

INTRODUCTION

We are always finding, all across Chechnya, mass graves of civilians. Sometimes it's not even a grave but a heap of dumped bodies.

—Sergei Kovalev, *Russia's former human rights commissioner, quoted in the Moscow Times, February 2003*

You speak about the violation of human rights. Whose rights? Who exactly—give me first names, information, family names!

—President Vladimir Putin, *to a Le Monde correspondent, October 2004*

FOR A LONELY BAND of human rights activists, Chechnya represents one of the greatest human rights catastrophes of the post-cold war era. In May 2001, the Committee on Conscience of the United States Holocaust Memorial Museum placed Chechnya on its Genocide Alert list, which had been created to sound warnings of potential genocides. Two years later, in Strasbourg, Rudolf Bindig, a German Social Democrat and Rapporteur to the Parliamentary Assembly of the Council of Europe, urged the council to support the establishment of an international war crimes tribunal for Chechnya on the model of the tribunals for Rwanda and the former Yugoslavia. Writing from Paris in May 2004, the outspoken French philosopher André Glucksmann despaired in the pages of the *Wall Street Journal*: “As the 21st century begins, the worst of the worst in terms of cruelty sprawls out in this desolate corner of the Caucasus, on the very shores of our Europe.”¹

Russia's first attempt to subjugate Chechnya in the post-Soviet era began with the destruction of Grozny, a city of half a million civilians during the winter of 1994–95. As Russian tank columns maneuvered through the Caucasus, massive artillery and aerial bombardment indiscriminately

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pounded the Chechen capital. The attack was a miserable military failure, but a success in human cruelty. From the streets of Grozny, Sergei Kovalev, Russia's human rights commissioner, appealed to President Boris Yeltsin: "Only you are in a position to stop this senseless war. . . . Every day, with our own eyes, we see planes bombing residential buildings. Every day, we see the corpses of peaceful civilians, fragments of people, some without heads and others without legs. Boris Nikolaevitch, I'm ashamed to answer the questions concerning this war. When will this stop?"² The explosive power unleashed on Chechnya that winter shocked both Russians and the rest of the world. Neither informed of a state of emergency nor prepared for evacuation, Grozny's civilian population was trapped in a city devastated by a conflagration not seen in Europe since World War II.

Five years later this onslaught was reenacted by a Russian government reacting to an incursion into Dagestan by radical Chechen separatists and to terrorist atrocities in Moscow. This second aerial assault ruined what was left of Grozny and rained bombs on some forty towns and villages from September 1999 through February 2000. This bombardment led to the mass exodus and displacement of over three hundred thousand civilians, a third of the Chechen population. Yuri Luzhkov, the mayor of Moscow, suggested building a wall around Chechnya to protect Russia from terrorists.³ The proposed fortification, reminiscent not only of Berlin but of the more recent "wall of separation" erected on the West Bank, became known in more cynical circles as "the Great Chechen Wall."⁴ A concrete wall was never built around Chechnya, but a bureaucratic wall sealed the region. As Anna Politkovskaia, the late Russian journalist, would lament, this small enclave in the Northern Caucasus had become "Russia's Chechen ghetto."⁵

Despite five months of bombing and guerrilla warfare, the situation in Chechnya remained largely ignored by the world. Western governments accepted the reassurances of Russia's new president, Vladimir Putin: "Today the situation in Chechnya has undergone a qualitative change, people are returning to normal life there."⁶ Yet in February 2003 Sergei Kovalev arrived in the United States to speak before the Council on Foreign Relations and in U.S. Senate subcommittee meetings. He argued that a centrally organized system of death squads had been established in Chechnya, in line with a coordinated general policy.⁷ He confirmed that the Russian security apparatus was employing tactics that included sweep operations (*zachistki*) in towns and villages, striking fear in the hearts of Chechen civilians. Russian troops were sealing off villages for up to three weeks. Civilians had been summarily executed in Novye Aldy, Staropro-

myslovskii, and Alkhan-Iurt. Lieutenant General Viktor Kazantsev, the commander of the Russian armed forces in the Northern Caucasus, had ordered the closing of Chechnya's borders to all males between the ages of ten and sixty. In the first four months of 2000, approximately ten thousand men and women had been detained,⁸ many of whom were transported to Chernokozovo, an infamous detention facility. Greeted by guards, detainees were forced to run a gauntlet that saw them beaten with rubber batons, hammers, and rifle butts. "Welcome to Hell" was the routine greeting.⁹

Forcible disappearances became the enduring hallmark of the conflict in Chechnya. The Russian human rights organization Memorial estimated that between 3,000 and 5,000 people disappeared in the period 1999–2005.¹⁰ In 2004, Human Rights Watch declared that the practice of enforced disappearances had reached such a magnitude that it constituted a crime against humanity under the extended definition set out in the Rome Statute of the International Criminal Court (1998).¹¹ Local officials in Chechnya have confirmed the existence of forty-nine mass graves containing the remains of nearly 3,000 civilians.¹² Some of the bodies had been blown up with explosives to conceal the identities of the victims.¹³ Estimates of civilian deaths since 1994 resulting from the conflicts in Chechnya are highly inconclusive, but the most reliable approximation rests at a figure between 65,000 and 75,000.¹⁴

The human rights abuses in Chechnya pose a set of deeply troubling questions that require urgent examination. Chechnya is the site of one of the worst human rights catastrophes of the post-Communist era. And unlike the vast body of literature that has emerged on the crimes perpetrated in Rwanda and the former Yugoslavia, Russian scholars have devoted little attention to the carnage in Chechnya. There is no equivalent to Norman Cigar's *Genocide in Bosnia: The Policy of "Ethnic Cleansing"* (1995) or Jan Honig's *Srebrenica: Record of a War Crime* (1997). Accounts of Chechnya's recent history tend to journalistic or political narrative. All have expressed alarm at the human cost of the conflict, grounding their portrayals in personal experience and witness testimonies. Journalistic accounts, such as Anatol Lieven's *Chechnya: Tombstone of Russian Power* (1998), Anne Nivat's *Chienne de Guerre: A Woman Reporter behind the Lines of the War in Chechnya* (2001), and Anna Politkovskaia's *A Small Corner of Hell: Dispatches from Chechnya* (2003), have provided remarkable insights into the senseless destruction of these wars. Narratives like John Dunlop's *Russia Confronts Chechnya: Roots of a Separatist Conflict* (1998), Matthew Evangelista's *The Chechen Wars: Will Russia Go the Way of the*

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Soviet Union? (2002), and James Hughes's *Chechnya: From Nationalism to Jihad* (2007) have charted the political landscape. No book, however, has captured the magnitude of the human rights abuses in Chechnya or sought to understand the motivation or rationale of the Russian government. No book has devoted adequate attention to the enduring consequences of Russia's Chechen campaigns.

In this book, the history of the human rights tragedy in Chechnya is a story of hubris, inordinate violence, and indifference. The idea of human rights has yet to sink deep roots into the policies of the Russian government. When Boris Yeltsin rose to power in 1991 after the collapse of the Soviet Union, Russia stood at the crossroads of its human rights history, on the edge of radical change. The language of human rights became prominent in public debates. And when Russia joined the Council of Europe in 1998, it seemed poised to embrace the values and principles of the council, with all its attendant regulations. Yet the Russian government failed to honor the commitments it made with respect to democracy and human rights reform when it was admitted to the European body. Chechnya is the tragic and enduring symbol of this failure.

This book is a contemporary account of war crimes and of crimes against humanity against a civilian population from 1999 to 2005. It by no means precludes the Russian side, but it is largely devoted to the Chechen victims. This is not because Russian soldiers and civilians have not been targets of reprehensible atrocities in the form of hostage-taking campaigns and retaliatory attacks, which will be addressed here, but because the sheer number of Chechen civilians affected and the extent of their suffering warrant particular attention. This book contends that the tragedy that befell the Chechens was not simply the unfortunate by-product of civil war. Russia had a concrete political objective in Chechnya, but the senseless cruelty that characterized the pursuit of this goal suggests another dominant explanatory factor—the role of racial prejudice. My approach to the history of human rights violations in Chechnya in the period 1999–2005 centers on three interrelated themes: the human rights abuses and the various attempts to expose them; the political conditions in Russia that gave rise to these atrocities; and the international dimensions of the crisis, against the background of the struggle against international terrorism.

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What are the specific and most important questions that the tragedy in Chechnya raises? And why indeed should we focus on abuses aimed at a

population of less than one million people in an obscure region of the Northern Caucasus? The first and most resounding reason is the moral tragedy of this war for the civilian population. The forced displacement of Chechen civilians, away from their historical place of residence, severely damaged the vital forces of Chechen society. The destruction of homes and cultural institutions dislodged and overturned the roots of a once strongly coherent and traditional culture. This campaign left a small republic of the former Soviet Union in physical and psychological ruin, forcing its intellectual elite abroad while aggravating the divisions within Chechen society. The Russian response to the independence claims of the Chechen people, legitimate or not, was wanton and disproportionate. The lack of moral restraint in this conflict was striking.

The Russian government has argued that what took place in Chechnya was driven by military necessity and that civilian victims were the unfortunate consequence of the government's campaign against international terrorism.¹⁵ This argument is no longer sufficient or plausible. A public discussion should emerge about what took place in Chechnya and how to understand it. Was it genocide, ethnic cleansing, racism? How should the situation be interpreted according to internationally accepted human rights standards? It is clear that the Russian government's immediate aim was to enforce the subservience of the Chechen population by sustaining an atmosphere of fear within the territory. The Russian armed forces terrorized Chechen civilians in the hope of wearing down the material and psychological support base of the separatist movement. A principal objective of the Russian government was the subjugation of the population and the elimination of Chechnya's intellectual and political elite. The intent, it appears, was not to destroy the *entire* Chechen population but to exert control through fear and the military tactics of periodic summary executions, enforced disappearances, rape, torture, detainment, and humiliation. This, as one Chechen civilian claimed, was "worse than a war."¹⁶

The Russian Federation was undoubtedly striving to preserve its territorial integrity. The question is, at what cost and why? The most ignored question of this conflict is the role of racism as a deep motivating factor. The excessive violence directed at the civilian population of Chechnya was, in fact, collective punishment. I invoke racism not as a fashionable mantra but as one crucial fault line in understanding Russian motivation. The state-controlled media in Russia conducted a virulent propaganda campaign against Chechens as a group. What began in 1994 as a conflict with national separatists was in 1999 reshaped by the Kremlin spin doctors, led

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by Sergei Yastrezhembskii, into a war against international terrorism. Chechens were dehumanized with racially bigoted language that depicted the enemy as “blacks” (*chernye*), “bandits” (*banditi*), “terrorists” (*terroristi*), “cockroaches” (*tarakany*), and “bedbugs” (*klopi*).¹⁷ The identity of the Chechen people was reduced to a few repeated phrases, images, and concepts embodied in the repeated image of the “bandit” or the “terrorist.” The Russian propaganda machine was unflinching in its perpetuation of this image.

The Russian government selected international terror as its ideology of choice. And this ideology overshadowed all else: context, history, experience, and knowledge to frame the crisis in Chechnya. The reasons compelling the government to sell this image to the world were driven by more than the retaliatory attacks of radical Chechens. The chosen ideology was deployed not only to abstract and dehumanize Chechen identity but also to preclude the framework of international human rights and humanitarian law being applied to the crisis. The Russian state relentlessly pursued the line that what was taking place in Chechnya was not an internal armed conflict but an operation to eliminate terrorists. Igor Ivanov, Russia’s then-foreign minister, even went so far as to claim that “The war in Chechnya is against international terrorism—not Chechens, but international bandits and terrorists.”¹⁸ Yet according to definitions of international law, armed conflict involves a party in revolt that possesses an organized military force and the deployment of a country’s regular armed forces to fight that force. This is what took place in Chechnya. The Chechen separatist movement was substantial and organized enough to constitute a belligerent military force that itself was subject to international human rights law.

Therefore, the first category that can be applied to the crisis in Chechnya is one of war crimes. The Russian armed forces committed war crimes on a massive scale in the region, violating Article 3 common to all four 1949 Geneva Conventions on internal armed conflict and the broader definitions outlined in Article 8 of the Rome Statute of the International Criminal Court (1998). Although Chechnya remained, as former Czech president Vaclav Havel so aptly said, a “blackout” zone,¹⁹ sufficient evidence has mounted to enable us to begin making some categorical claims on a pattern of human rights abuses. The fundamental principles underlying the laws of armed conflict—“distinction,” “military necessity,” and “proportionality”—were trampled upon in Chechnya. Under the accepted international definitions of war crimes, murder of all kinds was committed

with reckless disregard for life, as well as rape, mutilation, torture, and other cruel treatment against both civilians and combatants.²⁰ Camcorder footage released in 2004 exposed the willful killing of Chechen combatants crammed into trucks without water and food. Severe beatings to the kidneys with rubber hoses and metal rods and the infliction of electric shocks in the mouth and the genitals were widely chronicled.²¹ Individual testimonies cited threats of summary execution, of blowing up detainees with grenades who had been forced to kneel for hours with T-shirts pulled over their eyes, of the filing down of teeth and the throwing of stones at civilians, and of combatants detained in dug-out pits in the ground.²² These acts were perpetrated by official representatives of the Russian armed forces and sanctioned by the Russian government under the 1998 federal law No. 130-FZ, On the Fight against Terrorism. And, despite the fact that the coordination between the Ministry of Defense, the Ministry of the Interior, and the Federal Security Service (FSB) in Chechnya was by no means consistent, the war crimes in the republic were the product of deliberate state action and an organized policy.

Financial exploitation is also a war crime. Economic incentives and massive human rights violations intersected to a remarkable degree in Russia's second war in Chechnya. Russian troops exploited the destruction of towns across the region and accompanying sweep operations with the undisguised objective of individual profit. Privately contracted Russian soldiers (*kontrakniki*), Ministry of the Interior (MVD) and Ministry of Justice (GUIN) troops, FSB operatives, the 41st Airborne Regiment, the 42nd Motorized Rifle Division, and operatives from the Main Intelligence Directorate (GRU) looted and pillaged; their actions ranged from small-scale demands for cash and jewelry to the wholesale transportation of furniture and electronic equipment in open trucks. Bribes at checkpoints across the region were commonplace. The extortion of money for the return of detained civilians or combatants—dead or alive—was routine. A Russian general telephoned the head of a Chechen village the evening before a planned sweep operation suggesting that money be collected before the arrival of the troops to guarantee a less brutal operation—for the sake of efficiency.²³ Direct evidence of the siphoning of oil and its transportation to surrounding republics by both the Chechen separatists and the Russian high command is difficult to obtain, but speculation is convincing.

This book does not preclude the crimes of the Chechen side. The crimes undertaken by the Chechen separatist movement also need to be categorized according to the laws of war, beyond the politicized and reductionist

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frame of terrorism. The practices of hostage taking and suicide bombing were no doubt strategies of war deployed by the separatists. And when one applies the strict terms of international law, they were war crimes. Non-military objectives were targeted and premeditated acts of aggression were taken against Russian civilians. Although these strategies were deployed in response to the inequity of power, these were deliberate acts of aggression that forced the crisis outside the borders of the immediate war.

The next question is, why? Why did Russia pursue its second war in Chechnya? Why was President Putin, unlike Boris Yeltsin, incapable of negotiating with the moderate Chechen president Aslan Maskhadov before his death in March 2005? What was Putin's interest in perpetuating a war that cried out for a political solution? Was it a question of mere hubris? When the Russian armed forces killed Maskhadov in 2005 they also killed the only man with the stature to conduct negotiations with the Russian government. And this appears to have been their intention. The post of the moderate leader was replaced by Abdul-Khalim Sadulaev, a more fervent ideologue who worked openly with Shamil Basaev to establish a "Caucasus Front."²⁴ Although Sadulaev was killed in the town of Argun on June 17, 2006, his rise marked the death knell of a conciliatory end to the second Chechen war.

There are deep contradictions in the motivations of the Russian government, making it difficult for us to pinpoint one explanatory factor. And indeed there is no *one* dominant logic. Clearly the radical Chechen commander Shamil Basaev posed a genuine threat to Russia and to the safety of its citizens. The hostage-taking campaigns of Budennovsk (1995), Kizliar (1996), Dubrovka (2002), and Beslan (2004), and the bombings in Moscow's underground subway were acts that threatened the national security of the Russian Federation. In addition, the moderate Chechen president Aslan Maskhadov was unable to secure the territory and had struggled to guarantee Chechen civilians sufficient stability and security in the interwar period from 1997 to 1999. Nor had he been able to stop Basaev's incursion into Dagestan in August 1999. The Russian government claimed that if the crisis were not contained it could have a domino effect across the region. This too is legitimate, although less convincing than the first point. Some commentators have contended that oil was an important factor, but the amount of oil in Chechnya was negligible against the demands of the Russian economy—Chechnya produces 0.5 percent of the total output for Russia. So the question lingers—does *realpolitik* offer a sufficient explanation for the Russian government's actions in the Northern Caucasus from

1999? The answer appears to be a resounding no. Since the election of Vladimir Putin as president in March 2000, we have witnessed the rebirth of a strongly nationalist discourse on the part of the ruling Unity Party and a Russian parliament dominated by nationalist ideologues. The potential loss of Russia's last territory to the south generated a deep-seated attack of hubris, intimately connected to the rise of nationalist propaganda. And Russia's greatest post-Communist victory—freedom of expression—was undermined by the dominance of subservient, state-owned media outlets. The shallowness of democratic reform within the judiciary, the military, and the bureaucracy was apparent. Was the war in Chechnya therefore a means of keeping the Russian Federation in a state of perpetual crisis? Was it a way of appeasing a disgruntled army, vexed by its defeat in the first Chechen war? Were Chechens the ultimate scapegoat?

For most Chechen civilians, the motivations of the Russian government matter less than their consequences. Many claimed that what took place in Chechnya during the second war was genocide.²⁵ For them, the overarching impulse was racial. This argument cannot be discounted as the emotional reaction of a victimized group. If we look at the conflict in Chechnya from the vantage point of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, the acts committed by the Russian armed forces might well be framed under Article 2 of the convention.

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.²⁶

That there was a pattern of destruction directed toward a group of people—in this case a group defined by its religious and ethnic origins—is unequivocal. There was a clear mandate to target males between the ages of fourteen and sixty, both separatist fighters and civilians. Boys and men in both categories were detained, were tortured, disappeared, or were summarily executed. If torture was targeted at male genitals, as testimony confirms, there is a serious argument to be made that one of its outcomes

would have been the destruction of the reproductive capabilities of Chechen males and thus of the ethnic group in part. Rape of female Chechens may be used to sustain the same argument. As one Russian soldier admitted to the journalist Maura Reynolds of the *Los Angeles Times* in 2000: “You should not believe people who say Chechens are not being exterminated. In this Chechen war, it’s done by everyone who can do it.”²⁷

There is ample evidence to sustain the argument that the conditions of life inflicted on Chechens by the Russian armed forces caused serious bodily and mental harm. Many of these conditions were calculated, intentionally or not, to bring about the physical destruction of individual members of the group.²⁸ The detention of soldiers or civilians in pits in the ground, the mobile torture vans, and the temporary “filtration points” (*fil'tratsionnye punkty*) similarly caused bodily and mental harm. The conditions in which internally displaced persons (IDPs) were forced to live constitute a further serious attack on mental and bodily integrity. Likewise, the forced resettlement of Chechen IDPs from neighboring Ingushetia back into Chechnya in 2000 threatened a serious level of impoverishment for those unequipped to return.

Yet are we convinced that the *intent* of the Russian government was to destroy the Chechen population, in whole or in part? The question is of intent. There are no public documents or decrees to provide us with an adequate answer; evidence of this nature rarely exists. Such commands are most often hidden behind crude euphemisms or arguments of “military necessity,” under the cover of war. Indeed, Hitler’s Final Solution was an oral command, General Bogosara, the interior minister behind the Rwandan genocide, wrote a few planning notes in his daily calendar, and Pol Pot marked the “new people” for destruction.

The violence in Chechnya shifted in degree and scale over a period of six years. There was not always a logical consistency to the violence, the type of consistency that we have come to expect from genocidal regimes. It was not the intense and inexorable pattern of violence we witnessed in Cambodia, Rwanda, and Srebrenica. We did not have the RTLM radio broadcasts encouraging the killing of Chechens, nor the scope of concentration camps seen in Bosnia. The numbers of dead in Chechnya have been impossible to compute and have become the subject of fierce debate. And for these reasons we have witnessed a general reluctance to address the complexity on the ground, blanketing much of what we know and see in films like the Polish documentary *Murder with International Consent* (2003) and the remarkable footage produced by the twenty-two-year-old Russian sergeant

released in 2004 from Northern Chechnya,²⁹ photographs of mass graves, and witness testimony under the rubric of an unfortunate civil war gone awry. Yet we cannot prove one of the key claims of the Genocide Convention—that a “substantial” portion of the Chechen people were targeted with the intent to destroy that population. Mistakenly or not, we now equate the intent of genocide with the number of victims dead on the ground or uncovered in mass graves, the unadulterated racist claims of its perpetrators, and wide administrative cooperation. This tradition has correctly grown out of the historical experiences and historiography of the Holocaust, Cambodia, Bosnia, and Rwanda and recent case law.

Semantic quarrels, of course, should never defuse the tragedy of human death. But such definitions and categories are essential on legal, intellectual, and moral grounds. One important charge that can be leveled at the Russian government and the Russian armed forces, I would argue, is the charge of crimes against humanity.³⁰ Two of the categories that form the foundation of humanitarian law—war crimes and crimes against humanity—intersected to varying degrees in Chechnya. A crime against humanity is a crime that is large scale, systematic in nature, state sponsored, and directed toward a civilian population during times of war and peace. The crucial factors here are that the acts are both “widespread” and “systematic.” The victims in Chechnya were not only combatants who fall under the rubric of war crimes. This is surely bad enough—but it fails to encapsulate the entire landscape. Civilians too suffered on a massive scale. Genocide is conceptually linked to crimes against humanity, but unlike genocide, we do not have to prove the intent to destroy “in whole or in part” a particular group. A policy need not have been formalized. The perpetrators need not be fully conscious of their own intent or aware of the precise details of a state plan. Most important, a crime against humanity includes the crime of “persecution” intended to deprive an individual or group of their fundamental rights on political, racial, ethnic, or religious grounds.³¹

Crimes against humanity provide an additional framework within which to understand the scale of the violence in Chechnya. This framework also ensures that the racial component of the violence is not excluded. In the second Chechen war, the crime of persecution entailed the detainment, torture, and killing of the civilian population. Human rights monitors, journalists, and intellectuals were systematically denied freedom of expression, thought, conscience, and religion.³² Refugees and IDPs were denied fundamental rights—the right to seek asylum, freedom from forcible return, freedom of movement, and basic economic, social, civil, and

political rights. Moreover, one of the most striking crimes against humanity in Chechnya was the absence of measures to stop the ongoing impunity by punishing the perpetrators. The routine conclusions to investigations undertaken by the Military Prosecutor's Office were offered up to the world as "failure to identify individuals against whom proceedings could be brought,"³³ or "[the violations were carried out by] unidentified persons in camouflage uniforms."³⁴ As Rudolf Bindig concluded in a report to the Council of Europe, "I have by now come to the conclusion that the decisive factor in the equation cannot be inability—it must be unwillingness."³⁵ The second most striking crime against humanity was the crime of enforced disappearances. Men in particular disappeared with the support and acquiescence of the Russian government. Such measures were routinely accompanied by a complete denial of the existence of the disappeared or a refusal to pass on information as to their whereabouts. Those detained had no recourse to legal remedies or procedural guarantees.

Commentators have been reluctant to address the issue of crimes against humanity in Chechnya, preferring to bracket all violence outside the scope of the rules of warfare as war crimes. This response appears to have been driven by several factors. One argument is that Russians continue to live in relative peace with other ethnic groups still residing within the Russian Federation, thus making it difficult to conceive of racially motivated crimes of the magnitude displayed in Chechnya. This maintenance of relative peace, however, does not mean that racial and ethnic prejudice cannot be directed at Chechens or other minority groups inside Russia. It would be negligent to dismiss the historical memory of the Stalin regime's wholesale deportation of Chechens to Kazakhstan, Kyrgyzstan, and western Siberia in 1944, or, more vivid and contemporary, the razing of Grozny over the winter of 1994–95, as other than key landmark moments that demonstrated an ingrained racism toward Chechens.

A further argument is that the low morale of Russian conscript soldiers was not consistent with a propensity to commit racial crimes. Russian troops, however, were hardened by the Chechen wars. The appalling conditions within the Russian army are well-known; the lack of modern technology and equipment were ongoing factors that explain its often poor military conduct and the acceleration of racial hatred and revenge directed at Chechen civilians. Enlisted soldiers lived in a state of perpetual fear of ambushes and land mines. Guerrilla warfare has no frontline, and its absence has led to so much arbitrary violence. Indeed, high-ranking officers noted the breakdown of order within the army. One MVD officer concluded:

“Our forces in Chechnya have not been able to coordinate their actions during times of stress. The system is in utter disarray.”³⁶ This lack of coordination under the Unified Group of the Russian Federation Armed Forces (OGV) of the Northern Caucasus and its toll on conscript soldiers have been well documented and were certainly cause for alarm. To counter these conditions, alcohol and drug abuse were widespread. General Vyacheslav Tikhomirov admitted in 2004 that the army urgently needed to hire more *kontrakniki*—professional soldiers working for bonuses—to undertake the serious combat work.³⁷

These factors certainly elucidate the complex dynamic behind these wars, but they do not entirely explain the disproportionate violence directed at Chechen civilians and detained combatants. It also dismisses an important reality—the polishing of the Russian propaganda machine since 1999 under President Putin and its effect on both the Russian public and armed forces. The Russian Foreign Ministry took on the challenge of ideological manipulation to an alarming level, pumping out tired Soviet rhetoric wrapped with new trimmings. To dismiss its effect on the Russian public or the armed forces would be misplaced. This propaganda, of course, was also aided by the radical Chechen command under Basaev and his acts of retaliation in Moscow and surrounding republics. These acts merely consolidated anger toward Chechens among the Russian population. Chechnya’s radical wing is also responsible for this growing hatred and its attendant consequences for the civilian population.

These historical moments prove a key argument in this book—that racial prejudice in Russia is by no means a stagnant phenomenon, and discourses about race occupied varying degrees of centrality in state institutions at different historical moments. The rise in nationalist rhetoric and anti-Chechen sentiment from the first to the second Chechen war was palpable. The attempts by the Putin presidency to restore Russian identity and status through a revived nationalist agenda were also arguments for seizing and retaining control over the state. As President Putin said in a meeting with the Federal Security Service a week after his election, “The FSB wanted to return to power. I am pleased to announce that we have succeeded.”³⁸ It is no accident that the particular brutality of the second Chechen war coincided with this reassertion of Russian self-identity, matched by Putin’s “management” of the oligarchs and internal strife. The search for national unity left little room for nuance or patience for persuasion. Even Russian civilians who questioned the direction of the Russian state or who happened to be in the line of fire during the bombing of

Grozny either in 1994–95 or 1999–2000 were given bare consideration. President Putin was not seeking an ethnically homogenous Russia but a compliant unified state that would not only offer little resistance to his goals but participate actively to enhance them. The Chechens were among the most brutalized victims of this quest for a new Russian destiny.

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What is at stake for the international community today? Did the West's policy of unconditional support for Russian democracy turn out to be counterproductive? Was it not the human rights abuses in Chechnya—which Western governments failed to adequately condemn—that generated the retaliatory terrorist acts by radical Chechens? The deepening crisis pushed many Chechens to adopt the language of jihads and radical Islam. For the so-called black widows, revenge for the humiliations they had suffered became their *raison d'être*. As Akhmed Zakaev, President Maskhadov's special envoy to Europe, wrote in the *International Herald Tribune* in 2001: "How can anyone then be surprised that our youth—a brother whose sister was raped, a son whose father was tortured to death—do not heed our sermons of moderation, and join the ranks of desperate suicide avengers?"³⁹

International indifference with respect to Chechnya increased after the September 11 attacks in the United States. Dismay at the backsliding in Russia's democratic transition was eclipsed by President Putin's support in the international war on terror. "After September 11, Chechnya ceased being a post-Soviet phenomenon," wrote Akhmed Zakaev, "and became an issue between the West and the Islamic world. We did not seek this role, it was bestowed on us by the West's policies."⁴⁰

Although Putin explicitly reproached the West for not backing his "antiterrorist operation" in Chechnya in the immediate aftermath of September 11,⁴¹ the United States and Europe did eventually align themselves with a government that was conducting a "dirty war." And Western governments clearly traded on Chechnya. Yet the United States could not maintain its claim to moral leadership while it traded its acquiescence in Russia's human rights violations in Chechnya for Russia's acquiescence in America's human rights violations in Iraq and at Guantanamo Bay, and the outsourcing of torture to Syria, Egypt, and Jordan. Nor can we dismiss the degree to which human rights discourse was and continues to be appropriated by the Russian government in a manner that strips the language of human rights of any validity. Russia continues to appoint its human rights

commissioners, presidential human rights advisors, special human rights representatives to Chechnya, and an entire host of parliamentary committees, all with the words “human rights” placed strategically in their titles. The human rights mantle has been cleverly deployed, and the deliberate obfuscation of the discourse needs to be addressed publicly and more systematically by international governments.

The importance of this book rests finally with the question of punishment. It will assert the need for a nongovernment international commission of inquiry on war crimes in Chechnya, or a nongovernment war crimes tribunal. Indeed, such a commission should be the current aim of scholars, human rights activists, and politicians concerned about the implications of this conflict. This is a discussion long overdue.

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The aim of this book is to enable the specialist and nonspecialist reader alike to grasp the dimensions of the human rights crisis in Chechnya during the second war in the period 1999–2005. My aim in writing this book has been to put before the Western reader a broad picture of the human rights tragedy in Chechnya. Writing about human rights violations is a complex task. It is constrained by the craft of the writer as well, by the desire to convey the horror of human waste with a language that always seems inadequate. It is also made complex by the banality of repetition. For violence is often repetitive, banal, and crude. The words *murder*, *summary execution*, *rape*, *disappearance*, and *torture* wash over the reader as if they were all part of the same theater set. And in most cases they are. But how do we disentangle them to understand the human experience of tragedy and the motivating factors of those who commit these crimes? These demands are harder.

This book seeks to give some context to the crimes perpetrated in Chechnya, but it is not a quantitative analysis. So much research still needs to be undertaken before we can fully gauge the true scale of these crimes. Clearly it is also important to recognize that not everything in this war makes sense. The chapters will uncover, in narrative form, what I believe to be the landmark human rights violations that have characterized the second war on the basis of the information currently available to researchers.

There are several themes that will be considered in part 1, titled “The Crimes”: the bombing campaign of 1999–2000, sweep operations, disappearances, and torture. Chapter 1, “The Bombing, 1999–2000,” will privilege two major themes: it will offer a background to the Chechen crisis,

seeking to elaborate the situation within Chechnya on the eve of the second war. It will then expand on the bombing of Grozny over the winter of 1999–2000—when Russia, under the direction of the prime minister, Vladimir Putin, relaunched its war in September 1999.

Chapter 2, “The *Zachistka*, 2000–2002,” will illustrate the ways in which the war in Chechnya changed in scale and strategy. Beginning in the spring of 2000, the war was shaped by the sweep operation, or *zachistka*—one of the guiding motives of which was the humiliation and subjugation of the civilian population. Destroying the cohesion of the local communities was central to the larger objective of weakening resistance and the will of the people. Chapter 2 will argue that the *zachistka* also constituted collective punishment. It will highlight the most well-documented sweep operations, which occurred in Staropromyslovskii in December 1999–January 2000, in Novye Aldy in February 2000, in Sernovodsk and Assinovskaia in July 2001, and in the Kurchaloevskii district in July 2002. It will also focus on how torture and ill treatment were widespread in official and unofficial detention centers, at checkpoints, and during sweep operations.

Disappearances were clearly the most effective and expedient method for the Russian armed forces to eliminate their enemy. Chapter 3, “The Disappearances, 2002–5,” elaborates on the ways in which the practice of enforced disappearances marked the final collapse of the judicial edifice in Chechnya. The legal question as to whether captured fighters, those placed hors de combat by sickness or wounds, and civilians were prisoners of war or criminal suspects completely vanished in the process. This chapter will highlight the changing nature of this practice and the increased involvement of pro-Moscow Chechen forces from the end of 2002.

Chapter 4, “Finding Refuge,” is devoted to the Chechen refugees and IDPs. As the crisis in the republic deepened over the winter of 1999–2000, Chechen civilians were inevitably forced to flee. Five months of bombing led to the mass exodus of approximately 250,000 anguished civilians into the neighboring republic of Ingushetia. A tiny country of 300,000 people, Ingushetia was overwhelmed with the flood of displaced persons. Russian officials failed to honor their promise to establish exit corridors into Dagestan, Stavropol, and North Ossetia at the outset of the war. The driving motivation of this chapter is to illuminate the ways in which Chechen refugees and IDPs were denied the basic rights linked to their status—the right to seek asylum, freedom from forcible return, and freedom of movement, as well as basic economic, social, cultural, civil, and political rights. Moreover, the fate of Chechen refugees and IDPs became in-

extricably linked to the countless struggles by the Russian government to assure the West that the situation in Chechnya was returning to normal, and in its efforts to forcibly push IDPs back across the border from Ingushetia, the Russian government and the pro-Moscow Chechen administration repeatedly violated the UN Guiding Principles on Internal Displacement (1998).

Chapter 5, “Chechen Retaliation,” marks the beginning of part 2, titled “The Response.” This chapter addresses various campaigns undertaken by the radical wing of the Chechen separatist movement that in themselves constitute serious violations of international humanitarian law. The chapter considers in particular the hostage-taking campaigns at the Dubrovka Theater in Moscow (2002) and in the North Ossetian town of Beslan (2004). The importance of this chapter is to illustrate the extent to which the acts of the Chechen separatists, most notably the radical strain, are to be understood as violent and crude acts of retaliation that not only forced a measure of suffering on innocent Russian victims but did very little to advance the separatist cause.

Chapter 6, “Civil Society Reacts,” proves that despite the prejudice emanating from the offices of the Russian ministries of defense and the interior, as well as from the FSB, the war in Chechnya did not pass uncontested by civil society in Russia. Many individuals stood up, most notably Sergei Kovalev, Oleg Orlov, Anna Politkovskaia, Andrei Babitskii, Svetlana Ganushkina, Alexander Cherkasov, Timur Aliev, Stanislav Dmitrievskii, and Lidiia Iusupova. This chapter deliberately spotlights the extensive efforts made by Russian and Chechen individuals and human rights organizations, in Moscow and in Chechnya, to stop the war and monitor the human rights situation.

Chapter 7, “International Failure,” chronicles the international reaction. The importance of this chapter rests in highlighting the ineffectiveness of international statements of concern on Chechnya, and in tracing the gradual easing of statements by the United States after the September 11 attacks. In the nearly six years of the second Chechen war, Russia did not comply with UN resolutions calling for the deployment of UN thematic mechanisms, with the exception of the UN Special Representatives on displaced persons and on children and armed conflict. Time and again, those seeking access, including the UN Special Rapporteurs on extrajudicial, summary, or arbitrary executions, and on torture and other cruel, inhuman, or degrading treatment or punishment, were denied entry. Russia is the only member of the Council of Europe that refused to allow the

council's Anti-Torture Committee to publish its annual reports on Russia. The committee was confined to issuing strong public statements condemning the use of torture.⁴²

Chapter 8, "Seeking Justice in Europe: Chechens at the European Court of Human Rights," explores the emerging role of the European Court of Human Rights for Chechen civilians seeking justice and compensation. This chapter traces the struggle of the young Russian lawyer Anna Kornilina to prepare the first cases of human rights violations in Chechnya to be heard by the court. It also explores the intimidation of Chechen applicants by the Russian security apparatus, and the murder of the human rights activist Zura Bitieva, her son, husband, and brother in their home in May 2003, soon after Bitieva had submitted her application to the court. The central focus of this chapter is on several Chechen cases before the court and what this relationship between the European Court of Human Rights and the Russian government may tell us about the lengths the government is prepared to go to conceal its actions in the region.

In closing, this book explores how we might begin to understand what took place in Chechnya. It elaborates on possible scenarios for bringing Chechnya back onto the public's moral radar. It argues that international bodies should begin the process of publishing a detailed list of all current and past investigations into abuses. A database of these should be established and a survey conducted to begin the process of determining the number of civilians who have died in Chechnya since 1994. International foundations, like the Open Society Institute and MacArthur, should fund a systematic and comprehensive documentation project, staffed by Chechen, Russian, and Western experts, to consolidate and enhance the extremely diligent work already undertaken by Russian and Chechen non-government organizations. The documentation project should be catalogued, researched, and analyzed. An international commission of inquiry, like the Kosovo Commission led by Judge Richard Goldstone, should produce a document that illuminates the depth of the Chechen crisis. This concluding chapter will argue for the historical urgency of this project.

Given the contemporary nature of these events, the methodology of this book has clear limitations. This study is by no means definitive. Obviously the second Chechen war is a vast topic and what follows should be regarded merely as the beginning of a broader discussion. It is an attempt to bring together the sources we have available to make sense of them. Future scholars will surely recast much of what I have written. This book relies heavily on Russian and English-language newspapers, on interviews conducted in

Western and Eastern Europe and the United States over a period of four years, human rights and humanitarian aid reports, records of parliamentary hearings in the Russian Duma, and documentation from the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) archives. Documents such as the Ingush government's response to the IDP crisis were made available by the Kline Archive in New York, as were periodic information sheets from the Chechen NGO Lam. Documents from the Russian human rights organization Memorial and from Helsinki Watch were made available to me in Moscow.