

**Mr. Morris Tidball-Binz**  
**Special Rapporteur on extrajudicial, summary or arbitrary executions**

By email to: [hrc-sr-eje@un.org](mailto:hrc-sr-eje@un.org)

**6 March 2023**

**Response to the call for input on deaths in custody in the criminal justice context**

Dear Mr. Morris Tidball-Binz,

Please kindly find attached the Stichting Justice Initiative response to the call for input on deaths in custody in the criminal justice context, focusing on the situation in the Russian Federation.

With highest regards,  
Egbert Wesselink  
Chair of the Board  
Stichting Justice Initiative



## Introduction

**Stichting Justice Initiative (SJI)** is Netherlands-based non-governmental and non-profit organisation, dedicated to the legal protection of victims of human rights violations connected to armed conflict and counter-terrorism operations, torture and gender-based violence in the post-Soviet region. SJI has won more than 160 cases at the European Court of Human Rights against the Russian Federation relating to crimes by security forces in the North Caucasus region – murder, torture, illegal detention and enforced disappearances.

SJI submits this report in response to a call for input from the Special Rapporteur on extrajudicial, summary or arbitrary executions for their report on practices for the investigation, documentation and prevention of deaths in custody in the criminal justice context. In the present submission, we would like to draw the attention of the Special Rapporteur to only some of the relatively recent cases of extrajudicial killings and lack of effective investigation into the deaths amongst the many that have taken place in recent times.

## General context of extrajudicial killings in Chechen Republic

The upsurge in extrajudicial executions in the Russian North Caucasus, and in particular in the Chechen Republic, is usually linked to the large-scale fighting between federal forces and local paramilitaries that took place in the region between 1994 and 1996 and between 1999 and 2009.

It is, however, well established that disappearances, torture and killings in the North Caucasus region did not end with the end of the “counter-terrorist operation” which ended in 2009. According to official Russian data, as of February 2022 alone, 110 people for every 100,000 inhabitants go missing in Chechnya every year. That is four times the Russian average. Local law enforcement agencies find about 20 missing people a year. That is 1% of all the people who have disappeared - the lowest percentage in all Russian regions. According to the same data, Chechnya has the lowest murder clearance rate in the country: since 2016, only 50% of such crimes have been solved in the republic - almost half the Russian average. This statistic, which depresses any healthy conscience, is nothing less than a sobering indicator of the continuing undeclared terror against the population of the region and this republic in particular.<sup>1</sup>

In the autumn of 2020, the Chechen opposition telegraph channel IADAT published statistics on their observations: between April and October alone, security forces in the republic kidnapped more than 1,500 people.<sup>2</sup>

According to Igor Kalyapin, a member of the Human Rights Council, disappearances are in fact *extrajudicial killings* carried out by the so-called Kadyrovtsy and Chechen law enforcement agencies. A person is detained or summoned for interrogation and then disappears.<sup>3</sup>

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<sup>1</sup> Radio Liberty, “[‘Important Stories’: In Chechnya, people go missing four times more often than the Russian average,](#)” 3 February 2022.

<sup>2</sup> Kavkaz.Realii, “[The IADAT movement told of 1,500 people kidnapped in Chechnya in six months,](#)” 28 October 2020.

<sup>3</sup> Radio Liberty, “[‘Important Stories’: In Chechnya, people go missing four times more often than the Russian average,](#)” 3 February 2022.

In virtually all cases in which an unlawful detainee was subjected to extrajudicial killings, the authorities did not undertake an investigation that would lead to the identification and punishment of those responsible.

### **Mass extrajudicial killing in Chechnya in January 2017**

On 17 December 2016 a group of young people killed a policeman in Chechnya and hijacked his car. After the incident the attackers were shot dead in a hospital in Grozny.<sup>4</sup> Following this attack, in December 2016 and January 2017 the Chechen authorities conducted a widespread operation as the result of which a number of local residents was abducted, arbitrarily detained at police stations and subsequently extrajudicially killed. According to Russian liberal newspaper *Novaya Gazeta*, approximately 200 persons were arrested.<sup>5</sup> On the night between 25 and 26 January 2017 a mass execution of at least 27 and up to 56 of the detained individuals took place at the Akhmat Kadyrov patrol police regiment in Grozny. The men executed were suspected either of the involvement in terrorism-related activities or of being homosexuals.

SJI has represented the relatives of disappeared men before domestic bodies and in the case of *A.A. and others v. Russia* (app. no. 37008/19) in the European Court of Human Rights.

The Court established that the abducted men were detained at the Staropromyslovskiy district police department (ROVD) in Grozny and Shali ROVD in Shali. Since the abduction by the police and detention at Staropromyslovskiy and Shali ROVDs, the men have remained missing since. The names of the abducted men were listed among the victims of execution of 25-26 January 2017, published by *Novaya Gazeta*.

In mid-January and then on 8 February 2017 the relatives of the abducted men were gathered at the headquarters of the Kadyrov regiment in Grozny and in the Shali recreational centre. The head of the Shali ROVD and the head of the 2nd unit of the Kadyrov regiment, had threatened those present saying that they should stop lodging complaints about the abduction of their relatives by the police as otherwise their other family members would “disappear” too. The relatives were intimidated and pressured to sign the documents that the abducted men allegedly went to Syria.

On 29 June 2017 the investigators issued a refusal to initiate a criminal case into the allegations of the abductions and extrajudicial executions of at least 24 detainees for the lack of *corpus delicti*. Following another inquiry, the investigators issued another refusal referring to the opening of criminal cases against 19 of the disappeared men, including the applicants’ relatives, due to their alleged membership in illegal armed groups in Syria. Referring, *inter alia*, to undisclosed statements of six heads of unspecified district police stations in Chechnya, who had denied any involvement of their officers in the abductions and execution, the investigators concluded that the applicants’ allegations were unsubstantiated as the disappeared men had voluntarily gone to Syria.

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<sup>4</sup> Novaya Gazeta, [“It was an execution. On the night of January 26 dozens of people were shot in Grozny,”](#) 9 July 2017.

<sup>5</sup> Novaya Gazeta, [“It was an execution. On the night of January 26 dozens of people were shot in Grozny,”](#) 9 July 2017.

On 14 December 2021, the European Court of Human Rights established the violation of procedural and substantial limbs of the right to life under Article 2 of the European Convention.<sup>6</sup> The European Court has ruled that the deaths of the disappeared men could be attributed to the State.<sup>7</sup>

Since the delivery of the ECtHR judgment, the disappearance and killing of the abducted men were not investigated by the Russian authorities.

### **Death in custody following the incidents of torture**

On 12 March 2019 the SJI's applicant, the former employee of the Security Service of the Chechen President, Ayub Tuntuyev, was found dead in the medical ward of penitentiary facility IK-6 in Vladimir Region of Russia. The state authorities alleged that the victim hanged himself. However, the applicant was systematically subjected to torture, inhuman and degrading treatment in the IK-6, which became the subject of the complaints to the European Court of Human Rights.

In particular, on 17 May 2015 six officers of IK-6 in the Vladimir Region subjected the victim to a beating for about an hour.<sup>8</sup> On 26 and 27 May 2015 officers of the Federal Security Service handcuffed him and threw him on the floor, having pulled a bag over his head. Then they beat him on the heels with an object, threatened him with sexual violence, punched and kicked him all over the body and in the head pressuring him to confess to a crime.<sup>9</sup> On 17 and 20 May 2016 victim was beaten, in particular for lodging complaints to the European Court, by state agents in IK-6 in Vladimir Region.

The applicant was killed in prison while his complaint to the ECtHR about torture in detention was being considered.<sup>10</sup> The complaint concerning Mr Tuntuyev's murder has not yet been adjudicated by the European Court of Human Rights. The Russian authorities have yet to identify and punish those responsible for Mr Tuntuyev's death.

### **The pandemic of impunity in the Chechen Republic**

In hundreds of rulings, the European Court of Human Rights has held Russia responsible for serious human rights violations in Chechnya, including unlawful detention, enforced disappearances, and extrajudicial executions. In nearly every ruling, the Court called the Russian government to account for failing to properly investigate these crimes.<sup>11</sup> However, instead of bringing those responsible for atrocities to justice, they were allowed to continue their service or, even more, got promoted.<sup>12</sup>

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<sup>6</sup> ECtHR, *A.A. and others v. Russia* (app. no. 37008/19), Judgment of 14 December 2021, paras 60, 65.

<sup>7</sup> ECtHR, *A.A. and others v. Russia* (app. no. 37008/19), Judgment of 14 December 2021, para. 65.

<sup>8</sup> ECtHR, *Arkipov and others v. Russia* (app. nos. 26454/13 and 9 others), Judgment of 13 October 2022.

<sup>9</sup> ECtHR, *Arkipov and others v. Russia* (app. nos. 26454/13 and 9 others), Judgment of 13 October 2022.

<sup>10</sup> ECtHR, *Arkipov and others v. Russia* (app. nos. 26454/13 and 9 others), Judgment of 13 October 2022.

<sup>11</sup> The Court affirmed this situation of impunity in December 2012, in the case of *Aslakhanova and others v. Russia*, which concerned the enforced disappearances of eight men in Chechnya between March 2002 and July 2004. The Court noted that by the end of 2012, in more than 120 judgments, it had found violations of the same rights in similar cases resulting from enforced disappearances in the Northern Caucasus since 1999 and concluded that the accumulation of these breaches constituted a practice that was "incompatible with the Convention". It concluded that the situation in *Aslakhanova* had resulted from a systemic problem of non-investigation of enforced disappearances (ECtHR, *Aslakhanova and Others v. Russia*, nos. 2944/06 and three other, § 217, 18 December 2012).

<sup>12</sup> Thus, in 2009, Lieutenant General Shamanov, who was responsible for the murders of civilians in the village of Katyr-Yurt in Chechnya, was promoted by Putin. The decision to promote, followed the ruling by the European Court of Human

The impunity for extrajudicial executions by the current Chechen authorities rests on the consensus between the central Russian authorities and the Chechen leadership on the method of governing the republic in the post-conflict period. Thus, back in 2015, the International Crisis Group (ICG) published a report entitled “Chechnya: Domestic Abroad”. ICG experts emphasise that a genuine political solution to the Chechen conflict, which erupted in 1994, has never been found, and that the pattern of relations between Vladimir Putin and Chechen leader Ramzan Kadyrov, who “has almost unconditional support from Moscow”, threatens the internal stability of the country. The paper states that the peace that has been established in the region is fragile because his “highly personalised rule” is based on repression and arbitrary rule. The *de facto* republic is not integrated into Russia and is a separate state, the report said. Human rights activists write that to a large extent it exists outside the legal framework of the Russian Federation, and that the population suffers from corruption, unemployment, extortion and unofficial taxes, human rights abuses, and discrimination on religious grounds. Human rights activists, journalists and NGOs are intimidated and harassed.<sup>13</sup>

In September 2020, Salman Tepsurkayev, a former moderator of the opposition Chechen telegram channel 1ADAT, “disappeared”. He was taken away by people who introduced themselves as employees of the Interior Ministry. Later, a video was published on Chechen publicity boards showing Tepsurkayev cursing himself and being raped.<sup>14</sup> In August 2022, the member of Anti-Torture Team, an NGO operating in Russia, confirmed that Salman was dead<sup>15</sup>. Despite the judgement of the European Court of Human Rights there is no sign that the authorities took the course on the effective investigation.

Since 22 December 2021, more than 60 relatives of opposition to Kadyrov and human rights activists living abroad in Russia have been kidnapped.<sup>16</sup> Although a number of relatives was subsequently released, the fate of the rest kidnapped relatives of opposition members is still unknown.<sup>17</sup>

### **Russia’s withdrawal from the Council of Europe and its consequences for Chechnya and the North Caucasus region**

One of the consequences of Russia’s withdrawal from the Council of Europe in 2022 is the destruction of the system of supervision of the enforcement of ECtHR judgments, including in cases concerning extrajudicial executions in Chechnya and the North Caucasus region. Although Russia is still under obligation to enforce the judgments of the European Court of Human Rights even after withdrawing from the Convention<sup>18</sup>, the authorities have effectively ended its co-operation with the Committee of Ministers of the Council of Europe, which supervises the execution of judgments of that regional court.

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Rights finding a violation of the ECHR on account of the bombardment of civilians from Katyr-Yurt (ECtHR, *Isayeva v. Russia*, no. 57950/00, 24 February 2005); HRW, “[Russia: Investigate General Who Got Promotion](#),” 28 May 2009.

<sup>13</sup> ECJ, “[Chechnya: The Inner Abroad](#),” 30 June 2015.

<sup>14</sup> Kavkaz.Realii, “[In Chechnya, an opposition activist was abused and filmed being humiliated](#),” 8 September 2020.

<sup>15</sup> Kavkaz.Realii, “[Dead or Alive? What is known about the fate of the kidnapped Salman Tepsurkayev](#),” 25 August 2022.

<sup>16</sup> BBC, “[Critics of Kadyrov reported their relatives missing in Chechnya](#),” 27 December 2021.

<sup>17</sup> Human Rights Centre Memorial, “[Tumso reported the release of all kidnapped relatives](#),” 20 January 2022; Caucasian Knot, “[Blogger Malizayev reported the release of some of his relatives](#),” 24 December 2021; Caucasian Knot, “[The number of hostages of Chechen oppositionists' relatives decreased by 10 persons](#),” 18 January 2022; Kavkaz.Realii, “[In Chechnya some of the kidnapped relatives of the lawyer of the Committee against Torture were released](#),” 26 December 2021.

<sup>18</sup> Under Article 58 (2) of the European Convention on Human Rights.

Thousands of applicants were left alone with a situation of uncertainty in which the authorities showed no practical zeal to investigate the crimes, which had been committed against Chechen residents and their relatives.

In view of the above, we would ask to:

- (1) Take account of the facts concerning arbitrary executions already established by the ECtHR in the case of *A.A. and others v. Russia* (app. no. 37008/19).
- (2) Observe that, despite the established and well-described circumstances of the execution of the applicants' relatives in those cases, the Russian authorities continue to neglect their obligation to identify and punish the perpetrators.
- (3) Take note of the other circumstances set out in this communication.