

Crime without punishment: Russian policy in Chechnya

Jeremy Putley

28 July 2003

Russia's attempt to suppress the movement for Chechen independence in the past decade is marked by human rights violations on a massive scale. The rape and murder of one young Chechen woman, and its scandalous legal outcome, is emblematic not just of a savage military occupation, but of a criminal politics that deserves condemnation not indulgence from other world leaders.

In Chechnya there is no crime committed by a member of the Russian armed forces against a Chechen national which would be likely to result in punishment being inflicted by either civil or military authority. For of all the multitude of murders, tortures, rapes, robberies, criminal assaults, kidnappings and crimes of which the "forces of law and order" are guilty in Chechnya, none is so notorious as that of Colonel Yuri Budanov.

[An act of savagery](#)

Five days after her 18th birthday, on 27 March 2000, Elsa Kungaeva was abducted by four soldiers from her parents' home in Chechnya, beaten, raped and then murdered. As reported by Human Rights Watch (HRW), the forensic medical report cited a military procurator's report that at 1 a.m. on that day Colonel Yuri D Budanov took Elsa, a civilian, from her home in the village of Tangi-Chu to a military encampment.

The forensic examiner concluded that she was beaten, anally and vaginally penetrated, and strangled at about

3 a.m. On the orders of Colonel Budanov the corpse was taken to a forested area near the encampment, where it was buried. The body was exhumed the next morning.

Unusually, the military responded immediately to Elsa's rape and murder, promptly taking Budanov into custody. Following court proceedings and psychiatric examinations, it was established that the highly-regarded Colonel Budanov (who, it was alleged, had been drinking heavily while celebrating the birthday of his 2-year-old daughter, and who admitted strangling Elsa) might have been temporarily insane.

The decision of the court was indeed that he was not guilty of murder by reason of temporary insanity. The verdict was sneaked out on the last day of 2002 so that it would be "buried" in the international celebration of the New Year. The charge of rape had been dropped at the pre-trial stage.

Perhaps the well-meaning Major-General Alexander Verbitsky, who told villagers that Budanov had raped

Elsa and then strangled her, and promised that justice would be severe and swift, now feels ashamed. But on available evidence Yuri Budanov, who is a twice-decorated tank regiment commander, feels no remorse. A Russian newspaper reported in December 2002 that at the court proceedings, while the prosecutor was asserting, “As far as Budanov’s health is concerned, I am under the impression that he is healthy and his psychiatric state doesn’t seem to be dangerous,” the accused jumped up and screamed obscenities at the prosecuting counsel, bringing the session to a halt.

On 28 February the Budanov case was referred on appeal for a retrial, which ended in Rostov-on-Don on 25 July with his conviction and sentence to ten years in prison – though his lawyer promises an appeal.

In a case unique in the annals of forensic psychiatry and derogation of legal process, the efforts to find extenuating circumstances involved an endless series of mental examinations. Interestingly, the sympathisers for this self-confessed killer include Sergei Ivanov, Russia’s defence minister, who described Budanov as a victim of circumstances. What the minister said about Elsa herself, or her parents, is not known.

The legal case to this point, and the defence minister’s words, could justifiably be interpreted as confirmation that rape and murder are condoned in Chechnya. Indeed it would have been hypocritical for a military court to convict Budanov for crimes consistent with those committed on a recurring basis by the Russian forces stationed there, although Human Rights Watch described the outcome as a travesty of justice.

How Russians behave in Chechnya

Much has changed in Russia since the time of Stalin, but rape by the military in Chechnya still (as reports by Human Rights Watch and Amnesty International make clear) constitutes ‘normal’ conduct there. The case of Miss Kungueva is only known because it came to trial. There are innumerable reports of cases of rape that never come to court, since Chechnya is under the occupation of the armed forces, and the armed forces are preoccupied with pillaging, looting and hostage-taking for ransom.

Reports of *zachistki*, or “cleansing” operations, describe the method: a selected village is completely surrounded by armed forces in APCs, trucks and other

vehicles, so that no-one may leave or enter during the operation, which can last three weeks.

All the men and boys of the village except the very old and the very young are then removed for “filtration” during which they are held in large, uncovered pits in the ground and subjected to questioning, tortures of horrific kinds, and “extra-judicial killing” – otherwise called murder, which is often carried out with explosives in order to leave no evidence of the bodily disfigurements resulting from torture. While the men are absent, the women of the village, completely unprotected, are subject to the depredations of the soldiery.

There is no meaningful system of justice for the civilian population, and no retribution at law for any of the criminal activities of the military forces, who are *de facto* answerable to no authority other than their own officers. Colonel Budanov is still the only Russian officer publicly tried for an atrocity in Chechnya. The armed forces have benefited from almost complete immunity for crimes committed in Chechnya. Those crimes include murders of civilians on a massive scale.

It is difficult to conceive of anything more likely to instil everlasting hatred of the Russian armed forces, and by extension of the Russian people, in the hearts of the remaining Chechens. Further, it should be clear to anyone with any political sense that the Kremlin’s totalitarian solution to the Chechnya problem is the route most likely to create a permanent terrorist threat. Considering the recent suicide bomb attack in Moscow, one has to ask: what could motivate a 20-year-old girl to blow herself up at a pop concert? What had she suffered?

A recent book, *Darkness at Dawn: the rise of the Russian criminal state*, by David Satter (Yale University Press), narrates another story concerning the criminality of Russian authorities in relation to Chechnya: the 1999 apartment bombings.

Briefly, the city of Ryazan, south of Moscow, was the scene of an event of enormous implications, when a plot to blow up a residential apartment building, planned and organised by the Moscow FSB (the successor organisation to the KGB) was foiled, the perpetrators were traced, and their identification as FSB operatives was confirmed by the head of the FSB, Nikolai Patrushev.

The operation in Ryazan was identical with that of four previous bombings which had killed more than 300 people. Satter concludes that the Russian leadership itself was responsible for the bombings of all the apartment buildings. The Ryazan bomb was intended to be the last and worst in a series of atrocities attributed – without foundation – to Chechen separatists, and the purpose of them all was to provide an impetus for the start of the second Chechen war, the commencement of which was announced by Vladimir Putin – who was the prime minister at the time, and would become president of Russia within a few weeks – on the day the Ryazan explosion was due to have occurred.

Subsequently, Patrushev claimed that the Ryazan bomb was “a training exercise,” and Putin himself was moved to deny that the FSB had plotted to blow up the apartment block and murder all of its inhabitants. However, no one who reads Satter’s account of the events will find it possible to believe the training exercise explanation. The only serious question is whether Putin knew of the intended explosions beforehand; there can be little doubt that Patrushev knew.

The cost of the war has been put at US\$160 million per month, or according to another source about 10% of the Russian budget. This does not take account of the plunder by the uniformed occupiers of Chechnya, nor the ecological damage there. But while individual members of the occupying forces have grown wealthy at the expense of the local population, and the Kremlin seeks to promulgate the deceit that it is engaged in the “war against terrorism”, making common cause with George Bush and Tony Blair, the engendered despair among Chechens has produced dreadful consequences.

The mysteries of the theatre siege

One of those consequences, among many others, was the Moscow theatre siege of October 2002. While the whole world was quick to condemn the hostage-takers as terrorists, those same young men and women were in pursuit of a political objective, namely an end to the war which has been so catastrophic for the Chechen people. (see *Chechnya Weekly* for the week ended 17 December 2002, published by the American Committee for Peace in Chechnya.)

The hostage-takers killed a single hostage. While their action was the cause of the deaths of all the hostages, it

remains unclear whether the hostage-takers ever intended from the beginning to kill *any* hostages – although it is perfectly clear they all knew they would die themselves. To understand their motivation is not to condone their action.

It has been credibly reported that the number of hostages who died in the rescue effort was significantly understated. The website www.Grani.ru reported that 979 named people were taken hostage, 121 more than the number given by the Russian Labour and Social Security Minister. In mid-December the Russian Ministry of Health reported that 129 hostages perished during the storming of the theatre.

www.Grani.ru, however, claims to have documented 136 deaths and has provided a list of their names. In addition, it pointed out on 28 November that sixty-eight hostages, all of whom it named, continue to remain missing without trace; if they were also killed by the rescuers, the total of the dead hostages was not 129, but 204. This appears to be the reliable number because it is supported by lists of named individuals.

It has been credibly reported that the number of hostages who died in the rescue effort was significantly understated.

How Russia destroys Chechnya

Respect for truth is not the hallmark of the Putin administration. On almost any point where accuracy matters Russian authorities can be relied upon to attempt to deceive – this includes official numbers of soldiers killed in Chechnya. Ignorance of civilised norms is a pre-eminent characteristic of President Putin’s administration, as its conduct of its Chechen war makes outstandingly clear.

It is for this reason that it was so objectionable for Tony Blair to invite Vladimir Putin on a state visit to London in June 2003. In his personal expressions of regard, George W Bush also belittles himself and his office in the name of anti-terrorist solidarity.

The civilian population of Chechnya, being citizens of Russia, are entitled to the protections which any sovereign government owes to its people. Instead of protecting the civilian population, which was its duty by any norm of civilisation, the armed forces sent there by Putin (like his predecessor Boris Yeltsin) bombarded Grozny and destroyed it so utterly that no building was left standing, and this was while there were large numbers of civilians in the city. This was carried out by a democratically elected government

against its own people. Now a recent report by Medecins Sans Frontiers details how 43-100,000 refugees in neighbouring Ingushetia are being forced back into the war zone, where they are beyond reach of humanitarian help.

Russia is guilty of grave and continuing war crimes in Chechnya. These have included the use of ballistic missiles and fuel air bombs against civilian targets, carpet bombing and indiscriminate shelling of Grozny, and looting, kidnapping and murder on a massive scale. Putin saw fit to criticise the US military action in Iraq on grounds that it replaced the rule of law with the “law of the fist”. But the outstanding feature of Russia’s dirty war in Chechnya has been the abandonment of the rule of law.

The Council of Europe has belatedly given consideration to the creation of an international war crimes tribunal, to be empowered to try all war crimes committed in Chechnya including illegal detentions, forced disappearances, kidnappings, rape, torture and murder. The majority of these war crimes have been carried out by the federal forces sent to Chechnya by the Russian president. The need for the international war crimes tribunal exists because of the failure of the Russian justice system.

One humanity, one morality

Reporting on the disappearances in Chechnya, the Parliamentary Assembly of the Council of Europe (PACE) commissioner for human rights wrote (4 March 2003): “Whatever the reasons for the

disappearances may be, they highlight in the cruellest possible fashion the glaring absence of the rule of law.”

The 1999 destruction of Grozny signified the Kremlin’s abandonment of the rule of law in its conduct towards the Chechen people. The 23 March referendum, at which a reported 95.9% (out of the reported 85% of the electorate who voted) were in favour of an end to the war, was an attempt, perhaps, at its reinstatement.

But it seems unlikely that the referendum had any more legal validity than a rather unscientific opinion poll, and its consequences are unpredictable. The hopes being pinned on this wholly dubious pretence of democracy-in-action include the hopes of the pious British prime minister, who has so far bought the Putin line as to applaud it as a move in the right direction.

Le Monde said last year: “If Saddam Hussein is guilty of crimes against humanity for his treatment of the Kurds, so is Vladimir Putin for his treatment of Chechnya.” An estimated 180,000 Kurds were killed in Iraq by General Ali Hassan al-Majid under Saddam Hussein. American officials made it clear that al-Majid, had he not died, would have been one of several among the Iraqi elite who would be tried after the war for crimes against humanity.

There is no moral difference between the action of Saddam Hussein in killing hundreds of thousands of his own people, and the action of Russian presidents Yeltsin and Putin in killing upwards of 100,000 of their own people in Chechnya. President George W Bush, please take notice.

Jeremy Putley runs an investment company in Yorkshire, England, and writes on political theory, Chechnya and modern Russian history. His work includes “The Moral Vacuum and the American Constitution”, Political Quarterly, 1997. He has lived in the US, Australia, New Zealand, the Middle East and Moldova.

Copyright © Jeremy Putley, 2003. Published by openDemocracy Ltd. You may download and print extracts from this article for your own personal and non-commercial use only. If you are a library, university, teaching institution, business or media organisation, you must acquire an Academic License or Organisational License from openDemocracy, or seek permission directly from the author, before making copies, circulating or reproducing this article for teaching or commercial purposes.
