Massacres of Civilians in Chechnya

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Introduction

In September 1999, Russian armed forces launched a military operation in Chechnya, with the declared aim of combating Islamist terrorism. De facto independent from the Russian Federation since 1991, Chechnya had already experienced one war, between December 1994 and August 1996. After intensive bombardment of the capital Grozny and the south of the country, Russian troops moved into Chechen territory, reaching the outskirts of Grozny in December 1999. Their entrance to the city was accompanied by mass violence against civilians, and in January 2000, the Parliamentary Assembly of the Council of Europe condemned ‘as totally unacceptable, the current conduct of military operations in Chechnya with its tragic consequences for large numbers of the civil population of this republic.’ It considered that ‘As a result of this indiscriminate and disproportionate use of force, innocent non-combatants in Chechnya are suffering most serious violations of such human rights as the right to life, the right to liberty and the right to security.’ (PACE, 27/01/2000).

Following an investigative mission to Chechnya in February 2000, the International Federation for
Human Rights (FIDH) listed these violations as follows: ‘destruction of towns and villages unjustified by military necessity; bombardments of and assaults on undefended towns and villages; summary executions and murders, physical abuse and torture; intentionally causing grave harm to people not directly involved in hostilities; deliberate attacks on the civilian population, on public transport and health workers; arbitrary arrest and detention of civilians; looting of private property.’ The FIDH concluded that these violations ‘constitute war crimes and crimes against humanity due to their massive, systematic and generalised character, according to the definitions of customary international law and the different international bodies.’ (FIDH, February 2000: 49).

The nature of the violence changed from March 2000. With Russian troops now occupying more or less the whole territory, police control operations took the form of arbitrary arrests, torture and disappearances. These were persistent and systematic violations of human rights carried out over an extensive period, facts which led the Parliamentary Assembly of the Council of Europe and the European Parliament to describe them as war crimes and crimes against humanity (PACE, 2/04/2003; European Parliament 3/07/2003).

So the period from December 1999 to February 2000 seems to mark a significant phase in the violence carried out in Chechnya; it corresponds with the arrival of Russian troops in the territory and their first contacts with civilians who had not managed to flee from the fighting. It gives us a clear picture of how the Russian troops were deployed (mixed forces under the control of different ministries made up of conscripts and contract soldiers along with career troops) and also how the Russians authorities employed a political rhetoric which ‘in a double movement portrayed the entire Chechen population as combatants and all combatants as terrorists’ (Le Huérou and Regamey, 2008: 115).

This is the period on which our case study will focus. In particular, we will examine the massacres carried out in the surroundings of Grozny (the village of Alkhan-Yurt) and in the city itself (the districts of Staropromyslovski and Novye Aldi). When Russians troops entered the north of the republic they encountered very little resistance; most of the armed clashes took place in the capital, where the majority of the population lives, and in surrounding villages and the south of the country. The massacres of Alkhan-Yurt, Staropromyslovski and Novye Aldi are the most thoroughly documented ones. What we know about this conflict is limited by the fact that it is a recent one, which was mostly hidden from the eyes of the world. The bulk of our information relies on two sources: firstly, work on the ground during these events carried out by NGOs, either Russian (the Memorial human rights center, the Russian-Chechen Friendship Society) or international (Amnesty International, FIDH, Human Rights Watch), along with press articles and audio-visual material; secondly, the numerous judgements on the conflict handed down by the European Court of Human Rights (ECHR) which today provide an extremely valuable resource for precisely establishing what happened and who was responsible.

Context

The history of relations between Russia and Chechnya as related or constructed by the two sides is in essence one of conflict: colonial conquest, imperial rule, sovietisation, then deportation of the entire Chechen and Ingush population [1] by order of Stalin on 23 February 1944 (Campana, 2007; Gammmer, 2005; Dunlop, 1998; Polian and Kozlov, 2011; Vatchagaev and Merlin, 2008). The deportation of 1944, during which hundreds of thousands died and Chechen and Ingush culture was destroyed, has left a deep and indelible trace in collective memory. It was defined as genocide in a resolution of the European Parliament in 2004 (European Parliament, 26/02/2004).

Even after the return of Chechens and Ingush from exile at the start of the 1960s, the political integration of the autonomous republic of Chechnya-Ingushetia into Soviet Russia could not entirely hide tensions and discrimination (Le Huérou, Merlin, Regamey, Serrano, 2005). Taking an active part in the demands for sovereignty which exploded throughout the Soviet Union during perestroika, Chechnya declared independence on 1 November 1991. Predictably, Moscow refused to recognise the independent nation, and three years of power struggles between General Dudaev and the government of Boris Yeltsin followed. In December 1994, Yeltsin launched a military operation presented as ‘re-establishment of constitutional order’. Originally intended as a short war, armed
conflict continued over 18 months (Lieven, 1998; Evangelista, 2003; Furman, 1999).

This war was accompanied by material damage and violence against civilians in Chechnya (village of Samashki, April 1995, March 1996) as well as hostage-taking by Chechen groups in Russian territory (the hospital of the town of Budyonnovsk, June 1995; the village of Kizlyar-Pervomayskoye, January 1996). Russian opinion, which had shown little enthusiasm for this first war, seemed rather hostile to a conflict that was generally seen as a further sign of government weakness (Le Huérou, 2003). The re-election of Boris Yeltsin in July 1996 and the military successes of the guerrillas led to the signing of an armistice (August 1996) and then to peace accords (May 1997) which did not rule out independence in the longer term.

Aslan Maskhadov, winner of elections held under the aegis of the Organisation for Security and Co-operation in Europe (OSCE), became president of a republic that was de facto independent but in ruins. He was unable to establish his authority, and the political and security situation steadily deteriorated: abductions for ransom became common, many of the groups who had emerged from the ranks of combatants turned to crime, and the influence of Islamist currents increased, while in Moscow some were doing all they could to destabilise the country (Dunlop, 1998; Lieven, 1998; Evangelista, 2003).

In August 1999, incursions into Daghestan led by Islamist warlords Basayev and Khattab, together with a series of murderous bombings in several Russian cities – immediately blamed on the Chechens without any evidence – provoked a new military intervention. From September 1999, the campaign was marked by indiscriminate bombardments of the civilian population causing huge numbers to flee to neighbouring Ingushetia: bombardments of the main market in Grozny on 21 October 1999, and of a column of refugees on 29 October 1999 (FIDH, February 2000; Amnesty International, 01/10/1999; Human Rights Watch, 31/10/1999, 3/11/1999 and 2/12/1999). While such operations could be categorised as ‘non-international armed conflicts’, the Russian authorities only ever described them as ‘counter-terrorism operations’ (Misova, 2001, Dmitrievski, Gvareli and Chelysheva, 2009). This relaunch of the war came at a time when Russian power was precarious, and it resolved the difficult question of who would succeed Boris Yeltsin by enabling the appointment of Vladimir Putin as prime minister in August 1999, then as acting president on 1 January 2000, before he was confirmed as president in the first round of presidential elections in March 2000. The propaganda of war that was then deployed involved a more or less total ban on foreign observers in Chechnya and an offensive speech in which Vladimir Putin swore to ‘whack the terrorists, even in the shithouse’ (press conference in Astana, 24 September 1999). While the campaign for the legislative elections in December 1999 was running in parallel to the military campaign in Chechnya, political leaders used every occasion to show their support for the troops on the ground. On 31 December 1999, Vladimir Putin celebrated New Year by going to Chechnya where he presented hunting knives to the Russian soldiers in front of TV cameras (BBC News, 1/01/2000; Thibaudat, 2000). The military operations, presented as Russia’s response to international terrorism, were accompanied by stigmatisation and persecution of the Chechen population throughout Russian territory (Cherepova, 1999; Burtin, Vakhnina, Gannushkina, Gefter, Osipov and Cherepova, 2001).

Although Russian forces had managed to negotiate successfully with some local authorities in the north of the republic (the districts of Nadterechny, Tchelkovski and Naurski) and in the second city, Gudermes, they had great difficulty advancing further into Chechen territory. Grozny itself held a strategic position which commanded access to the mountainous south of the country (notably the districts of Chatoi and Vedeno). In spite of their overwhelming superiority of numbers – between 90,000 and 120,000 men (Facon, 2001) – the Russian troops faced strong resistance from Chechen fighters mostly controlled by President Maskhadov.

Drawing the lesson of the war in 1994–1995, during which ill-prepared Russian forces had suffered severe losses at the hands of Chechen fighters, who were less well-equipped but knew the terrain far better, military commanders subjected Grozny to an intense bombardment before sending in troops (Hodgson, 2003). On 6 December, the army ordered the inhabitants to leave the city or face annihilation. This ultimatum would be withdrawn following condemnations from the international community, notably the OSCE (10/12/1999 and 29/12/1999). On 16 December 1999, the number two at the high command, General Valeri Manilov, announced that the Russian army would need to use ‘unorthodox methods [. . .] to liberate the city, without a frontal assault or heavy
bombing’ (Nougayrède, 1999). Fighting began in the middle of December 1999 in the north-west of Grozny, which was not abandoned by Chechen fighters until 1 February 2000.

**Planners and perpetrators**

The Russian forces fighting in Chechnya were organised into temporary operational groups that included troops from the army along with others from the Ministry of the Interior: Vnutennye voiska (interior troops), and special detachments like the OMON (Otriad Militsi Osobogo Naznachenia, special police units) or the SOBR (Spetsialnyi Otriad Bystrogo Reagirovania, special rapid reaction force). These troops were made up of career soldiers and police but also of conscripts called up for military service or volunteers hired on a contract basis (*kontraktniki*) by the Ministry of Defence or Ministry of the Interior. All these forces were placed under the command of the head of the OGV (Obedinennaia Grupirovka voisk, Joint Force Groupings, General Victor Kazantsev until April 2000 (FIDH, October 2000; Facon, 2001). When they entered Chechnya, they faced civilians who, as shown by the ultimatum of 6 December 1999, were not considered by the military high command as people in need of protection but as potential combatants. On 11 January 2000, General Kazantsev declared that ‘only children up to the age of ten, men over 65 and women will be considered as refugees’ (Lenta.ru, 11/01/2000; Nougayrède, 2000). The measures taken by the authorities, like prohibiting males between ten and 60 from entering or leaving the territory (HRW, 11/01/2000) came on top of declarations targeting women as possible enemy snipers (Regamey, 2011).

On 14 February 2000, General Kazantsev justified the blockade of the city that had lasted several days, declaring on television: ‘pretending to be civilians, the bandits are returning to take away their wounded who remain inside [. . .] that is why I have given the categorical order to blockade access to the city and the city itself for three days and to cleanse it completely of bandits before the 17th’ (*Pervyi Kanal*, 14/02/2000). The use of the term ‘cleansing’ went on to become standard in the vocabulary of Russians forces to describe military or police operations aimed at ‘filtering’ the population so as to find out every potential combatant and most frequently ending with arbitrary arrests, disappearances and executions (COE, 30/05/2002).

It was in this context that three massacres were carried out, in Alkhan-Yurt in December 1999, in the Staropromyslovsky district of Grozny in January 2000, and in the suburb of Novye Aldi (south-west of Grozny) in February 2000. The same acts and same sequence of violence can be seen in each of them: summary executions of people stopped in the street, or taken from their homes, or forced out of cellars where they had been hiding; disappearances of men arrested or taken to serve as human shields; rapes, murders and disappearances of women. These acts of violence took place against a backdrop of widespread looting; houses were plundered and objects of value, carpets, furniture, televisions and livestock carried off; the soldiers extorted money and stole jewellery and gold teeth; several houses were burned down and neighbours often found charred bodies in the ruins (FIDH, February 2000; Human Rights Watch ((HRW)), February, April and June 2000; Baisaev, Orlov, Cherkasov and Estemirova, 2000; Dmitrievski et. al, 2009). Alkhan-Yurt, south-west of Grozny, was occupied on 1 December 1999 after several days of fighting. Major-General Shamanov, commander of the Western Group of Federal Forces (OG), himself led the assault by troops of the 58th army (Dmitrievski et al., 2009). After driving out some of the inhabitants, his troops spent more than a fortnight looting the village, storing the booty in houses occupied by Russian officers. The bodies of two men who had been tortured were found in the first days of December. The first murders, of a woman more than 100 years old and her son, took place on 2 December 1999, and the nineteenth, of a man found decapitated, on 18 December. Throughout this whole period, no measures at all were taken to end the violence and looting, even after villagers had met with General Shamanov on 11 December (Dmitrievski et al., 2009; HRW, April 2000).

Like Alkhan-Yurt, the Staropromyslovsky district (in the north-west of Grozny) was occupied by Russian troops in December 1999 after battles in which they had sustained heavy losses. The fighting had involved, among others, the 205th brigade of motorised fusiliers of the 58th army, which would later be identified in the *Makhauri vs Russia* case as one of the brigades which had carried out operations in the district (ECHR, 2007b). Soldiers of the 205th brigade told witnesses that they had wanted to avenge the deaths of their comrades (HRW, February 2000). The ‘cleansing’ of the district that Chechen fighters had abandoned began on 19 January 2000, a few days after the
statement by the commander-in-chief of Russian troops in Chechnya, Viktor Kazantsev, in which he said Russian soldiers had ‘sinned by being too kind-hearted’ during the preceding ‘cleansings’ (Lenta.ru, 11/01/2000; Nougayrède, 13/01/2000).

The massacres were carried out on 19 and 20 January, shortly after the first groups of soldiers had warned villagers of the danger they faced. Fifty-seven people were executed with automatic weapons in interior courtyards or garages, during identity checks, in the street or when they emerged from cellars. In the evening of 20 January, soldiers forced ten people from the same family to line up on a flight of steps and then killed them with a machine-gun; a 14-year-old girl they carried off was later declared missing. At least two women were raped. Three headless corpses were found (HRW, February 2000; Dmitrievski et al., 2009).

The suburb of Novye Aldi had never been used as a base by Chechen fighters. On 3 February, the oldest inhabitants, bearing a white flag, went to explain this to the Russian troops; on 4 February, the bombardments stopped and small detachments came through to check passports and warn the inhabitants: ‘tomorrow, they’re going to set the dogs on you’ (Dmitrievski et al., 2009). The massacre was carried out by the OMON from Saint Petersburg and the Leningrad region (Memorial, 4/02/2010). The involvement of the OMON from Riazan as well as soldiers from the 245th motorised division of fusilier guards of the Ministry of Defence has also been suggested (Memorial, 4/02/2010; Dmitrievski et al., 2009).

The ‘cleansing’ of occupied zones by the Russian army was accompanied by arrests of a large number of men, held in ‘filtration points’ (detention centres either official or ad hoc). The best known at the time was that in Chernokozovo; some of these camps were under the control of the GUIN, the Main Administration for the Execution of Punishments of the Ministry of Justice. During detention male and female prisoners suffered violent abuse, beatings, rape and torture (FIDH, February 2000; Amnesty International, 23/03/2000; Memorial, 2002; Dmitrievski et al., 2009). According to Alexander Cherkasov, the Memorial human rights group which kept a chronicle of arbitrary arrests and of disappearances since autumn 1999 considers that only 1% of people arrested in this period were detained legally (Radio Svoboda, 13/02/2012).

On 1 February 2000, Chechen fighters left Grozny, suffering numerous losses when they crossed a mined corridor, and went through the villages of Alkhan-Kala, Zakan-Yurt, Shaami-Yurt, Katyr-Yurt and Gekhi-Chu, south-west of Grozny, to reach the mountains. These villages were all bombarded. In Katyr-Yurt, a village formerly declared to be a ‘safe zone’, the bombardments killed more than 150 people (Lokshina, Mnatsakanian, Pakhomenko and Cherkasov, 2007); from December 1999, Russian forces used fuel-air bombs, whose usage is banned by the Geneva Convention and condemned by the International Committee of the Red Cross (ICRC). The responsibility of General Shamanov for the bombardments and the lack of a safe corridor for fleeing civilians were clearly established by the European Court of Human Rights (ECHR) in the case of Isayeva vs Russia (2005a). It was also under his command that the village of Gekhi-Chu, which Chechen fighters entered on 6 February, was bombarded and stormed by men from the Western Group. As in Staropromyslovsky, men and even children were used as human shields by Russian soldiers trying to collect the bodies of their comrades. The village was looted and what could not be carried off was destroyed. Sixteen men were arrested and taken away to the military base at Khankala where they were freed after being ill-treated. Twenty-four people died in the bombardments and thirteen were summarily executed (Dmitrievsky et al., 2009).

Victims

In Grozny as in the rest of Chechnya, the whole of the civilian population was targeted - and literally caught in a trap. On 25 September, General Vladimir Shamanov had imposed restrictions on leaving the city, and from the autumn onwards exit corridors were regularly bombed (Lokshina et al., 2007). On 11 January, the Kavkaz 1 checkpoint, which controlled entry to Ingushetia, was closed (Nougayrède, 13/01/2000). From December 1999, the political authorities and the Ministry of Emergency Situations had been putting great pressure on civilian refugees in Ingushetia to return to Chechnya (Jégo, 1999). Those who went back often did so in order to find out the extent of damage after the bombardments, or to protect their homes from looters. There were also many who could not leave Grozny because they could not afford a place on transport or lodging in Ingushetia.
The number of victims during the first nine months of the war, mostly killed in bombardments, has been estimated to be between 6,500 and 10,400 (Cherkasov, 2004).

Around 40,000 civilians were still in Grozny when the army issued the ultimatum stating that from 11 December 1999, ‘all those remaining in Grozny will be considered terrorists and will be wiped out by artillery and aviation’ (Roth, 1999). Although this ultimatum was officially withdrawn, its effects were nevertheless felt on the ground, especially in declarations by soldiers. In Alkhan-Yurt, they confronted one elderly man: ‘you stayed in the village so you are a fighter’ (FIDH, February 2000: 38).

All men were suspects while the Russian authorities sought to ‘find and arrest fighters hiding inside the civilian population’ (COE, 30/05/2002). In Alkhan-Yurt, during a search of the village, the troops separated men and women on the edge of the village (HRW, April 2000). Hands and shoulders were thoroughly checked: ‘I was stopped at the Kalinovskaya checkpoint. They inspected my papers and looked to see if I had any marks from carrying weapons, they examined my shoulders, made me strip to the waist’ (FIDH, February 2000: 33). The Russians took the same approach during the ‘cleansing’ of Novye Aldi: ‘soldiers ordered people to come out of their cellars. They looked at passports, and at the men’s shoulders to see if they had been carrying rifles’ (Baisaev et al., 2000).

Children were also suspect, as one resident of Novye Aldi explained: she was with her 11-year-old son when soldiers ‘grabbed him by the collar and then threw him to the ground [. . .]: “you’re a future boevik [fighter]”, they told him’ (Memorial, 4/02/2010).

Violence went hand in hand with looting; people were executed for trying to protect their property – like the man in Alkhan-Yurt whose neighbours had given him some of their possessions to take care of (HRW, April 2000) – or simply because they were witnesses to looting. ‘On the corner of a street, we saw soldiers loading things they had taken from houses into a car. Since we knew how such encounters end up for the witnesses, we hurried off in the other direction. But the soldiers had spotted us and quickly ran after us’, recounted a woman whom the soldiers shot and left for dead. ‘It was a pain in the ear that brought me back to consciousness; they had torn off one of my ear-rings. The other ear-ring, strange as it may seem, had been removed – how can I put it? – cleanly’ (FIDH, February 2000: 40). If inhabitants were robbed, giving money was not enough to be spared, as one inhabitant of Aldi explains in the video filmed on 9 February beside the corpse of his uncle: ‘They threatened us with their machine-guns, their grenades, they took our gold, our silver, all that we had. They said they would spare our lives. When he had handed over his last kopeck, they shot him. An old man’ (Memorial, 2010).

Human rights organisations have counted 19 victims at Alkhan-Yurt, 46 people dead at Novye Aldi, and ten in adjacent streets (Podolskaya Street, Tchernoretchie district) on 5 February 2000 (Baisaev et al., 2000 ((volume 2)): 69); the identities and exact circumstances of death have been established for 57 people killed in Staropromyslovsky (Dimitrievski et al., 2000 ((volume 2)): 75), while the number of deaths reached 70 according to the Parliamentary Assembly of the Council of Europe (PACE, 13/03/2003).

Fourteen of the 19 civilians killed in Alkhan-Yurt were men under 65, which suggests that men identified as potential combatants were specially targeted. But the victims included men and women of all ages, and even children and the elderly. In Novye Aldi and its surroundings, for example, 13 of the 56 people killed on 5 February 2000 were over 65, and a one-year-old baby was murdered. In Staropromyslovsky, ten of the 15 victims identified were over 65; 28 men and 29 women were killed, including two girls under 15 (Dimitrievski et al., 2009 ((volume 2)): 75). The majority of the victims of the massacres were Chechens, but they also included Russians, Ukrainians and people of other nationalities who had lived in Grozny since the Soviet era. Witnesses rarely specified the origins of victims, but some clearly indicated that Russians were executed (HRW, February 2000). One witness did indeed imply that there must have been a selection process, suggesting that Russians and Ukrainians were spared. But above all it seems that living in Chechnya was enough to make them suspicious in the eyes of the Russian troops. In Novye Aldi, the body of a Ukrainian was found. Those who had witnessed his execution said that when he saw the Russians arrive ‘he went up to them, telling them “hey guys, I’m on your side.” But they made him walk ahead and then shot him in the back’ (Baisaev et al., 2000 ((volume 2)): 415).
Sexual violence

Rapes were carried out when Russian troops entered Chechnya. Human Rights Watch has gathered indirect information attesting to the rape of six women in Novye Aldi, of whom three were killed (HRW, June 2000). In Alkhan-Yurt, HRW gathered indirect reports of nine women who were raped (HRW, April 2000). In Staropromyslovsky, two girls were raped in front of their families before being killed (Dmitrievski et al., 2009). To these cases can be added others where there are clear signs that a rape had been committed, as in Staropromyslovsky where the naked body of a woman was found, or where soldiers had ‘spared’ a girl and taken her away with them (Dmitirievski et al., 2009).

Living in constant fear of rape, women did all they could to avoid it and to protect their daughters by hiding them or making them look ugly (HRW, April 2000; Zherebstova, 2011). But information on rapes not only tends to underestimate the numbers but is often hard to verify, since people are unwilling to talk about it or to name other victims. Sexual violence can often only be surmised between the lines of witness statements, as in the case of a young woman from Novye Aldi who, having described in detail the death of her stepfather and his neighbours, added: ‘I can’t clearly remember any more how I came to be in the tank, or how I got out again’ (Baisaev et al., 2000).

Rapes of women and men were also carried out in ‘filtration points’ and detention centres on Chechen territory – but the majority of witness statements come from the period before the one covered here. Men were subject to torture and sexual assault: humiliation by insults and feminine nicknames, forced nudity, electric shock torture on the genitals, anal rape with truncheon or gun (FIDH, October 2000; Amnesty International, 23/03/2000 and 8/06/2000).

Witnesses

On 17 December 1999, after Alkhan-Yurt had suffered more than two weeks of brutality from Russian troops, Russia’s Deputy Prime Minister, Nikolay Koshman, Putin’s representative in Chechnya, visited the village together with Malik Saidulaev, one of the leaders of the Chechen diaspora who came from the village. Koshman’s visit, during which inhabitants described to him the murders and pillaging, was filmed. When he found out that looted stolen goods were stored in a particular house, soldiers prevented him from going in and threatened to shoot him. When stopped by local people who asked if he thought those responsible should be brought to justice, Koshman replied: ‘Without any doubt. I have never seen anything like it anywhere in Chechnya.’ (Dmitrievski et al., 2009 (volume 2)): 77; Wood, 1999); ‘Everything in the village has been destroyed except this street’, (Dmitrievski et al., 2009 (volume 2)): 77).

This video is all the more important because it was impossible for journalists to freely enter Chechen territory. Since the start of the war, Russian troops had imposed a system of restrictions allowing access only to ‘embedded’ journalists covering the operations from the side of the Russian army. Andrei Babitsky, who was reporting on the conflict by following Chechen troops, was arrested on 16 January 2000 and held for several days in the filtration camp at Tcherkernozovo (RSF, 28/02/2000); he only reappeared after nearly a month and, threatened with prosecution, finally left the country. The French journalist Anne Nivat, one of the few foreign correspondents to travel secretly in Chechenya, was arrested and expelled from the country on 11 February 2000. From Aalkhan-Kala she had witnessed the departure of the fighters of Grozny and reported that the bombardments of Aalkhan-Kala killed about fifty people, while seven people were summarily executed not far from the house where she was (Nivat, 2001: 282).

In June 2000, the French photographer Brice Fleutiaux was freed after being held hostage by an armed Chechen group since the autumn of 1999. His abduction emphasised that another reason for the shortage of witnesses was the danger they faced. There was a sharp rise in hostage-taking between the two wars and journalists were certainly among the victims. But members of the various humanitarian organisations (Médecins sans frontières, Equilibre, UN High Commission for Refugees) were also targeted, and several field workers of the International Committee of the Red Cross were murdered. Almost all these organisations left the republic well before the start of the second war,
thus reducing the number of witnesses.

International human rights groups were not allowed to enter Chechnya, despite formal requests (HRW, February 2000). Like journalists, they had to gather eye-witness reports in Ingushetia from refugees fleeing the violence. Some Chechen or Russian human rights activists did however manage to get into Chechnya after February 2000. The pacifist priest Victor Popkov (who died in June 2001 from wounds he received while bringing humanitarian aid) reached Gekhi-Chu on 18 February. Natalia Estemirova and others went to Novye Aldi in March 2000. In the film made by Memorial not long before she was captured and killed in Chechnya on 15 July 2009, she paid homage to the inhabitants and recalled: ‘we were moving from house to house, and every time an armoured car or Ural military truck appeared at the other end of the street we had to hide and run through the courtyards; people protected us because they wanted the truth to be known’ (Memorial, 2010).

The victims did indeed want to bear witness to what they had endured, accumulating documents and evidence of violence. On 9 February 2000, four days after the massacre, the people of Novye Aldi filmed bodies before they were buried, and some explained on camera what had happened (Memorial, 2010). In Alkhan-Yurt, a man who found the tortured bodies of his two neighbours filmed them while they were being prepared for burial and gave the cassette to Human Rights Watch (HRW, April 2000).

This wish to give evidence nonetheless encountered many obstacles. First of all, it was hard to identify ‘mixed’ troops under the control of different ministries; and everything possible was done to hide the responsibility of the Russian forces. In Alkhan-Yurt, for example, local people managed to note down the registration numbers of vehicles used by soldiers during pillaging, and gave these to the representative of the President, Nikolay Koshman. When the soldiers realised this they started using local vehicles for transport (HRW, April 2000).

While foreign journalists, afraid of being tricked, treated the documents they received with caution, the victims’ desire to tell what happened ran up against a double obstacle: the difficulty of gathering material proof and of making themselves heard. This was made clear by a nurse in Novye Aldi, who talked about two of her neighbours burned alive in their home: ‘then we found the bones, and we put them in a saucepan. And any commission, any expert, can prove that these were human bones. But these deaths are of no interest to anyone’. (Baisaev, et al., 2000)

Memory

Documenting and remembering the events of December 1999 and January/February 2000 depends largely on personal testimonies from survivors, reports collected by NGOs, and photos and film, which have only rarely been kept systematically.

In 2011 the The Diary of Polina Zherebtsova was published in Moscow. Its author, who had been a 14-year-old schoolgirl at the time, described her life in Grozny under bombardment; living in the Staropromyslovski district, she and her mother were chased from their home on 19 January 2000 by soldiers who warned them not to return while they were carrying out a ‘cleaning-up’ operation. Only several days later did she learn of the deaths of a number of her neighbours (Zherebtsova, 2011).

But faced with Russia’s refusal to admit that acts of war had been carried out, and a Chechen government loyal to Moscow, all collective attempts to establish the facts came to almost nothing. In most cases, it has been oral transmission within families that has sustained the memory of traumatic episodes in Chechen history, as with the deportation of 1944 and the violence that accompanied it (Dunlop, 1998).

On the other hand, Russian authorities have frequently shown how much they want to pay homage to their army on the soil of Chechnya. On 23 February 2008, for example, a street in the Staropromyslovski district, the very street where one of the massacres described in this research took place, was renamed 'Street of the 84 paratroopers of Pskov' in memory of the 84 men killed in February 2000 in the Argun river gorges (Abubakarov, 2008; Regamey, 2007). The date of 23 February was itself controversial because it was the date of both the Russian ‘Defenders of the
Fatherland Day’ and of the anniversary of the deportation of 1944.

But the massacre in Aldi was given special treatment, to the extent that a monument to the memory of the victims was erected there; the event was covered by official media in Chechnya and officially commemorated by the human rights ombudsman of Chechnya, Nurdi Nukhadzhiev (interview, Grozny, 10 October 2011). The Chechen president has regularly stressed the need to hold the Russian forces to account for the crimes they committed at the start of the war. Maintaining a critical stance towards the Russian authorities about this event could only strengthen his position as the voice of the people and aid his attempt to make a clear distinction between the period of war involving Russian forces and the current situation in the republic. But even this commemoration quickly found its limits when independent voices began to make themselves heard: the organisers of Memorial and an association of Russian mothers of soldiers were unable to carry out a project with pupils in the schools of Aldi based around accounts of the war, on the grounds that the word ‘war’ must not be used (interview with staff of the newspaper Dosh, June 2011).

The creation in Oslo in 2010 of the Natasha Estemirova Documentation Centre by several Russian and international NGOs who have been investigating the violations of human rights committed in Chechnya marks a first attempt to systematically gather and archive all written and audio-visual material on the two conflicts (Human Rights House, 29/04/2010). An audio-visual archive has also been created in Switzerland, based on the important material gathered by Zainap Gashaeva (SPV, 26/10/2011).

Legal consequences

The difficulty faced by victims and their supporters in obtaining justice for the crimes committed during the Russian-Chechen conflict has remained a constant since the first documented cases of human rights violations. The impunity enjoyed by soldiers and other members of the security forces for crimes against the civilian population has been widely described in numerous reports (FIDH, March 2007; Memorial, May 2003; Parliamentary Assembly for the Council of Europe (PACE), 4/01/2006). Appeals to the Committee of Ministers of the Council of Europe (FIDH, February and October 2000; FIDH, March 2003; PACE, 4/01/2006) and to the UN Commission on Human Rights (Joint Statement, 1/04/2001) have all remained unanswered. The only effective sanction imposed came from the Parliamentary Assembly for the Council of Europe in April 2000 in the form of a temporary suspension of the Russian delegation’s right to vote (PACE, 6/04/2000), a decision taken a few weeks after the massacres described here when very alarming reports were circulating about the situation of the civilian population. Limited in scope and duration, this sanction was also accompanied by a Cooperation Mechanism with the creation of the office of the brand new special representative of Vladimir Putin for human rights in Chechnya, a sign of the goodwill of the Russian authorities (Francis, 2008). But this mechanism never really functioned, and human rights organisations believed it may have contributed to aggravating the situation by reducing the vigilance of the international community (HRW, 6/01/2004). The impunity of those responsible remained the principal charge against the Russian authorities, a charge reiterated by the Parliamentary Assembly of the Council of Europe in a resolution passed unanimously in 2010 and supported by the Russian delegation itself (PACE, 22/06/2010). The fact that the troops responsible came from different forces, either from the Russian Ministry of the Interior or Ministry of Defence made identification more complicated, particularly in the case of Novye Aldi, but also allowed cases to be referred to either military or public prosecutors, crimes committed by police falling under the competence of the latter (Baisaev et al., 2000). This made it all the easier for investigations to be halted by a prosecutor sensitive to the views of the military and political power. In the case of Alkhan-Yurt, the Russian Public Prosecutor Victor Oustinov declared on 29 December 1999 – despite the promises of Nikolay Koshman (see above) – that ‘the Public Prosecutor has not to this day established that there were premeditated murders of civilians in the Chechen village of Alkhan-Yurt’ (Dimitrievski et al., 2009). Concerning the events that occurred in Staropromyslovski, an investigation for ‘murder of two or more people with aggravating circumstances’ (art. 105, part 2 of the Penal Code) was opened on 3 May 2000 after the publication of an article by the journalist Anna Politkovskaya. This investigation of ‘mass murders committed by the “205th brigade” of civilians from the suburb of Kataiama in Grozny on 19 January 2000’ (ECHR, 2007a) did not result in the arrest of any of the culprits.
A month after the events in Novye Aldi, a criminal investigation was opened, closed, then reopened and reclosed ten times without any charges being brought. The villagers had waited a month for an inquest, and had agreed to autopsies (Baisaev et al., 2000; Memorial 2010). Among the very many obstacles to an investigation we should note the failings of the medico-legal system. In spite of frequent demands from human rights organisations and the Chechen authorities themselves, the specialist medico-legal laboratory promised by the Council of Europe was not set up (interview with the Chechen human rights ombudsman Nurdi Nukhadjiyev, Grozny, 10 October 2011). And the problem of identifying the bodies was never resolved, neither at a human level (for the families of the victims) nor legally (for example, by reclassifying some of the disappearances as murders).

The majority of plaintiffs and their supporters turned to the European Court of Human Rights (ECHR), and developed increasingly precise legal knowledge and skills, leading to the rise in condemnations of Russia (Lapitskaya, 2011). In March 2012, 186 cases concerning Chechnya had been judged by the court, notably for breach of articles 2 and 3 of the European Convention on Human Rights, and several hundred more were pending (http://www.srji.org/en/legal/cases). Many of the cases brought before the ECHR concerned the massacres carried out between December 1999 and February 2000. The ECHR had already handed down judgements relating to the massacres committed in Staropromyslovski on 19 and 20 January 2000 in the cases of Khasyiev and Akaeva vs Russia, Tangiyeva vs Russia, Makhauri vs Russia, Goygova vs Russia, Goncharuk vs Russia (ECHR 2005b, 2007abcd) and at Novye Aldi in the cases of Estamirov and Alii vs Russia and Musayev vs Russia (ECHR, 2006, 2007e). These judgements confirmed that acts of torture and extrajudicial executions had taken place, while noting the failure of the public prosecutor to take any legal action (PACE, 4/06/2010).

Although there is no doubt that taking these cases to the ECHR was successful, and has led to similar initiatives concerning other infringements of human rights (particularly violence from police and prison staff), the balance sheet is ambiguous. While the Russian authorities had until then swiftly paid damages levied by the court, demands for effective enquiries to identify those responsible were never answered, and nor were those for improvements in the legal process, all of which considerably weakened the symbolic, political and legal strength of these judgements. The lawyer and human rights campaigner Stanislav Markelov, murdered in January 2009, criticised regular resort to the ECHR on the grounds that external sanction had a counter-productive effect on the capacity of the Russian legal system to improve. He preferred to concentrate his efforts on launching appeals within Russia, believing it was vital to show the Chechen people that the Russian legal system could bring them justice (Markelow and Merlin, 2008; Markelov, 2010).

Calls have been made for the creation of an ad hoc international tribunal, among others by the Committee on Legal Affairs and Human Rights of the Council of Europe led by Rudolf Bindig (PACE, 4/01/2006). A considerable body of evidence and witness statements has been assembled in a report drawn up with a view to the creation of such a tribunal (Dmitrievskii et al., 2009), although it is hard to see this happening in the near future. Only legal mechanisms with universal jurisdiction would allow the pursuit in another country of the perpetrators of the most serious crimes. Although some NGOs and jurists are interested in this approach, no charges have been levelled so far.

**Conclusion**

The period of open conflict explored in this case study concluded with the complete occupation of Grozny in February 2000. The last especially notable and brutal episode was the capture of fighters in the village of Komsomolskoye, after the total destruction of the village and the use of inhabitants as human shields between the Russian troops and fighters dug in in the village (FIDH, October 2000: 21; Sauloy, 2004).

While mountain villages were still subject to bombardment, from the end of 2000 the conflict has been characterised by sporadic attacks on Russian troops who have responded with indiscriminate shooting and arrests, as well as with sniper fire on civilians (Zherebtsova, 2011). Military and police control was enforced by checkpoints throughout the territory, and especially by repeated ‘cleansing’ operations in villages and different urban districts, accompanied by violence against the civilian
population (arbitrary arrests, torture, summary executions). Notable evidence for this was provided by the mass grave discovered not far from the military base of Khankala in February 2001 (HRW, 26/02/2001) and by the growing number of testimonies and legal actions about disappearances (HRW, March 2001), while the impunity of Russian forces and the inaction of the international community was denounced more and more forcefully (HRW, 6/01/2004). After 2004 there followed a period of ‘Chechenisation’ of the conflict, in which pro-Russian Chechen forces, under the control of the regime strongman RamzanKadyrov (titular president from March 2007), assumed responsibility for operations and were identified as the main culprits of human rights violations (FIDH, March 2007).

Analysts struggle to define the current political situation in Chechnya (civil war, exiting the war . . .), but the violence used in 1999–2000 has left deep traces in Chechen society. While the number of people who have disappeared since the start of the war has been calculated by outside observers and Chechen authorities loyal to Moscow as being between 3,000 and 5,000 (PACE, 4/06/2010; Nukhadzhiev, 2011), Memorial published a book in February 2012 entitled Sudba ne izvestna (‘With no news of their fate’) which listed all the cases of disappearances that happened at the end of 1999 and throughout 2000. In February 2012, families still had no news about the 187 people who vanished in unexplained circumstances, and the 384 people who disappeared after they were arrested or taken away by Russian forces.

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