually had a meeting with him in February and I asked him point-blank, Ramzan, why don't you have an interview with the investigator in this case? And he told me, well, you know, I'm not opposed to that. I'm willing to testify. It's not my fault that the investigator is a coward.

And when you—when I asked the investigator why he is not questioning Kadyrov, he's saying, well, I don't feel like doing it. So if you have this type of attitudes, you will never have a body of evidence.

Ms. MILASHINA. Can I ask some important things, I think, for you to better understand what we're talking about. Why it's all possible in Chechnya? Why not only in Chechnya, in the Northern Caucasus, why it happens? Why people who actually make these crimes can be brought to justice?

When Putin was actually dealing with Chechen problem, with Chechen war, he gave power—total power, without any borders—to Ramzan Kadyrov, to Akhmad Kadyrov, his father, and then Ramzan Kadyrov, and people from Chechen insurgents switched side and followed, then, by Kremlin and his interest. And he decided this Chechen problem with a very simple principle.

He gave these people opportunity, actually, to kill without any justice, without anything, not follow the law, because it was the main principle to resolve this problem—to put together Chechens against Chechens and, in this way, dissolve this big problem for Kremlin on the Caucasus. And that's by nobody, not even—I mean, not Kadyrov, not even smaller people under him can be brought to justice in this crime, because it would kill this principle on which the Putin stability is actually established—so-called “stability” in Northern Caucasus.

Mr. MCNAMARA. Thank you. Any additional questions? If not, then we will conclude the briefing. I should indicate that a full transcript of today's briefing will be available at the Commission's Web site, www.csce.gov. And that should be available by tomorrow afternoon. Just in looking over Sergei Kovalev's remarks regarding the situation in the North Caucasus and elsewhere, he talks about, sort of, the Machiavellian dynamic. And no matter what, I guess we can conclude, certainly, that we well know who the prince of Chechnya is and certainly are very concerned, regarding the statements that he makes.

So whether, in a legal sense, he is complicit, certainly, he's sending very strong signals to the security forces and others regarding the work of human rights defenders and journalists and others, as well, when you label them as “enemies of the state.” And we know that, all too often, that translates, then, into the types of situations that we have in the case of Politkovskaya or Natasha's case, as well—Estemirova. Again, copies of Congressman Hastings' statement and the resolution that he introduced on the subject is available and I thank you. And again, if your schedule permits, we will be showing the documentary, “Victims Take the Floor.” Thank you very much.

[Whereupon, at 11:30 a.m., the briefing ended.]



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