

## Workshop Report - Explaining Sexual Violence in Conflict Zones

On June 25-26, The Hamburg Institute for Sozialforschung organised an international workshop on "the perpetration of sexual violence in conflict zones. Sources of explanation". Discussions and exchanges from a multidisciplinary point of view allowed to raise several interesting issues, and can help to understand and analyse the cases of sexual violence committed during the war in Chechnya. Below are some notes on rape in Chechnya, inspired by the discussion of the workshop and based on the information given in several Human Rights Reports on the period 2000-2004 (see annex).

### Approaching Sources Material<sup>1</sup>

Compared to the war in former Yugoslavia and the possible use of ICTY transcripts, the scarcity of judicial sources is obvious in the case of Chechnya, where very few cases were brought to justice<sup>2</sup>. On the other hand, judicial sources should be used with caution :

- Even when anonymity is guaranteed, to what extent is it acceptable, from an ethical point of view, to use a person's history of suffering to "illustrate a theory" or "make a point" ?
- Can these judiciary sources really tell us something about the reasons why sexual violence was committed during a conflict, or do they tell us more about the way a society sees these violations and condemn them.
- The way a victim's relates her personal experience seems to be partly shaped by particular "rape narratives", determined by the circumstances in which a story is told : questions by prosecutors and judges during trials, rewriting by journalist or Human rights defenders. The expectations of the audience and / or the way the victim imagines the expectations of the audience also play a role. The use of literary stamps or stereotyped expressions which are felt to be "acceptable" and "readable" by the audience may be used to convey the victim's traumatic and personal experience.

In using sources (oral testimonies, written sources including fiction) from former soldiers, we should not forget that those "perpetrators" can be lying not only by denying having committed violence, but also, on the contrary, by claiming the responsibility for abuses that they in fact have not committed. In a report published in 2000, based on interviews with soldiers, the St Petersburg Association of Soldiers Mothers listed "rape" among abuses committed by Russian soldiers : several soldiers indeed talked about the way women sniper had been arrested and gang raped<sup>3</sup>. In fact, after having studied the stories of women sniper fighting with Chechen against Russian troops, it seems that that these stories about rape were a war legend (even if some soldiers pretended to be witnesses). The same pattern can be found in different stories about several post-soviet conflicts (Pridnestrovie, Abkhazia, Chechnya) :

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<sup>1</sup> For a list of existing sources on rape in Chechnya see "Data and Methodology – What Do We Know About Rapes Committed During the War in Chechnya ? (in French)" <http://russiaviolence.hypotheses.org/406>

<sup>2</sup> According to a study by Memorial of 51 soldiers convicted of crimes in Chechnya from 1999-2003, two found guilty of rape were given suspended sentences. In the Budanov case, the colonel who raped and killed a Chechen girl in 2000, was finally charged only with murder, after 2 different forensic expertises. The second expertise concluded that rape was committed post-mortem by one of the soldier in charge of burying the body, and this allowed Budanov to build all his defence on the false assumption that the girl was an enemy combatant, and that he strangled her in a fit of rage (On this case see Amandine Regamey, « L'opinion publique russe et l'affaire Boudanov [Russian Public Opinion and The Budanov Case] », The Journal of Power Institutions in Post-Soviet Societies [Online], Issue 8 | 2008, URL : <http://pipss.revues.org/index1493.htm>)

<sup>3</sup> "Violations of the rights of peaceful civilians, captives and Federal soldiers in the course of the military operation in the Chechen Republic of Ichkeria during the period autumn 1999 to February 2000". Report in Russian / French / English by the organisation Soldier's Mothers of St Petersburg, 27-03-2000

arrest of woman suspected to be a sniper - gang rape – death by explosion with a grenade, throwing her from a building or torning her apart with armoured personnel carrier<sup>4</sup>.

The existence of broadly repeated fiction stories does not mean that no rape has been committed by Russian troops. But the very fact that soldiers pretending to be actors or direct witnesses of violence can/prefer to resort to these particular stories in their testimonies and can be boasting about atrocities they or their fellow military had not committed (to give a positive image of themselves as “real men”?) should be investigated further.

Fiction and testimonies, like those who are available in Russian on the web-site <http://artofwar.ru>, dedicated to the prose of Russian war veterans, can be used to understand "what soldiers had in mind" during the war. But methodological problems arise anyway when using these sources. First, the borders between fiction / testimony is frequently blurred and these stories are always a reconstruction of a past experience. Secondly, by using this kind of sources we can define soldiers' representations of the enemy/ of themselves, but we still lack the understanding of how these representations influence or determine the perpetration and type of violence<sup>5</sup>.

### **Defining sexual violence**

In Chechnya, Human Rights reports (see annex) describe what could be defined as three forms of sexual violence :

- rape of women committed during the occupation of towns and villages (Aldi, Alkhan-Yurt) or mop-up operations (*zachistki*) (together with looting and killing)
- repeated rape of women detained in military base or police station for the purpose of “sexual entertainment” (see FIDH report in French, October 2000<sup>6</sup>)
- sexual torture (electricity) and rape committed in “filtration points” (detention facilities). Numerous reports point to the fact that men have been raped (with rifle-buts, sticks, truncheons, bottles) as well as women. Sexual violence include forced undressing and the obligation to dance naked / take sexual poses<sup>7</sup>. Sexual violence against men goes together with “feminisation” of men (women nicknames, insults) and threats that “you will never have children again”

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<sup>4</sup>Indeed, the story of women being tortured and then "exploded" by exploding devices can be found in some veterans account of the war in Vietnam (see testimony by David Bishop during the Winter Soldiers investigation in 1971,

[http://www2.iath.virginia.edu/sixties/HTML\\_docs/Resources/Primary/Winter\\_Soldier/WS\\_06\\_1Marine.html](http://www2.iath.virginia.edu/sixties/HTML_docs/Resources/Primary/Winter_Soldier/WS_06_1Marine.html)

<sup>5</sup> "Il nous manque des outils pour comprendre les mécanismes qui relient le partage des rôles et des images véhiculées à l'intérieur d'une culture donnée et le choix de certaines pratiques" - Véronique Nahoum-Grappe, « Guerre et différence de sexes, les viols systématiques », in Dauphin Farge, *De la violence et des femmes*, Albin Michel, 1997, p 171.

<sup>6</sup> Mémorial / FIDH, « Tchétchénie, crimes contre l'humanité, un an de crimes impunis » Octobre 2000, <http://www.fidh.org/IMG/pdf/tch2410.pdf>, pages 30-31

<sup>7</sup> Shaving of women's head has not been reported in Chechnya, but was used during the 2008 events in Nookat, south of Kyrgyzstan. On 1 October 2008, public celebration of the religious festival of Eid was banned in Nookat (in the Osh region of Kyrgyzstan). This gave rise to violent clashes and a violent clampdown in the weeks following it, targeting mainly (alleged) members of the Muslim Organization *Hizb Ut Tahrir*. According to a *Memorial* report (<http://www.memo.ru/2009/01/27/2701091.htm>), two women (ethnic Uzbek) had their heads forcibly shaved twice. One of them told to the court that she was beaten and forced to carry heavy things – she was two month pregnant and had a miscarriage ; the prison (SIZO) director proposed her sexual intercourse ; she was asked to dance, naked, with other detainees – and to perform a scene from a porno-movie – and was beaten after she refused. This kind of torture had not been reported in the region before, and questions arise about the role of military/ antiterrorist cooperation in the “diffusion” of this form of torture (role of the Shangai Cooperation Organization (China, Russia, Uzbekistan), military cooperation with the USA ?)

Sexual violence can take different forms, and an anthropology of Chechen society would certainly be necessary to allow us to grasp what was perceived as "sexual" or "gendered" in the violence imposed on Chechen society for several years. As suggested in a women's testimony, being forced to see half-naked Russian soldiers, stationed in the outskirts of some villages, made them feel insulted and humiliated : "Our elders went to the mosque to pray Allah to forgive them and forgive us for being forced to cast an eye over them, against our will" <sup>8</sup>

When studying sexual violence, we should be careful of differentiating the moment and the place in which sexual violence is committed. Not only do the behaviour of soldiers vary, but also the attitude of the military hierarchy, who can use rape as a tactical instrument of terror. Moreover, we should distinguish between rape committed in / around the battlefield and rape committed in prison and detention facilities.

The war in Chechnya was never officially called a war and has been conducted mainly as a "police operation". Like in many conflicts labelled as "antiterrorist operations", one of the main goal is to get evidence from people in detention, and torture (or methods of "forced interrogation") is used for this purpose. The main target of violence and torture in the beginning of the war were men civilians, as they were perceived by Russian troops as potential fighters and terrorists. After 2002 (hostage taking in the Dubrovka theatre) and several attacks by women suicide bombers, Russian forces launched the "operation Fatima" targeting women (especially those wearing head scarves)– but we don't have information on the consequences of these operation for women.

Different kind of troops were sent to Chechnya : army, police and troops of the Ministry of the Interior, border guards, prison guards (GUIN), FSB (special services) and GRU (military intelligence)<sup>9</sup>. Nevertheless, all these troops brought to Chechnya some of their violent practices, and among them we can stress :

- *dedovtchina* (hazing). A widespread practice in the army<sup>10</sup>, it can be seen as a way of de-socialising conscripts and re-socializing them in a violent micro-society, where all usual social and moral rules they stucked to before are of no use at all. Soldiers in this kind of situation become also more dependant on the community of their fellow soldiers ... a situation that can induce them to commit different forms of violence not to be "left apart" by the group.

- the use of torture, including sexual torture. Torture is widespread in Russian Federation, in the police system but also in prisons<sup>11</sup>. Russian prisons are usually defined as "red" (under control of the administration) or "black" (under the control of criminal authorities). Since Stalin's time, rape has been used in Russian prisons as a form of control on prisoners. Criminal authorities used rape as a way of establishing their control on prisoners – a process called "*opushchenie*" (put down)– The authority of the rapist ("active homosexual") was increased and reinforced, whereas the prisoner subjected to rape ("passive homosexual") was seen as an outcast (he could be forcibly tattooed and the objects he touched were impure).

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<sup>8</sup> See testimony by Tamara in P. Prochazkova, *La guerre russo-tchéchène. Paroles de femmes*, 2005 (published as *Aluminium Queen* in English)

<sup>9</sup>In all these troops, there were conscripts, *kontrakniki* (men serving on a 1 to 3-year contract), and professional soldiers – and it would be interesting to investigate if some of them were more prone to violence (conscripts are usually seen as victims of their own army more than as perpetrators of violence).

<sup>10</sup> Daucé Françoise & Elisabeth Sieca-Kozlowski (Eds), *Dedovshchina in Post-Soviet Military. Hazing of Russian Army Conscripts in a Comparative Perspective*, Stuttgart: Ibidem-Verlag, 2006

<sup>11</sup> See for exemple HRW, *Confessions at any cost. Police torture in Russia*, 1999 (<http://www.hrw.org/legacy/reports/1999/russia/>) ; Amnesty International, *Russian Federation: Torture and forced "confessions" in detention.*, 22 November 2006, EUR 46/056/2006

Prison authorities were and still are aware of this form of violence, and may sometimes use it. This very fact would allow us to qualify the use of sexual violence in detention facilities in Chechnya as "systematic" : this does not imply that everybody in detention was subjected to sexual violence, but that sexual violence is an inherent part of the detention system.

Since 2003, the responsibility for police/military operations has been progressively transferred to Chechen auxiliaries, the so-called "*Kadyrovtsy*", who became the main perpetrators of violence : arbitrary arrests (though less widespread and more selective), threats, house burning, summary executions. Torture is still used in different facilities, but no sexual violence has been reported from *Kadyrovtsy*: either because they don't resort to sexual torture or because humiliation is even greater when committed by Chechen and can in no way be talked about.

### **Relation between war-time sexual violence and peace-time gender relations**

To what extent can we draw a link between sexual violence in a given society and sexual violence committed in conflict zones ? Is there an impact of war-time sexual violence on post-war gender and sexual relations ? These questions can be addressed from the point of view of the perpetrator's society of origin, but also from the point of view of the victim's society.

In Russia, it seems that the question of sexual / gender violence in Russian society is not addressed neither by Russian public opinion nor by Russian institutions, statistics given by the Ministry of the Interior are underestimated<sup>12</sup> and many affairs are never brought to court<sup>13</sup>. As to the attitude of Russian authorities, it can be illustrated by Putin's comment in 2006 about Israeli President Moshe Katsav, who was then facing allegations that he had raped members of his staff. After a press conference in Moscow, Putin was caught to say about M. Katsav : "What a mighty man he turns out to be! He raped 10 women - I would never have expected this from him. He surprised us all - we all envy him!" - A Kremlin spokesman admitted Mr Putin made a joke, but said it was not meant to be overheard<sup>14</sup>.

The attitude of the Chechen society towards rape is expressed by Vissa Kungaev, the father of the girl who was raped and killed by Colonel Budanov : « As a Chechen, as a father, I'm ashamed that I have to talk about my daughter's rape. In our culture, we don't, but what the post-mortem says forced me to. Hedda's death isn't the worst thing. Her rape humiliates my family, my clan and the whole Chechen people. That's why I will do everything it takes to bring Budanov to justice.”<sup>15</sup>. Her mother's public reaction is also very significant : when interviewed, she tries to defend her daughter's honor : « She was a shy girl. If someone she didn't know started talking to her, she'd blush and lower her eyes. She got embarrassed. She was always at home. She only went out to fetch water or go to school.”<sup>16</sup>

The war had serious consequences for the relations between men and women in Chechen society : as men were the first target of military and police operation (especially during the years 1999-2003) – women had to take charge of what was usually men's responsibility. They

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<sup>12</sup> According to the statistics given by the Anna Center (Center for the Prevention of Violence Against Women, Moscow), based on a comparison of official statistics / number of calls to different crisis centres only 12%-14% of the women who were raped lodge a complaint to the police.

<sup>13</sup> See interviews with the Anna Centre <http://russiaviolence.hypotheses.org/393> and St Petersburg Crisis Centre for women <http://russiaviolence.hypotheses.org/561>

<sup>14</sup> BBC News, 20/10/2006 <http://news.bbc.co.uk/2/hi/6069136.stm>

<sup>15</sup> CAROLINE WYATT, Colonel accused of murder in Chechnya stands trial 11/4/01 , <http://news.bbc.co.uk/2/hi/events/newsnight/1274747.stm>

<sup>16</sup> op.cit.

travelled through Chechnya to find their relatives (went to military bases, looked for corpses in mass graves), went out in the streets or blocked the road to protest against mop-up operations. For some years, they were the only ones able to find a work and bring back some money home. Traditional relationships (men as protector and breadwinner) were destroyed and turned upside down. We should have this situation in mind (inability of men to protect women, devaluation of men) when discussing the consequences of women and men rape in Chechen society.

On the other hand, since the beginning of the war, Chechen society is going through a process of “traditionalisation” ( understood as a return to tradition, even partly invented) : from a soviet society, where women worked and men drank alcohol... it is going back (or moving to) a society with traditional features (women marrying very young, increasing role of religion in all spheres of public life, increasing number of bride kidnapping). The role of President Kadyrov (who wants women to wear head scarves and supports polygamy) is important. The trauma of war is also crucial : women are expected to give birth to children so as to allow Chechen to rise from the ashes.

Although there is no official data, it seems that since 2000 women got married younger and younger – one of the reasons that have been given by observers at this time was that rape was feared and that marrying girls was a way of protecting them against social consequences of rape (impossibility to get married, necessity to leave Chechnya). We should nevertheless be careful with the discourse on Chechen society banishing its women when they are victims of rape. In Bosnia, NGO experience shows that the discourse on Muslims ostracizing "their" women when they were victims of rape did not really fit with what was really happening in Bosnian society . Thus, when trying to understand the consequences of rape in Chechen society, we should look for the actions that were really undertaken, beyond the discourses held by Chechen actors themselves.

## **ANNEX**

### **Rape and sexual violence during the war in Chechnya: Evidence from HR organizations and judicial sources (Excerpts from information available in English)**

#### **Human Rights Watch reports**

##### **New Information on Massacres in Aldi District of Grozny (February 2000)<sup>17</sup>**

“Russian forces began shelling Aldi in earnest on February 3, using cluster bombs against a civilian objects. Reconnaissance units of Russian conscript soldiers entered the village on February 4, warning the local residents to come out from their cellars and to have their documents ready for inspection the next day.

On February 5, 2000, Russian riot police and contract soldiers entered Aldi and went from house to house executing civilians. Some killings were accompanied by demands for money or jewelry, serving as a pretext for execution if the amount was insufficient. Others victims lacked identity papers. Several witnesses stated that the soldiers forcibly removed the victims' gold teeth or stole jewelry from corpses.

Despite the great cultural stigma attached to rape in Chechnya's predominantly Muslim communities, second-hand reports of the rape of women by Russian soldiers in Aldi on February 5 have surfaced. Several women spoke to Human Rights Watch researchers about six cases of rape. This suggests that the actual number of incidents could be many more. In

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<sup>17</sup> <http://www.hrw.org/en/news/2000/06/01/russian-atrocities-chechnya-detailed>, June 1, 2000

one incident, soldiers reportedly gang-raped four women and strangled three of them, leaving the fourth for dead.”

### **Rape in Alkhan- Yourt<sup>18</sup>**

« Chechen society has strong taboos against revealing instances of sexual assault. Chechnya's Muslim culture and national traditions strictly regulate relations between men and women, and inappropriate behavior is subject to severe and often violent sanctions; the use of sexually explicit language in front of women is considered gravely offensive. Unmarried rape survivors are unlikely to be able to marry, and married women who are raped are likely to be divorced by their husbands. These factors make it difficult to document cases of rape and sexual abuse in Chechnya. »

“Almost all witnesses from Alkhan-Yurt told Human Rights Watch that Russian soldiers in their village were often drunk, and used deeply offensive, sexually explicit language when talking to villagers. Soldiers often entered homes and cellars, they said, asking for young women to have sexual relations with. At least three women are believed to have been raped by Russian soldiers in Alkhan-Yurt during the first two weeks of December

“A second woman from Alkhan-Yurt interviewed independently by Human Rights Watch provided another account of rape in Alkhan-Yurt. Belita Zarakayeva, fifty-five, believed that five or six women had been raped, "including one old woman like me. Belita Zarakayeva broke out in tears as she described the extreme precautions she and her neighbors had to take to protect their young daughters from rape: There were five young women with us in the cellar: my three daughters, twenty-six, twenty, and twelve, and our neighbor's girls, eighteen and nineteen. We made a pit outside in the yard near the stables. We put a pipe [for air] in the pit, covered it with earth, and the five girls were staying in that pit. The soldiers used to come by and say, "where are the young girls, we need three girls for each soldier." So we kept the girls in the pit. The girls, she said, were kept there for several days.”

A third witness from Alkhan-Yurt, forty-year-old "Sultan S." (not his real name), also told Human Rights Watch about a case of rape : "(...) The woman is not young, she is forty-two or forty-three. I know the woman's name, but it is against our traditions to name her."

### **HRW Report to CEDAW, January 2002<sup>19</sup>**

« Despite cultural taboos against speaking about rape, witnesses provided evidence that Russian soldiers raped Chechen women in areas of Russian-controlled Chechnya and sexually assaulted both men and women in detention centers. In 1999 and 2000, Human Rights Watch researchers found that rapes occurred on the outskirts of villages, at checkpoints, and in detention centers. »

\*At Checkpoints :

“Soldiers took the two women to two separate underground pits near the checkpoint. Four Russian soldiers came to Riskhanova, accused her of being a sniper, gave her a gun and told her to dismantle it, put it back together, and then shoot. Riskhanova reported to Human Rights Watch that she had never held a gun in her hands and did not know how. One of the soldiers

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<sup>18</sup> “No Happiness Remains: Civilian Killings, Pillage, and Rape in Alkhan-Yurt, Chechnya,” *A Human Rights Watch Report*, vol. 12 no. 5, April 2000; [http://www.hrw.org/legacy/reports/2000/russia\\_chechnya2/](http://www.hrw.org/legacy/reports/2000/russia_chechnya2/)

<sup>19</sup> Human Rights Watch, « Consideration of the Fifth Periodic Report of the Russian Federation : Serious violations of Women’s Human Rights in Chechnya », Report to the Members of the Committee on the Elimination of Discrimination against women,, January 2002, [http://www.hrw.org/legacy/backgrounder/eca/chechnya\\_women.pdf](http://www.hrw.org/legacy/backgrounder/eca/chechnya_women.pdf)

hit her, causing her to fall to the floor. Two other soldiers began kicking her. The soldiers, Riskhanova said, told her “you will never have children again.” Then the soldiers raped her. After spending three weeks in bed recovering from the abuse, Riskhanova spoke with Human Rights Watch. She believes that Chechens paid the Russian soldiers for her release.”

\* In detention centres

In Chernokozovo : « Women reported that male guards forced them to strip inside the detention facility. Sexual violence in the form of forced nudity served to threaten and humiliate detainees, and added to Chernokozovo’s environment of terror, intimidation, and degrading treatment. Forced nudity also served as a precursor to additional sexual violence described by both male and female detainees. »

“In a petition to the European Court of Human Rights, Sasita Khasmagometovna-Khasueva, a nurse from the village of Shali, reported another case. On February 8, 2000, Russian forces transferred her and her fellow medical personnel to Chernokozovo after detaining the group for six days in a large hole dug in the ground in Tolstoy Yurt. According to her statement, soldiers separated Khasmagometovna-Khasueva and four other nurses from the male detainees, and they were “stripped naked and forced to dance in front of the soldiers.”

### **Memorial report : Deceptive Justice**<sup>20</sup>

According to a study by Memorial of 51 soldiers convicted of crimes in Chechnya, two found guilty of rape were given suspended sentences.<sup>21</sup>

Excerpt from Memorial report :

“Another consternation concerns two sentences passed on two rapes. The first crime was directly committed in the General Russian Military Base in Chechnya.

*"On March 10 2001 in the settlement of Khankala the warrant officer Ch. raped the female citizen I.A.Ivchenko in the barrack of the military unit lodging.*

*The martial court passed a verdict of guilty of crime under the article 131 part 1 of the CC of the RF [Rape], the servicemen was condemned to four years of deprivation of liberty (suspended sentence), and was suspended from the military for five years."*

The second crime was committed during a "mopping up" operation. Such crimes in the current Chechnya are unfortunately not uncommon. The difference is that this criminal case was brought before court. However the serviceman (who represents the Russian State during special operations) that robbed and raped a local woman, was condemned to just a symbolic punishment.

*"On August, 29 2001 in the settlement of Shali during a special operation, the conscript serviceman O. openly robbed the belongings from the house of the Dambaevs worth 1500 rubles and raped the female citizen A.R.Dambaeva.*

*The martial court passed a verdict of guilty of crime under the article 131 part 1 [Rape] and article 161 part 2 points "d, e" [Robbery with use of force, harmless to life and health, causing a significant damage] of the CC of the RF, the serviceman O. was*

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<sup>20</sup> “ Deceptive Justice. Situation on the investigation on crimes against civilians committed by members of the Federal Forces in the Chechen Republic during military operations 1999–2003 (Updated in May 2003) [http://www.memo.ru/hr/hotpoints/N-Caucas/do100603/orlov\\_2003\\_engl.pdf](http://www.memo.ru/hr/hotpoints/N-Caucas/do100603/orlov_2003_engl.pdf) (In Russian : <http://www.memo.ru/hr/hotpoints/chechen/d-d0603/index.htm>)

<sup>21</sup> « Rape and death in Chechnya », 17 / 09/ 2003, <http://news.bbc.co.uk/1/hi/world/europe/3184161.stm>

*condemned to 5 years of deprivation of liberty (suspended sentence) and to a probation period of five years."*

### **Physicians for HR, *Endless Brutality War Crimes in Chechnya, 2000*<sup>22</sup>**

« In addition, evidence exists from these testimonies, the PHR survey and other sources that Russia's federal soldiers raped people on multiple occasions. In the PHR survey, five respondents reported six cases of sexual assault of civilians by Russia's federal forces. »

“Yakub, one of the survivors of Chernokozovo who himself was tortured with gas, said his strongest impression was: *“I heard the voices of girls saying, ‘don’t do it, don’t do it, let me go.”*<sup>23</sup> He said he heard women and men crying like that because they were being raped. He and two other survivors said there were many women in Chernokozovo and reported hearing women's screams that they assumed were from guards raping the women.

Three independent and consistent accounts by formerly detained persons confirmed the detention of an activist woman named Imani, a 42-year-old mother of four from Tolstoy-Yurt. Each heard a woman tortured outside their cells, with two recognizing the voice of Imani and the third recognizing the voice as Imani's, with whom he was detained. Two of the men had been detained with Imani and exchanged personal information about ages and home villages.

There were several people who witnessed sexual assault in the Chernokozovo camp. Rizvan said that the guards beat him intentionally on his genitals<sup>24</sup>. Ilyas said Imani was taken to the camp with her son.<sup>25</sup> According to both Salim and Ilyas, she was raped by the soldiers repeatedly and was in poor medical condition. Each witness heard her cries of help and the obscenities shouted by the soldiers. The soldiers first took her to a solitary cell where others could hear but not see what was going on. They began by beating her first. Her cries of help and words used were the same in both testimonies. After about half an hour of beating the sexual assault began. Soldiers took turns raping her while shouting at her.

Survivors also said guards sexually abused men. During one torture session of another detainee, Rizvan, said, *“Guards asked him, ‘Do you have children?’ He replied, ‘Yes.’ They said, ‘Well, you will never have them again.’”*

Adem reported to PHR another alleged rape of a man when he was at Chernokozovo<sup>26</sup>. *“During one night, a man was taken from the room and we heard shouting and crying and the man saying, ‘don’t do that to me.’”* The victim was returned to the cell with injuries consistent with sexual assault, Adem said.

Three witnesses gave accounts of another sexual assault case, that of an 18-year-old man. He was in the cell with two of the witnesses and was wearing his mother or sister's jacket because he was cold. Soldiers noticed that the jacket belonged to a female and made jokes about it. *“They said: ‘Do you like wearing women's clothes?’”* according to Salim who spoke with him<sup>27</sup>. Shortly after, they told him that he will be treated like a woman. They pulled him out of the cell and began beating him in the cell next door. *“After about 10 minutes of beating they began taking turns raping him. We could hear his cries and their*

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<sup>22</sup><http://physiciansforhumanrights.org/library/documents/reports/endless-brutality-chechnya.pdf>

<sup>23</sup> PHR interview February 23, 2000.

<sup>24</sup> PHR interview February 23, 2000.

<sup>25</sup> PHR interview February 24, 2000

<sup>26</sup> PHR interview February 24, 2000.

<sup>27</sup> PHR interview February 17, 2000.



*laughing. It was a nightmare. After they were done they brought him back to the cell. They told him from now on his name was Fatemeh, and he is only to respond to that name.”*

The torture and indiscriminate victimization devastated survivors both physically and mentally. *“The worst thing is every man is helpless there (in filtration camps), you cannot defend yourself,”* Rizvan said. *“From my village they crippled some men, they beat some others to death.”*

*“I didn’t take part in the war,”* said the driver who spoke to PHR<sup>28</sup> *“They just said, ‘You’re a Muslim, a Chechen’—we are civilians—that they know we are inhabitants of the Chechen Republic that is enough for them to torture us.”*

### **Medical Foundation for the Care of Victims of Torture, 2004**<sup>29</sup>

« This paper provides evidence that rape is a method of torture being used in the Chechen conflict; 16 of the 19 female cases (84%) disclosed rape, which the Medical Foundation believes to be illustrative of a wider picture of systematic sexual violence. »

« There were 16 cases of vaginal rape, 5 cases of anal rape and 2 cases of oral rape. Notably 9 of the 17 rape victims mentioned shame or stigma in relation to rape (...). Case number 1 explained that, so great is the stigma attached to rape, many Chechen women commit suicide rather than live with the burden of their shame. Case number 30 witnessed her cellmate commit suicide following rape, which would appear to confirm this point. Case number 28 conceived through rape, and when the pregnancy and consequently the rape were discovered by her community, she was insulted and tormented, one woman going so far as to assault her.

The number of occasions on which the rapes occurred ranged from one to “many” (eg every day for one month). The number of men involved as perpetrators ranged from 1 to “over ten” and “many” . »

« As well as rape, 1 woman described being forced to make sexual poses, and another described being ejaculated on. 1 man described being made to sit on a bottle. »

### **Amnesty International, 2000**

« "Musa" witnessed a 14-year-old girl being raped by a dozen prison guards in the corridor outside the cells in which he and other detainees were held. The girl had come to visit her detained mother and for the price of 5,000 Rubles she was permitted a five-minute meeting. Her five-minute meeting became a four-day ordeal during which she was locked in a cell, beaten and repeatedly raped by guards.

"Musa" also told Amnesty International about a 16-year-old boy called Albert, originally from the village of Davydenko, who was brought to his cell after being gang-raped and severely beaten by prison guards. One of his ears had been cut off and the guards referred to him by the female name of "Maria". "Musa" believes that up to 10 men were raped in the camp during his 21-day detention. »<sup>30</sup>

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<sup>28</sup> PHR interview February 23, 2000.

<sup>29</sup> Doctor Charlotte Granville-Chapman, “Rape and Other Torture in the Chechnya Conflict: Documented Evidence From Asylum Seekers Arriving in the United Kingdom,” Medical Foundation for the Care of Victims of Torture, London, April 2004. <http://www.torturecare.org.uk/files/Chechnya%20Report.pdf>

<sup>30</sup> AI, « Russian Federation (Chechnya): Rape and torture of children in Chernokozovo "filtration camp" »,

Urus Martan, June 2000

« In the "Internat" ["Zelimkhan"] was brutally gang-raped by four or five OMON officers. "Zelimkhan" was blindfolded and handcuffed and ordered to lay on a table face down before being raped with wooden clubs and the butt of machine-guns. He was also repeatedly kicked in the area of the genitals while asked to stand naked by a wall. "Zelimkhan" said the officers also squeezed his genitals, repeatedly saying they would make him handicapped and incapable of producing children. The rape and beatings continued for two hours. He was questioned by Vasiliy, the investigator who had ordered the rape, and asked to sign a confession that he was a Chechen fighter, which he refused. »<sup>31</sup>

### **Report of the Special Rapporteur on violence against women, 2006**<sup>32</sup>

57. "The Special Rapporteur was also informed that under "Operation Fatima"<sup>33</sup>, women are arbitrarily detained and criminal charges are opened against them. While in detention, they may encounter torture and gender-specific violence, such as rape and other kinds of sexual abuse to make them reveal the whereabouts of male relatives or to "confess" to crimes such as trafficking of weapons. Very few cases of sexual abuse are reported to the authorities, in part due to tremendous shame, social stigma and patriarchal repercussions, as revealed by the following statement of a Chechen woman."

58. "If they (raped women) come home, they would be better off shooting themselves. If anyone laid a hand on them they'd be written off for good here in Chechnya. It's a kind of law. A sullied daughter is worse than a dead one to her father. It's a terrible disgrace. She'll never get married and no one will say a kind word to her, even though it's not her own fault she was dishonoured."<sup>34</sup>

76 "With regard to prosecutions for violence against women in Chechnya, the information received by the Special Rapporteur suggests that such cases are rarely prosecuted and punished. Memorial reports that in two cases where the perpetrators were found guilty of rape, they were only sentenced to symbolic punishments and were not actually deprived of their liberty.<sup>35</sup> The case against Colonel Yuri Budanov is an exception. On 25 July 2003, Colonel Budanov was found guilty and sentenced to 10 years in prison for the murder of Elza Kungaeva, a 19-year-old Chechen woman. It was however only following a public outcry that Colonel Budanov was prosecuted but, despite evidence that he had raped Ms. Kungaeva, he was only charged with murder."

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23 March 2000, <http://www.amnesty.org/en/library/asset/EUR46/019/2000/en/bbf95545-df6a-11dd-aca-7d9091d4638f/eur460192000en.html>

<sup>31</sup> A. I « Russian federation: Continuing torture and rape in Chechnya », 08/06/2000, <http://www.amnesty.org/en/library/asset/EUR46/036/2000/en/b7753403-def8-11dd-ad31-a9b462e5ad42/eur460362000en.html>

<sup>32</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, Mission to the Russian Federation, E/CN.4/2006/61/Add.2, Commission on Human Rights, Sixty-second session, 26 January 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/G06/104/48/PDF/G0610448.pdf?OpenElement>

<sup>33</sup> Launched after the 2002 hostage taking in the Dubrovka Theatre.

<sup>34</sup> Petra Procházková, *Aluminum Queen*, 7 April 2002, republished by Prague Watchdog, available at <http://www.watchdog.cz>

<sup>35</sup> Memorial, 2003. Deceptive Justice: 10 (explaining that in one case "the serviceman was condemned to four years of deprivation of liberty, and was suspended for five years", and in another case, "the serviceman, O. was condemned to five years of deprivation of liberty on probation of five years").

## Legal case before the European Court of Human Rights

### **X and Y v. Russia, (43411/06)**

Communicated: 2009-04-07 / Lodged: 2006-10-18 / Date of violation: 2004-05-26

Violation: Torture / Location: Chechnya / Representative: SRJI

In the middle of the night on 26 May 2004 a group of masked military servicemen detained X in Grozny and brought him to the Leninsky District Department of the Interior (ROVD). A number of policemen started to beat him with truncheons, electrocuted him with wires attached to different parts of his body and sexually abused him. X eventually signed a confession. In the following weeks, the torture and ill-treatment continued both at the Leninsky ROVD and in ORB-2. (<http://www.srji.org/en/legal/cases>)

“ The first applicant’s abduction, detention and ill-treatment in the Leninsky ROVD :

On 26 May 2004 (...) the first applicant was brought to the Leninsky District Department of the Interior (ROVD) and he realised that his captors were policemen. He was taken into an office and handcuffed to a chair still wearing the black plastic bag on his head. The policemen in camouflaged uniforms beat him with rubber truncheons, strangled him with the plastic bag and electrocuted him with wires attached to different parts of his body. In particular, they beat the first applicant with truncheons on the soles of his feet and put wires in his anus and electrocuted him until he lost consciousness. The policemen stopped beating and torturing the first applicant only to ask him to confess to a number of offences. When he refused, the torture continued. After the policemen left, the first applicant remained lying on the floor unable to either move or feel his body.

In a while somebody else entered the room. Later the first applicant identified this person as investigator D. He ordered the first applicant to get up and pushed him to the wall. Then he said that the first applicant had been involved in several offences and must assist the investigation. The first applicant replied that they had abducted the wrong person, since he did not reside in Grozny but in Ingushetia and only came here once in a while. He also said that he knew nothing either of the offences investigator D. referred to or about the people involved in them. Investigator D. said that the first applicant would be sorry for the refusal to cooperate and left.

The policemen returned to the room and continued beating and insulting the first applicant. When he repeated that he was a wrong person they beat him harder. The policemen pulled down his pants, put a truncheon near his anus and threatened to thrust it inside. They also took photos and videos of the first applicant in this position and threatened to distribute them among his neighbours. They also threatened to rape him.

Eventually the first applicant wrote his “confession” and a number of other documents dictated by the policemen and signed them. However, the beatings did not stop. The policemen wanted the first applicant to memorize the details of each offence he had “confessed” to. For every mistake in recounting he was cruelly beaten. The torture continued until late at night when suddenly the electricity in the entire Grozny switched off. The policemen then stopped beating the first applicant. They handcuffed him to an iron bar and left him in the room with a plastic bag over his head. He spent the whole night handcuffed and suffocating in the plastic bag. He was provided with no water, food or medical aid.<sup>36</sup>

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<sup>36</sup> See communication on ECHR Portal : <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=849442&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>